



ROSEBUD SIOUX TRIBE

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September 21, 2021

The Honorable Joseph R. Biden
President of the United States
The White House
1600 Pennsylvania Ave., NW
Washington, D.C. 20500

Secretary Debra Haaland
U.S. Department of the Interior
Attn: AS-IA Bryan Newland
U.S. Department of the Interior
1849 C Street N.W.
Washington, DC 20240

Hon. Xavier Becerra
Secretary of Health and Human Services
200 Independence Ave., N.W.
Washington, D.C. 20201

The Honorable Merrick Garland
Attorney General of the United States
U.S. Department of Justice
950 Pennsylvania Ave., NW
Washington, DC 20530

**Re: Honor our 1868 Treaty—Recognize our Right to Health Care and Do Not Appeal
Rosebud Sioux Tribe v. United States to the Supreme Court**

Dear President Biden, Secretary Haaland, Secretary Becerra and Attorney General
Garland:

The Biden—Harris Administration has firmly staked out its position: “Health care is a right, not a privilege.” That is true for Native Americans, as much as other Americans yet in violation of our treaty rights we have been subjected to the worst health care in America.

Mr. President, Secretaries Haaland, Becerra and Attorney General Garland, we call upon you to honor the pledges of the United States of America as set forth in the 1868

Treaty: Recognize the Federal law mandate to provide “competent physician-led health care” to the Rosebud Sioux Tribe. With the viability of our permanent homeland and the health of our Lakota People at stake, our Treaty Health Care Rights are Human Rights. **Respectfully, we ask you: Do not appeal the Rosebud Sioux Tribe’s Eighth Circuit Federal Court of Appeals ruling to the Supreme Court.**

I write on behalf of the Rosebud Sioux Tribe to call upon you to honor our 1868 Great Sioux Nation Treaty with the United States of America. Our 1868 Treaty recognizes the Great Sioux Nation as a Native Sovereign Nation, with the power of war and peace, our permanent homeland, the right to health care, education and economic development, and self-determination, religious freedom and traditional liberty.

Our Lakota and other Native Sovereign Nations are the original American sovereigns. Our People are endowed by our Creator with the breath of life, freedom to follow our visions, and a sacred duty to protect Grandmother Earth. President Biden, together with Vice President Harris, have established the 21st Century American Policy to engage in Nation-to-Nation Relations with our Native Sovereign Nations to Respect Tribal Sovereignty. That means respect for our treaty rights.

In our Treaty, the United States of America pledged that war shall forever cease and violated pledges in genocidal campaigns against the Great Sioux Nation. The United States has also failed to honor our treaty rights to health care, education and economic development.

As a direct result of the United States treaty violations, the Rosebud Sioux Tribe suffers the lowest life expectancy in America—47 years for a Rosebud Sioux man. Our Lakota children are denied an equal educational opportunity, with a high school graduation rate 50% lower than America as a whole. Now the State of South Dakota tries to erase our Lakota history from social studies. This oppression must end.

Our health care as provided by the United States through the Indian Health Services is the poorest in America—Indian Health Care is funded at one-third the rate of Medicaid and Medicare. Our Rosebud I.H.S. Hospital is failing: we no longer have a surgical unit, or Ob-Gyn, and in 2016, our Emergency Room was closed after heart attack patients were ignored. A Rosebud mother gave birth on a hospital bathroom floor, when I.H.S. medical personnel ignored her labor pains.

The Secretary of HHS recently asked our Native Nations if Indian health care is an entitlement. The Rosebud Sioux Tribe went to court to prove that the answer is YES! Our Treaty mandates health care. As the Federal Court of Appeals ruled, pursuant to our 1868 Treaty, the United States has a duty to provide “competent physician-led health care” to the Rosebud Sioux Tribe.

Mr. President, Madam Vice President, Secretaries Haaland, Becerra and Attorney General Garland, we call upon you to honor the pledges of the United States of America as

set forth in the 1868 Treaty: Recognize the Federal law mandate to provide “competent physician-led health care” to the Rosebud Sioux Tribe. **Do not appeal this case to the Supreme Court.**

Recently, the House of Representatives Committee on Resources proposed \$2 Billion in Indian Health Care Facility Construction for the \$3.5 Trillion—that would continue the Federal Government’s failure to provide health care to Native Americans. That request would bring Indian Health Care Facility needs current to 1993—that’s a generation ago!

Today, the CDC reports that Native Americans suffer hospitalization, serious injury, and mortality from the COVID-19 virus at the highest rate of any population in America, a rate 2.5 times the White Population. It would be unconscionable for America to continue to fail to honor our Treaty by continuing to leave us a generation behind on Health Care Facilities. The United States must scrap its broken Health Care Facility structure and put in a new system that recognizes and addresses real health care and economic needs.

President Biden, in the Obama Administration, as then Vice President, you recognized that healthcare is a human right for Americans. With respect, we call upon you to fully fund I.H.S in the \$3.5 Trillion Reconciliation Bill as Federal entitlement spending mandated by our treaty, and include at least \$12 Billion in Facility Construction for Indian Health Care Facilities, including \$250 Million for the Rosebud I.H.S. Hospital Replacement.

In closing, we remind you that in 1980, the Supreme Court ruled that the taking of the Black Hills violated our Treaty and the Constitution of the United States, and we call upon you to begin the process of dialogue through a Presidential—Sioux Nation Treaty Commission. Justice delayed is justice denied, and there is no more time for delay. The time for justice is now: Act today to establish the Presidential—Sioux Nation Commission on the Black Hills. *See* Rosebud Sioux Tribe Resolution on the Black Hills attached.

We look forward to your quick action on these requests.

Sincerely,



President Scott Herman
Rosebud Sioux Tribe