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Factors Contributing to Juvenile Violence in Indian Communities

Larry EchoHawk*

I address this topic not just as a law teacher. Rather, I present a message that flows mainly from my personal and professional life experiences.

My thoughts run deeper than simply recognizing readily identifiable factors, such as alcohol and drug abuse, domestic violence, child abuse, teen pregnancy, gangs, and school dropouts, that contribute to juvenile violence across America. Instead, I will speak about the source of these problems that presently afflict Indian reservation communities. These comments hopefully will provide some new perspective as we try to solve the growing problem of juvenile violence that is destroying the future of Indian youth.

In my childhood I experienced some measure of domestic violence, child abuse, and law breaking. These traumatic experiences were caused by my father's abuse of alcohol. There were times when I wondered if my family would stay together. Fortunately, my father stopped drinking during my teenage years and our family life got better. Today my father and mother are my greatest heroes because of the challenges they overcame and the lessons they taught to their six children.

I begin my perspective by sharing two experiences that I will tie in at the conclusion of my remarks. The first experience came about as I was finishing my undergraduate education at Brigham Young University. My oldest brother, John EchoHawk, was completing his law school education at the University of New Mexico. John took the time to have a serious conversation with me wherein he encouraged me to go to law school. I remember thinking that was the wildest idea I had ever heard of because I had played football in college and had prepared myself to be a high school teacher and coach, not a lawyer. I asked my brother why I should

* Copyright © 1998 by Larry EchoHawk. Professor of Law, J. Reuben Clark Law School, Brigham Young University; B.S. 1970, Brigham Young University; J.D. 1973, University of Utah. The following is a speech given by Larry EchoHawk at the Seventh Annual Four Corners Indian Country Conference on August 24, 1998 in Taos, New Mexico. The theme of the conference was "Stemming the Tide of Youth Violence." The primary sponsor of this conference was the United States Justice Department, including the United States Attorneys for Utah, Colorado, New Mexico and Arizona.
go to law school. I will never forget his response. He said that it would give me the “power to change.” I am embarrassed to admit that what I thought he was talking about was a change for “me.” I thought to myself, yes, as a lawyer I will have more money, which will mean a newer car, a bigger house, and a better living. But that is not what he was talking about. He went on to explain that a legal education would give me the “power to change” life for people in need. Specifically, he talked about the need to right the wrongs that had been done to Native American people. He spoke with sincerity and conviction. I was convinced.

For the past 28 years I have watched my brother John work tirelessly as a lawyer to achieve justice and prosperity for Indian people. As executive director for a large public interest law firm, the Native American Rights Fund, he has had an enormous beneficial impact in preserving and protecting the rights of Native Americans. I have tried to do my best to follow his example, working for the interest of Indian people and others in need. In particular, I have seen the needs of troubled youth, both Indian and non-Indian, as I worked as a court-appointed criminal defense counsel, tribal attorney, state legislator, prosecuting attorney, state Attorney General, and criminal law professor.

The second experience I want to share has vivid visual roots in my memory. I remember walking down the center line of a rural highway in Southwest Idaho. It was a dark and foggy day in January of 1994. It is a powerful memory because of what I saw at that time. There were cars parked on both sides of this highway, stretching for nearly a mile. These were police cars, with overhead lights flashing. There were uniformed officers standing at attention next to these cars.

I had just left a memorial service held in a packed high school gymnasium located in the small town of New Plymouth, Idaho. I was walking to a cemetery located a little over a mile outside of town to attend a grave-side service for a police officer, a husband, and a father of four small children, who had been gunned down by a 14 year old boy.

It was a sad, but impressive, service held at the grave site. As the service concluded, I walked up to the widow, Sherry Feldner, who was surrounded by her little children. I reached out to shake her hand and said what I thought would be appropriate under the circumstances: “On behalf of the people of the State of Idaho, I would like to express our deepest sympathy.” As soon as I said these words Sherry Feldner broke down in emotion and started to cry almost uncontrollably. I hugged her to try to comfort her. It seemed like an endless amount of time passed. I felt bad that I had said something that caused the flood of emotions. Finally, she regained her composure and looked up at me. I will never forget what she said. “Please, Mr. EchoHawk, do everything you can to make sure that this does not happen to anyone else.”
To her credit, as I found out later from working with her in addressing problems of juvenile delinquency in Idaho, she was not talking only about the loss of her husband, she was also referring to the tragedy that had caused a 14 year old boy to turn to violence and become a killer. His life was destroyed as well.

