

# **HATE CRIME:**

## **A Presentation to the North Dakota Tribal and State Relations Committee**

**Thursday, October 22, 2009  
Turtle Mountain Community College, Belcourt, ND**

**By  
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Bismarck, ND**



# Rising Eagle sculpture vandalized

**T**he eagle sculpture, "Rising Eagle," in Bismarck's Pioneer Park, has again been vandalized.

This time the sculpted eagle, created by United Tribes Technical College art students, was destroyed.

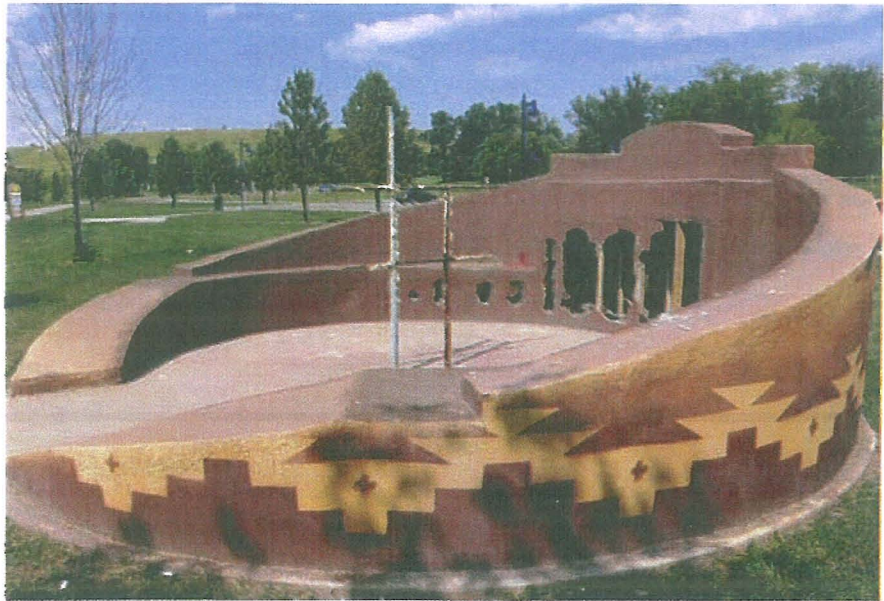
In the photo at right, the eagle is gone from its supporting pipes, the inside walls are broken in and the debris is apparently removed.

The vandalism occurred overnight on Wednesday, July 22, 2009.

The Bismarck Parks and Recreation District apparently has filed a crime report with the Bismarck Police Department.

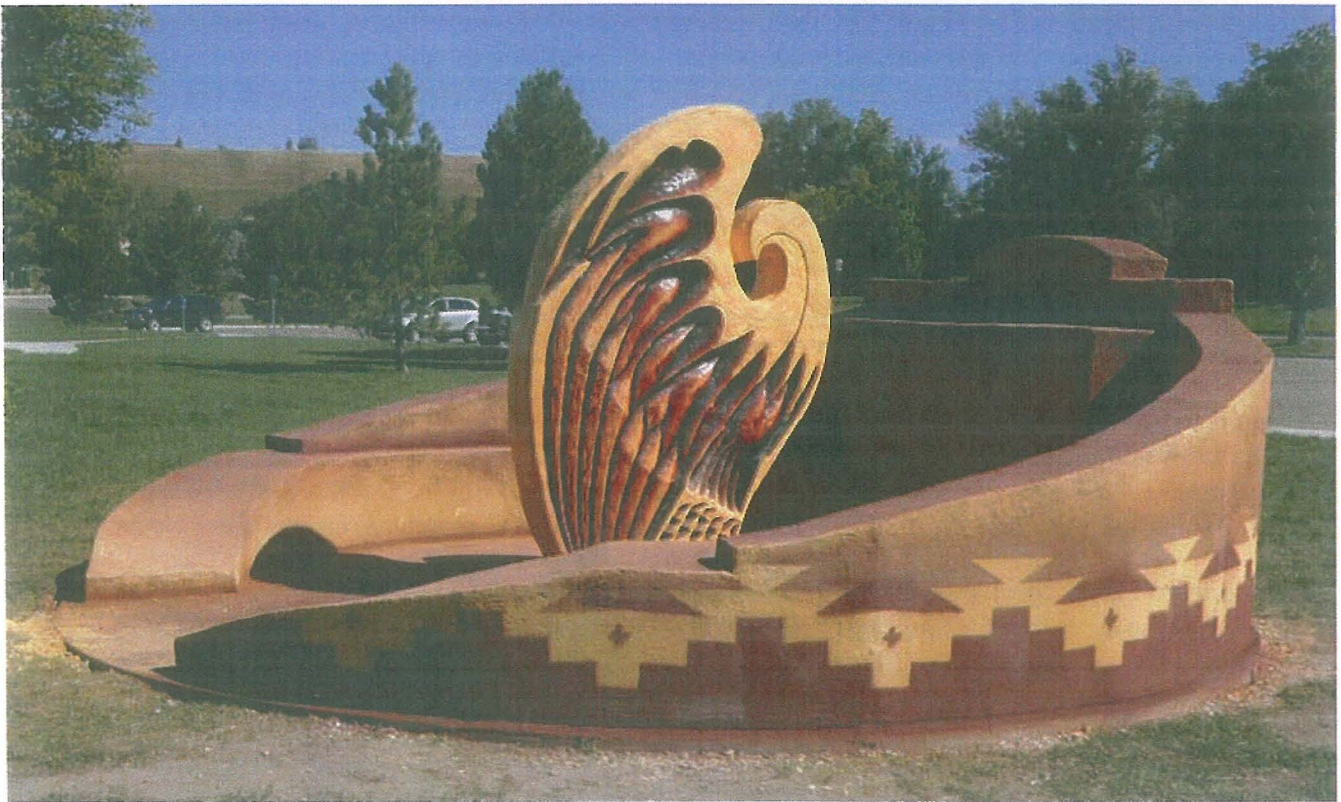
Rising Eagle was vandalized once before, just prior to its dedication in August 2007.

