

TREATY RIGHTS & WRONGS

To: Dave Archambault II, Chairman, Standing Rock
Sioux Tribal Council
Re: Treaty Rights

Mr. Archambault:

I am writing to express appreciation and support for the Tribal Council's efforts to enforce and protect your treaty rights, salient due to the Dakota Access Pipeline project. The concerns for protecting the water and environment, and historical and religious sites, may be paramount. From where I sit in New Haven, it is hard to see how anyone thought running an oil pipeline under a reservoir along the boundary of the reservation would be a good idea. The militarized police response to peaceful protesters, made legal by federal legislation in 1981 in response to the Wounded Knee uprising, brings attention to the national issue of militarized police back to its genesis. It is also hard to see how anyone thought using military equipment against peaceful teenagers, the elderly and other concerned tribal members and friends would be a good idea, either.

But I am writing in particular to encourage your efforts to enforce your treaty rights, because the respect for prior agreement, the concession and compromise reflected in the treaties, while less urgently perceived, is essential for all of us.

If past treaties and agreements are not honored, there is little hope that present agreements will be honored in the future, leaving us only with unending conflict and the exercise of brute force. Given the history of broken treaties and treaty violations, there may be only small hope that treaty claims will be honored by the state and federal government in the present instance, but the effort to enforce those claims is worthy, the cause is just, and the campaign is a service to humanity. Someday, Federal courts may fully enforce the treaties, and someday Congress might support that. Someday, international bodies might exert moral or other force upon the U.S. Government to effect adherence to its international agreements. Perhaps your tribes will discover that you have powers greater than those of the state or federal governments.

For me, it is an element of faith, a fundamental teaching

handed down through the generations, that treaties, covenants and laws have the potential of being a positive tool for the well-being and advancement of humanity.

My ancestors and relatives came as refugees to North and South Dakota in the years 1900-30. They lived in towns such as Cannon Ball, New Leipzig, Eureka, Ashley, Wishek, Venturia, and Bismarck. By the 1930s, most had moved to Minneapolis, St. Paul or Milwaukee, where much of my family lives today. A few of my Tilsen cousins live as tribal members on Pine Ridge and elsewhere in the area. One-hundred years ago, while some of my family came to the Dakotas, others moved to Haifa, Israel. Most of my father's relatives who remained in Europe and who survived the pogroms and World War I died in the massacre at Babi Yar, which holds the remains of 33,771 Jews who were executed there 29-30 September 1941.

As an American citizen, I believe I hold some share of responsibility for ensuring that the United States government acts lawfully, as well as wisely. The fact that family members are on both sides of those treaties just adds salience and sentimental connection.

Just as I support my cousins' treaty rights in the Dakotas, I support the claim of treaty rights of my cousins in Haifa, Jerusalem and elsewhere in Israel. Those include the Faisal-Weizmann Agreement (1919), between Emir Faisal (son of the King of Hejaz, king of the Arab Kingdom of Greater Syria), and Chaim Weizman, representing what became the Jewish Agency and later the Government of Israel, which was an Arab-Jewish agreement for cooperation on the redevelopment of a Jewish homeland in Israel and an Arab nation in a large part of the Middle East liberated from the Ottoman Empire; the Treaty of Sevres (1920) and Treaty of Lausanne (1923), which provided for temporary British administration while the Jewish People rebuilt our homeland in the Land of Israel; the League of Nations Covenant (1922) which provided (Article 22) for Jewish sovereignty in the newly-created political entity "Palestine" in conjunction with the San Remo Resolution of 25 April 1920; and the United Nations Charter (1945), which reaffirmed the international legal recognition of the rights of the Jewish

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People to reestablish our homeland in the Land of Israel (Article 80).

The partition of Palestine (1921) into an Arab-only and a mixed Jewish and Arab zones, and the proposed re-partition of the mixed Jewish and Arab part (1948), and subsequent demands for further territorial concessions by the State of Israel took place as if those prior agreements and treaties did not exist. The British violation of these agreements, along with their initiating and supporting the Arab League's warfare against Israel, has had disastrous effect. This, despite the fact that the British were once among the most vocal supporters of what they called a "Jewish reservation" in the Middle East.

On the other hand, the honoring of the Egypt-Israel Peace Treaty (1979), and of the Treaty of Peace Between the State of Israel and the Hashemite Kingdom of Jordan (1994), has been a tremendous source of safety and prosperity for people in the region.

None of that is to say that other people do not have rights and claims, whether off the reservation or in Greater Syria. Nor is it to say that the rights and claims of your tribes are based on or limited to what is stated in the treaties. And I am not judging the wisdom of ancestors and present leaders in making treaties and compromises.

The ideals of my parents' generation were well-stated in Israel's declaration of Independence (1948).

Eretz-Yisrael (the Land of Israel) was the birthplace of the Jewish people. Here their spiritual, religious and political identity was shaped. Here they first attained to statehood, created cultural values of national and universal significance and gave to the world the eternal Book of Books.

After being forcibly exiled from their land, the people kept faith with it throughout their Dispersion and never ceased to pray and hope for their return to it and for the restoration in it of their political freedom.

Impelled by this historic and traditional attachment, Jews strove in every successive generation to re-establish themselves in their ancient homeland. In recent decades they returned in their masses. Pioneers, ma'pilim and defenders, they made deserts bloom, revived the Hebrew language, built villages and towns, and created a thriving community controlling its own economy and culture, loving peace but knowing how to defend itself, bringing the blessings of progress to all the country's inhabitants, and aspiring towards independent nationhood.

I don't know if the support I am trying to offer to your efforts is of any value or will make any difference. Perhaps the basis of my support does not matter to you, and I don't expect you to be involved or interested in my people's treaty issues. But the purpose of this letter is to encourage you to keep pursuing and demanding treaty compliance, because doing so, whether or not immediately successful, can be beneficial to the global community. I wish you every success in your worthy endeavors.



Qiddush Committee

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Thank you to Bryna Pauker and Michael Reis who over thirteen years ago came up with creative ideas for a meal after Shabbat Services. They worked very hard with amazing congregation members to make what we have today possible. There are so many more members who were involved and continue to be active in this endeavor. Please feel free to add to this history by joining us.

— Marjorie Wiener September 2016