The words spoken by Sherry Feldner haunted me for many days thereafter. As Attorney General of Idaho I had significant responsibility in not only enforcing law, but also crafting laws to curb unlawful conduct in society. I kept asking myself: “Am I doing enough to address the growing problem of juvenile violence?” After many tormenting days I came to a realization that the problem of juvenile crime and violence is not only the responsibility of law enforcement officers - it is a “shared responsibility.” Everyone has the responsibility to see to it that “this does not happen to anyone else.” We must all unite and join together to fight the growing problem of juvenile violence.

Youth in all parts of America are in jeopardy of becoming either perpetrators or victims of crime and violence. Juveniles account for about 1/3 of all arrests,1 teen pregnancy is on the increase,2 the school dropout rate exceeds 20%,3 gang organizations that did not exist 25 years ago beckon to our young people to become members, and the trafficking of illegal drugs surrounds our children.

When it comes to Native American youth living in reservation communities these problems are magnified. They face greater and unique challenges not only because of factors present today, but because of the influence of past conditions.

Today, American Indians are the most impoverished minority in America. According to the 1990 Census, 31% of Native Americans live below the poverty line.4 As of 1991 the unemployment rate among Native Americans living on reservations was 45%.5 These factors contribute to the incidence of juvenile delinquency and violence; but what is the source of these problems? The answer to this question lies in understanding the past history of Native Americans, a history that anyone working with Native American youth must know and appreciate.

I share the history of my family and my tribe, which is similar to most other Indian families and tribes who are spread across this country.

3. See generally USA Today Editorial Page, Schools Need to Answer to Rising Dropout Rates. USA TODAY, Oct. 14, 1997, at 14A.
5. Id.
"Echo Hawk" was the name given to my great-grandfather, a Pawnee Indian who lived in the mid-1800's in what is now the State of Nebraska. He did not speak English.

Echo Hawk got his name from the Pawnee elders. Among the Pawnee, the hawk is a symbol of a warrior. My great-grandfather, a Pawnee war scout, was known for his bravery. He was also known as a quiet young man who did not speak of his accomplishments. But other members of his tribe spoke of his deeds and bravery. As they did so it was like an "echo" from one side of the village to the other. Thus, he was named "Echo Hawk," the hawk whose deeds are echoed. I am very proud of my name and my Indian heritage. But there is also a painful history in my family and my tribe.

When the white man first came in contact with the Pawnee Indians, it was estimated that the Pawnees numbered between 15,000 and 20,000. Under the laws of the United States, the Pawnee Tribe had the right to occupy over 23 million acres of land in Nebraska. They were one of the most free, independent, and self-sustaining of people on the face of the earth.

But in the winter of 1874, when Echo Hawk was 19 years old, the Pawnee Indians were forcibly removed from the Nebraska homeland to a tiny reservation in the Oklahoma Indian Territory to make way for non-Indian settlers. No longer were the Pawnee people allowed to visit their ancestral grave sites. No longer were they permitted to seek visions on the high grassy plains of Nebraska. No longer were they able to sustain themselves by pursuing the great buffalo herds.

This is a painful history. But the most painful part for me is the realization that when the Pawnees were relocated on the reservation in Oklahoma, they did not number 20,000. They did not number 10,000. They did not even number 1,000. There were less than 750 Pawnee people remaining alive. Echo Hawk was one of the few surviving Pawnees.

The pain was not confined to Echo Hawk's generation. As a boy my father was taken from his parents and placed in a government boarding school distant from the reservation. He was dressed in a gray uniform. His hair was cut. He was beaten if he spoke his native Pawnee language.

In my generation, my older sister was sent home from public school because she was the wrong color. And I remember sitting in an elementary school classroom listening to my teacher speaking of Indian people as "savage, blood thirsty, heathen, renegades." I put my head down and cringed to think she was speaking of my family in those terms. It was very difficult for me to have positive self-esteem after listening to those descriptive words.

Thus, when I think about the factors that contribute to social problems on Indian reservations I cannot help but focus on the past history of
Indian people. I blame government policy that stripped Indians of the homelands, their spiritual roots, and their way of life. I fault government policy that forced a free and self-sustaining people into a state of dependency on government rations and annuities. I lament the loss of traditional Indian family values and family bonds, a loss brought about by government policies of forced assimilation. And I recognize the detrimental impact of low self-esteem brought about by racial stereotypes, prejudice and discrimination. It is no wonder that these factors have left recent generations of Native Americans with few role models for their children to emulate. It is no wonder that many young Native Americans have been raised without much hope or dreams. It is no wonder that alcohol and drug abuse, the scourge of Indian Country, has claimed the lives of many, too many, fathers, mothers, sons, and daughters of Indian families.

