America's Crow Indians face death to put affairs in order

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Though they shun the practice of deciding how to pass on their property, Crow Indians resolve to write their wills

By Ellen Wulfhorst

CROW AGENCY, Montana, June 9 (Thomson Reuters Foundation) - A team of law students which recently descended on the Crow Indian Reservation in the American West to help tribal members write property wills, were cautioned in advance by their professors to be culturally sensitive.

Do not say the words "death," "dying" or even "will," they were told.

"It's really tough to do a will without saying death," conceded the architect of the Tribal Wills Project, University of Denver's Sturm College of Law Professor Lucy Marsh.
Nevertheless, the week-long effort produced more than a hundred wills among the Crow Indians in southeastern Montana who traditionally shun the practice of deciding how to pass on their property.

"Us as Crows, the older ones, they don't talk too much about death. Just to get them to come through the door is something else," said Kenny Shane, a former tribal official, as the wills project kicked off last month at the Little Big Horn College in Crow Agency, the reservation's headquarters.

"I know it's 2016 in the rest of the world, but we still have our ways that we follow here," Shane said.

Crows are raised not to talk about death or even wear the color black, he said.

If there is no will, the property of many deceased Indians goes to the eldest child or grandchild under U.S. federal 'single-heir' law, shutting out other members of what could be a large or extended family.

Even so, many Indians avoid writing wills, tribal members said.

"People are afraid to do wills because once they do them, they feel that they're going die soon," said Jerome Hugs Sr., who arrived at Crow Agency with his wife to write their wills.

TRADITIONAL BELIEFS

Jerome and Dora Hugs are among the more than 13,000 enrolled tribal members who live on the Crow Reservation, established along with other Indian reservations in the mid-19th century. Today there are more than 300 reservations in the United States.

At about 3,565 square miles (9,200 square kilometers), the Crow reservation of grassland and picturesque mountain ranges is roughly as big as the island nation of Cyprus. One of its major industries is coal mining, along with grazing, farming and oil and gas extraction.
Reservation land was allotted to tribal members in plots typically ranging from 40 to 160 acres under 19th century laws.

As those allotments were divided and redivided over generations, hundreds of family members now share small plots.

The dividing process is known as fractionization, which the single-heir law was designed to address. By and large, Indians cannot sell or leave their land to non-natives.

The single-heir law, enacted a dozen years ago, created a need for Indians to write wills so they, and not the government, can decide who gets their land, according to Marsh.

The 20 law students offered to help write property wills on the Crow Reservation for the first time last month. Previous Tribal Wills Projects have been conducted among the Ute and Navajo Indians in the U.S. Southwest.

From those earlier ventures, students were trained to be conscious of traditional beliefs, such as not saying aloud the names of dead people, using the word "pass" instead of "die" and not wearing black clothes.

"That was kind of a challenge, professional attire without a lot of black," said law student Lanna Giauque. "Half my professional wardrobe is black."

The students need not have worried too much. The Crows who arrived to write wills said they could put aside traditional beliefs with little or no hesitation.

"I know it's practical to do this, to rest in peace," said Hugs, although he said making a will seemed like disturbing the natural process.

"If you see a small tree out there, you leave it out there," he said. "You let nature grow by itself and die, and you don't mess with it."
NATIVE AMERICAN VICTORY

Wilma Stands, a tribal elder at 78, and her 81-year-old husband Lawrence Stands, said they had no time for tradition or superstition about death.

"When it comes, it comes. There's nothing we can do," Wilma Stands said. "You never know what's going to happen."

Key to the project, which was advertised in the local newspaper and spread by word of mouth, was the price, said Burton Pretty On Top Sr., also a tribal elder.

"They said that the service would be free, which is most important for us," he said, smiling out from under the brim of a white cowboy hat.

The Crows' ancestors hunted bison on America's Great Plains, on territory that once stretched across three states.

Several Crow served as scouts for Lt. Col. George Custer, who lost the Battle of the Little Bighorn, known as Custer's Last Stand, in 1876.

The victors were Sioux and Arapaho Indians, whose leaders included the warrior Crazy Horse and Chief Sitting Bull.

The site of the famous battle, fought in the effort to force Indians onto reservations as white settlers moved westward, is now a monument on the Crow Reservation.

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