

Which way to turn on tribal alcohol sales?

For Oglala Sioux, no debate about booze problem, only whether it should be legal

Aug. 11, 2013



Sully Brown sits on a step Aug. 1 in Whiteclay, Neb. Tribal members cross the border to Whiteclay to buy and consume alcohol. On Tuesday, residents of the Pine Ridge reservation will vote on whether to legalize alcohol. / Jay Pickthorn / Argus Leader

**Written by
Peter Harriman | I**

Under a faded blue denim sky, Mae Rodriguez and Charles Marshall glide through tan grass up to the knees of their horses in the sweeping Wounded Knee hills.

They're on a fine summer adventure, riding 20 miles from Porcupine Butte to Pine Ridge to take part in the big Oglala Lakota Nation Wacipi parade.

Rodriguez conducts a women's jail ministry on Fridays. Maybe she brings some of the good horseback energy to the inmates she counsels. Certainly, she sees how alcohol abuse is responsible for most of them being in jail.

"I'm completely against it," she says decisively of the tribe potentially becoming the legal beer distributor on the historically dry reservation.

A Ferris wheel looms over a modest midway next to the Pine Ridge powwow grounds. Under the noon sun, it has not yet begun to spin. But it signals the coming festivity, and already this park is the destination of cars and pickups and people on foot slowly making their way through town to the wacipi. Many of the walkers, especially, are smiling.

The scene is in utter contrast with another a couple of miles away in Whiteclay, Neb. About 20 men and women, mostly middle-aged, hide from the August heat on a cement porch, shaded and cool. Every one of them looks to be badly losing a fight with life and glumly waiting for the next round to begin and the beating to continue. A large plastic garbage bag in their midst overflows with empty beer cans. Whatever effort these people mustered to make it

the mile or so from Pine Ridge has pretty much played out. They're barely more than a block from one of the four beer stores that sold a combined 162,000 cases last year, mostly to members of the Oglala Sioux Tribe who illegally haul much of it back to the reservation.

Kate Afraid of Bear nods her head toward the people on the porch. She says she opposes the use of alcohol, but she agrees with the effort to legalize beer sales on Pine Ridge.

"If they legalize it, our people won't have to be sitting here in Nebraska. They won't have to be dying over here," she said.

'We've got to do something'

Phil White Butterfly struggles to gain control of a point he's trying to make. If it were legal to buy beer at Pine Ridge, he said, he wouldn't come to Whiteclay.

"We have to do something drastic, I think," he starts out firmly but trails off, musing "even if it gets voted down, nothing is going to get done. The problem will still be there.

"We've got to do something. We've got to do something."

The neon aurora of 110 colorful video lottery machines lights up the dark interior of the East Wind casino the tribe has opened on the site of a former convenience store at its Sunrise Housing community on the east edge of Martin. The casino has had a great first year. It made about \$1.5 million, said Craig Dillon, the tribal council member who represents the LaCreek District where East Wind is located.

It goes unsaid, but the busy casino begs the question: If the tribe can successfully run such an enterprise, could it do the same with alcohol sales?

Tribal voters will weigh such diverse images, assertions, questions and more when they go to the polls Tuesday. This vote came about because the tribal council in June decided by a 9-7 margin to allow the people of Pine Ridge to decide the future of the alcohol ban. The tribal council in 2004 voted 10-2 to keep the ban in place, and affirmed the decision two years later.

However, sentiment has been drifting toward allowing legal alcohol sales on the reservation in recent years, particularly among younger tribal members, Dillon said. He was one of the nine council members who said the question should be put to the people.

"I just think it's time for us to be adults," he said. "I'm not for it or against it. I just want the people to make the decision."

The tribe arrested dozens last year for bootlegging on the state's lone dry reservation. Alcohol has been illegal for almost all its 124-year history, except for a brief interlude in 1970. A simple majority, however, could overturn the ban.

Legalization would lead to commission

If that happens, the council will vote on establishing an alcoholic beverage code. The draft ordinance calls for the council to create an alcoholic beverage commission composed of members from each of the nine reservation districts. The commission would oversee a director charged with setting up off-sale outlets in each of the districts. Only beer would be sold, Dillon said, not hard liquor, and beer would be available at tribal casinos.