But out of this pain was born some promise. Of the six children born to my parents, all six had the opportunity to go to college. We succeeded because of the values taught in our home by our parents and because finally government policies opened the doors of educational opportunity. My mother, who had an eighth grade education instilled in her six children a thirst for education. My father taught us the value of hard work. Our country invested in our education. And a black civil rights leader speaking from the steps of the Lincoln Memorial gave us hope and the power to dream.

I believe in America. I believe in the Spirit of America that says that this is a land of opportunity for all people, regardless of race, ethnic heritage, religion, gender, or economic station in life.

Along with my brothers and sisters, I have realized the best that this country has to offer, the full promise of America. But for too many the pain goes on and the promise of America is unfulfilled. I have seen faces of despair and unhappiness.

I have seen hatred on the face of Barrett Enno, a 19 year old Native American charged and convicted of first degree murder. Information gathered for his sentencing disclosed a history of physical abuse and dysfunction in his family. One particular event in this history is memorable. He was beaten and required to kneel in the corner of his bedroom with urine soaked underpants placed over his head because he had wet the bed.

I have seen a lack of hope on the face of Hoskie Lansing, an 18 year old Navajo Indian charged with rape. He was living in a state of idleness, with little parental care and supervision, causing a lack of values and respect for others.

I have seen pain on the face of Bobby Red Cap, an 18 year old Ute Indian, as he was awaiting transport to a federal correctional institution for a manslaughter conviction. He had acted in a fit of rage and had
stabbed another Indian boy in the heart with a knife. He turned to violence as a means of dealing with problems that charged his emotions.

I have also seen despair on the face of Larry Sayatcity, an 18 year old Navajo Indian, convicted of manslaughter in the death of his younger cousin. He had fallen victim to the influence of alcohol and had driven while he was drinking. He lost control and his cousin was thrown from the pickup truck and killed.

The pain goes on for Indian tribes too. For 500 years they have struggled to survive. During the past 200 years they have had their powers of self-government diminished. They have lost millions of acres of their land. Fortunately, they have not been utterly destroyed, and in the past 25 years they have won important legal victories which recognize their tribal sovereignty.

As general counsel for Idaho’s largest Indian tribe, the Shoshone-Bannock Tribes, I have watched tribes devote their time, energy, and resources in the battle to restore their powers of self-government. They have fought fiercely to keep from losing their lands, natural resources, and tribal sovereignty.

Now, however, tribes are faced with losing their most important resource - their children. As social problems affecting young Indian people increase, the hope of achieving true self-determination and prosperity within tribal communities decreases. Legal rights won in the courtroom and in the Congress seem incomplete without the promise of a future generation positioned to reap the benefits of these hard fought battles.

What is the solution for stemming the tide of juvenile violence?

Let me respond to that question this way. In 1992, I was invited to be a principal speaker on the final night of the Democratic National Convention held in New York City at Madison Square Garden. You might imagine that if you were given eight minutes to address a national TV audience that you would give careful thought about what you would say. After careful thought, I chose a Native American concept of governance as the centerpiece of my message.

When the white man first came in contact with Native Americans in the northeastern region of this country, they learned of a concept of government used by the Iroquois Confederacy known as “The Seventh Generation.” They said:

In our way of life, in our government, with every decision we make, we always keep in mind the Seventh Generation to come. It’s our job to see that the people coming ahead, the generations still unborn, have a world no worse than ours – and hopefully better.
When we walk upon Earth, we always plant our feet carefully because we know faces of our future generations are looking up at us from beneath the ground. We never forget them.  

The concept of the Seventh Generation is a worthy guide for any government, but it is especially important for tribal leaders to keep in mind as they struggle to decide how to use their limited resources to combat pressing modern day problems.

We must turn our hearts to our children. Our children hold our future in their hands. If the hands of our children are strong, capable, and caring, our future is very bright. With proper care now, those hands will some day build our houses and schools. With proper care now, those hands will some day write beautiful poetry and play fine music. With proper care now, those hands will some day perform delicate surgery and soothe the sick. Most important of all, they will hold smaller hands in a gentle grasp, preparing yet another generation to reach out for the future.

But without proper care, those hands will shape a much different, much darker, world. They will clench into fists; they will brandish guns; they will grab selfishly, or strike out in anger, or curl up in despair. We cannot afford to let this happen.

Is there hope? Yes.

Today we answer that question within our hearts by our personal commitment to our work and responsibilities. We must view our job as more than just a career or profession. Our job in working with troubled Indian youth must be a personal crusade to offer hope to those children that need hope so desperately.

In closing, I challenge you to recognize that we have a "shared responsibility" for the welfare of Indian youth. I challenge you to work together and offer hope by creating one seamless system in your community that meets the special needs of troubled Native American youth. I challenge you to help troubled Indian youth to realize the promise of America.

You have the "power to change." You have the power to reduce the pain and bring forth the promise of America.