

South Dakota Indians Unanimously Vote to Ban Abortions on Reservation, Impeach Council President

BY Kathleen Sweeney

On June 30, the Oglala Sioux Tribal Council voted 9-5 to impeach tribal President Cecilia Fire Thunder for proposing an abortion clinic on the Pine Ridge Indian Reservation without Council approval.

The impeachment complaint was filed by tribal council member Will Peters, who told the Associated Press (AP) that Fire Thunder didn't have the tribal council's approval to pursue the project.

"The bottom line is the Lakota people were adamantly opposed to abortion on our homelands," he said. "The president was involved in unauthorized political actions." Previously the Council had voted 16-0 to prohibit abortions on the reservation. The vote followed efforts by Fire Thunder to establish a Planned Parenthood abortion clinic on the reservation.

Fire Thunder's actions came after passage of HB1215. The law makes it a felony for an abortionist to perform an abortion unless necessary to prevent the death of the mother. Governor Mike Rounds signed the measure into law in March.

The council had also voted overwhelmingly to suspend Fire Thunder for 20 days without pay pending an impeachment hearing scheduled for June 30. Although the council requested she not speak to the media, Fire Thunder continued to give interviews and plan the opening of the abortion clinic.

Without permission of the tribal council, Fire Thunder raised nearly \$5,000 from pro-abortion activists nationwide to establish a proposed abortion clinic on the reservation. She also obtained lawyers and a group of volunteers to help establish the business.

She had argued that the principle of tribal sovereignty would make the Pine Ridge Indian Reservation exempt from the new state abortion law. In a June interview, Fire Thunder told Indian Country Today, "I got really angry about a bunch of white guys in the state Legislature making decisions about my body, again."

Fire Thunder has been a longtime abortion advocate who worked at an abortion clinic in California. She is currently a member of a steering committee working to defeat the South Dakota law. By the end of May pro-abortion advocates had secured enough signatures so that HB1215 will be on the November 7 ballot.

Patrick Lee, a retired chief judge of the Oglala Sioux Tribe and a faculty member at Oglala Lakota College, calmly pointed out the relevant tribal law in an op-ed written June 12 for the Rapid City Journal. To begin with, he wrote, "While the tribe is immune from the application of state law directly, there is a federal law which makes state criminal prohibitions applicable to Indian reservations."

With respect to the unborn, "The tribe's Juvenile Code describes unborn children as 'a child conceived, but not born, is to be deemed an existing person so far as may be necessary for its

interests and welfare to be protected in the event of its subsequent birth,'" he wrote. "Tribal law as it presently exists would protect the unborn child because it is deemed an existing person and a reservation-based abortion clinic could be a violation of the child's right to protection."

Lee also noted that in taking the oath of office Fire Thunder agreed to uphold the laws of the Oglala Sioux Tribe.

Fire Thunder "could propose changing the tribal law as it defines unborn children," he wrote.

"That would take some doing because, as she correctly states, the tribe views children as sacred. The cultural value of children being sacred is reflected in the laws of the tribe and any change would have to be made by the Tribal Council on behalf of the members of the tribe."

"Tribal law views women, children and men as being sacred and in need of protection from the time of their conception through each cycle of life and throughout their elderly years," Lee wrote.

Other members of the tribe organized a peaceful protest march to proclaim the pro-life principles of their tribal law and tradition.

A grandmother of nine children, Lily Mae Red Eagle, told the Rapid City Journal that the Indian tribe should not promote abortion because that conflicts with the tribe's respect for life. "I don't believe in killing babies no matter what the circumstances," she said.

Former council representative, Eileen Janis, also spoke to the Rapid City Journal. "It makes me feel bad that we would consider having something like this on our land," she said. Another tribe member, Robert Benson, concurred. "We've never believed in killing our own," he told the newspaper. "It's dividing a nation of people."

Clementine Little Hawk Hernandez, a Lakota Sioux who was born on the South Dakota reservation and who has founded Indians for Life, an outreach of National Right Life Committee, said that Native Americans historically favor pro-life values.

"Our native people have such a rich tradition which is at its heart the love and respect for all life," she said. "It's truly amazing how pro-life our Native People are. As Native Americans, we must stand up and witness that all life is a sacred gift from God."

Philomine Lakota, a language and culture teacher, told Indian Country Today that she knows of no work in the Lakota tribe's language for an abortion because the values of the Native Americans don't include taking the life of a baby before birth.