The draft ordinance said no tribal alcohol vendor would be allowed to sell to minors, to persons who obviously are intoxicated or who are "known to the vendor to be an habitual drunkard" or to the mentally disabled. Also, vendors must honor written requests from police or a spouse not to sell beer to an individual.

Potential revenue for tribe disputed

The tribe's potential revenue windfall from alcohol sales has been estimated as high as \$10 million, according to a figure the tribal council obtained from the Bureau of Indian Affairs. It's a wildly speculative number with no basis in fact, insists Jorge Castillo, advocacy director for Alcohol Justice, an activist group battling the Whiteclay bootlegging.

With regard to lifting the Pine Ridge alcohol ban, Castillo said Alcohol Justice is "not taking a stand either way. We believe the people of Pine Ridge should decide the issue. But our analysis is that legalizing it is probably not going to fix the problem, and the revenue to the tribe will not be high."

Most of the money from beer sales, he figures, will be devoted to opening and operating the off-sale sites.

Revenue devoted to detox centers, help

The draft ordinance, though, requires profits from any tribal alcohol venture to be used to establish two detoxification facilities on the reservation and to develop substance-abuse rehabilitation programs. Twenty-five percent of the money is earmarked for programs to benefit the tribe's youth, and an unspecified portion would be allocated to the districts.

Tim Huether, publisher of the *Bennett County Booster*, a newspaper in Martin, does commercial printing for both the Rosebud and Oglala tribes. He noted that alcohol sales are legal at Rosebud and predicted "it will happen eventually at Pine Ridge.

"I think it's going to be a close vote," he added, however. Huether offers an interesting perspective on an advantage of legalizing beer sales on Pine Ridge: It will make work easier for the tribal police, he says.

"It will take away the stress of having to arrest people they know for doing something that is legal next door."

There is no shortage of opinion on the issue throughout the reservation. Germaine Moves Camp of Wanblee does not want the alcohol ban lifted. In fact, "we need to come up with tougher laws, higher fines," she said. "If we allow alcohol, a lot of our children will be neglected a lot more than they are now.

"A lot of us don't want it to pass. But we've got to face facts. It might pass. If it does, it's going to be the ruin of us as a people."

In the name of Camp Zero Tolerance

"I already know it's not going to pass. It will never be brought up again. This is the last time," said Misty Sioux Little Davis. She's sure of it. On April 30, she and family and friends set up a tipi, several canopies and tents on the Pine Ridge border with Nebraska, within sight of the Whiteclay stores. A hand-painted sign proclaims it "Camp Zero Tolerance."

Except for participating in a sun dance earlier this summer, she's been there all along and said she's prepared to remain through the coming winter as a witness against the ruinous Whiteclay.

"It's a spiritual camp, this camp," she said. "We got our guidance from the spirit. He told us he's happy somebody is standing up for the kids."

This relieves her of all doubt about the alcohol vote, she said.

If Camp Zero Tolerance is a reproach to the people sprawled out about Whiteclay who are so fiercely in the grip of alcohol abuse that Sioux Little Davis said they crawl under boards in a grove of trees near the beer stores to spend the nights, the camp also is an extended hand to people such as Chris Fire Shield. He returned to Pine Ridge after his life spiraled down in Sioux Falls.

“I was drinking and stuff. I started drinking on the streets.”

At the camp, “I stay up all night taking care of the fire,” he said. He’s been there since May 7 and has been sober. “I like this life.”

Although the people Sioux Little Davis can see in the distance moving aimlessly about Whiteclay are a haunting example to her of the disastrous influence of alcohol on the lives of Oglalas, her husband, Bo Davis, said “they’re still our relatives.”

Such connectedness is a defining aspect of Oglala culture. No matter how the vote to lift the Pine Ridge alcohol ban comes out, Dillon insists, “when it’s over, it’s over. There will be no hard feelings.”

It hardly seems possible. Yet Castillo, of Alcohol Justice, said this about the people who live on the reservation.

“One of the things that most impresses me is they are not afraid to talk to each other directly. It doesn’t erupt into violence.” Even on something with the emotional and historical burden of the alcohol ban, “they’re really willing to face each other.”