



Chapter 14 - Getting Along isn't Always my Choice

In 1986 I end up alone in a Virginia domestic relations courtroom, in front of a female judge, across from my wife and her female attorney, to talk about the future of our two daughters. The amount of child support awarded is crippling to me and is effectively a financial hanging that has the foreseeable consequences of my leaving a Navy where I am previously promoted to the rank of E-6 within the first six years of a career that will now end in eight-years (due to my worry, stress, and anxiety about financial in-viability).

Crow Dog is the name of an American Indian associated with the Lakota, Sioux Tribe who sees an actual hanging in his future. Crow Dog commits a crime, is found guilty by his Tribe, and is given a severe restorative type of punishment; the tribe reasons that because Crow Dog kills another American Indian, it is better that Crow Dog forfeits most of his scant and precious assets to the victim's Native family and supports that Native's family (in addition to supporting his own), then it will be to have two dead Natives and two starving families. The United States intervenes, wanting a retributive form of punishment instead, tries Crow Dog, finds him guilty, and sentences Crow Dog to hang.

On appeal to the United States Supreme Court, in the matter of Ex Parte Crow Dog, the Supreme Court is unanimously convinced that the United States lacks authority to judge anything that a Tribe has the authority to judge, and does judge; the court is further convinced that Congress will have to specifically say that this type of federal government intervention in tribal matters is allowed, or the Tribe will have to specifically forfeit their right to that portion of their sovereignty – as neither occurs, Crow Dog is released back to the confinement his Tribe already is experiencing in reservation-living, to continue his sentence there.

Legally, the term Ex Parte means to regard only one side of an argument, or perhaps of a relationship. The poem I adapt below uses essentially the identical words that Justice T. Stanley Matthews uses to explain the reasoning behind the 1883 court's unanimous decision in the one-sided Crow Dog argument; I take very few liberties in changing anything because the Associate Justice does such a fine job in providing an enduring observation in his explanation.

Interpreting Ex Parte Crow Dog, 109 U.S. 556 (1883)

*'The nature and circumstances of,
the majority's rules of interpretation, are
being applied to disenfranchised peoples.*

*This is held over the members of a community,
separated only by difference, or
by exercising other instincts of free, though unwelcomed lives,
from the authority and power which seeks to impose upon them,
the restraints of a normal people's external and unknown code.*

*It subjects them to the responsibilities of civil conduct,
according to rules and penalties of which, each
could have no previous warning, in
being judged by a standard made by more powerful forces, and
can never be a standard for these others.*

*A standard which makes no accounting for, the
conditions which should except these others from its exactions, and
a standard that makes no allowance for their inability to understand it.*

*It tries them not by their peers, nor
by the customs of those like them, nor
any law, any land, would reveal as written words, but
instead by those self-appointed superiors of a different type of race;*

*Who hold only imperfect conceptions, and
oppose acknowledging most unknown forms, of
a different life's celebrations - much less
resist holding only the strongest prejudices, of
the imperfect nature of their victims.*

*It is a case presented behind a facade that is,
expressed as exceptions in the laws of social acceptance,
which laws (created by argument and inference only), are
sought to be extended over those now judged, as
aliens or strangers'.*

*It is a case of deciding between living-a-life, or
living-much-less;*

Ex Parte Crow Dog regards one of the final Supreme Court decisions, for at least the following 50-years, that significantly supports American Native Tribal sovereignty. I suspect that anyone who has ever felt disenfranchised or discriminated against can relate to these 135-year-old words without reinterpreting too much, or by needing to bring these words up to date.

In December of 2010, the United States ceases to become the lone holdout in signing *The United Nations Declaration of Indigenous Peoples Rights*, when President Obama signs a document that more than 143 other countries have signed years before. There are few if any previous U.N. declarations with one holdout that are not later deemed to be addressing atrocities.

I will always see the court's decision, in setting my child-support amount, as the court's difference-based retributive punishment where a restorative judgment is called for; where a restorative judgment, that will be the best future outcome for all involved, is entirely ignored. My lack of money changes how close I can live with my children, which jobs I have to take, how many hours I will have to work, how I should best use what little off-time there is to satisfy the unlimited needs that exist for people whether they are parents or not, and when I can gain any education to crawl away from the debtors-reservation I am sentenced to stay-within.

Outcomes, like these legal examples, come true in most cases where differences or disabilities are judged, instead of problems – where the focus becomes '*who the problem is*' instead of '*what the problem is.*' I can't think of clearer or more relevant ways to show how and why people who have hard-wired or deeply evolved differences can be unjustifiably isolated, punished, or abandoned from getting along and celebrating with the mainstream.

It is so easy for me not to see that some of the reasons that I don't get along have little with me to do as a person, because so many of the reasons I don't seem to get along have great deal to do with things I haven't or won't be able to discover. One coping mechanism I use now is gaining an understanding that I am probably missing a lot less than I think I am, and that the grass is not that much greener on the other side of my personal fence; but still, I won't deny that at least a small something desirable is missing.

The most unfortunate consequence for me is in understanding that my relocations stop providing the hope that the next place I go will be where I truly belong; instead the act of my relocating only reinforces that wherever I am is another place where I don't belong, if I want to be accepted under any reasonable terms that allow me to continue being who and what I am most comfortable being, at this time.