A photo of how the sculpture appeared in 2007 is below.



2009-07-23 UTTC OPI, dn

## Rising Eagle at the time of its completion in August 2007



UTTC Art/Art Marketing photo Shawn Holz



**North Dakota State Legislature  
61st Legislative Assembly**

**Before the North Dakota Legislative Council  
Committee on Tribal and State Relations**

Testimony of David M. Gipp  
President  
United Tribes Technical College

Regarding Developing Stronger State Relations With Native Americans and Tribes

October 22, 2009

Mr. Chairman and members of the Committee on Tribal and State Relations. Thank you for inviting me to testify today.

First, I would like to share with you a bit of background about United Tribes Technical College (UTTC). UTTC began serving Indian students in 1969, funded through the Bureau of Indian Affairs, part of the U.S. Department of Interior. The Board of Directors of UTTC includes the leaders of all of the five (5) federally recognized Indian tribes with a presence in North Dakota.

UTTC currently serves more than 1,000 adult students and 400 children at our elementary school located on campus. We are fully accredited by the North Central Association of Colleges and Schools. We provide two year degrees in 20 disciplines and provide one year and continuing education certificates in a variety of programs, and are seeking accreditation for several four year degree programs. We focus on providing family services to our students, who often come with their families, so our campus includes two early childhood education centers, a K-8 accredited elementary school, security staff, housing, career and financial counselors, and other services. We also serve non-Indians in various programs, who attend for a variety of reasons. We are diverse campus, with as many as 75 tribes represented among our student body in any given academic year.

UTTC is also the center of activity for a number of intertribal programs, including our Native American Business Enterprise Center, serving Indian entrepreneurs in North and South Dakota; the Northern Plains Tribal Technical Assistance and Planning center for transportation planning and a Workforce Investment Act local program for job placement, among other programs. Our staff numbers more than 300 individuals, working full and part-time who primarily live in the Bismarck-Mandan community. Approximately 65% of the staff are Native American.

We have long been engaged with our local community, the state capitol of North Dakota. Our International Pow-wow held each year has long been an event listed on the state's calendar. We have worked with the local Chamber of Commerce and the Bismarck and Mandan City Commissions, and

the Burleigh County Commission on various projects and activities. Our United Tribes transportation system operates throughout the community, allowing our students access to shopping, health care, and educational training opportunities needed to complete various career and technical programs.

While many of the experiences of our students and staff in our local community have been positive, some of our students and staff, as well as myself, have gone through a difficult period in relation to a project to construct public sculptures in our community that we initiated several years ago. We negotiated with the Bismarck Parks and Recreation Department to erect and construct a series of six sculptures over a six year period in public parks in Bismarck. Five were completed. The sculptures were created and constructed by students in our Art and Art Marketing program, and are based on an eagle theme. The eagle is a sacred animal in many Native American cultures, and particularly those of the Great Plains. Each sculpture represents thousands of hours of work by the Art and Art Marketing students at UTTC, almost all of them Native Americans.

Unfortunately, starting with the first sculpture dedicated in the spring of 2004, the sculptures have been the target of vandalism, as well as a public debate about whether the sculpture project was an appropriate one for the Bismarck Parks and Recreation Board. At least one sculpture had racially motivated graffiti written on it before its dedication, another was damaged substantially before its dedication, and every one of the sculptures has had some damage done to it.

In the latest incident, however, in late July of this year, a sculpture known as "Eagle Rising" was totally destroyed. Pictures of the sculpture both before and after this incident are attached to this testimony. This sculpture had been damaged before its dedication, and even this damage caused students some concern. The story of the students' reaction to the initial damage to the sculpture before its dedication is also attached, as told by their instructor, Wayne Pruse. Accompanying his letter is a letter to the editor he wrote about the project, as well as student letters to the editors about the project. But because of the total destruction of the sculpture this past summer, our instructor is not interested in re-constructing the sculpture, in part because the students who created it in the first place have graduated, and in part because he thinks the sculpture would simply be destroyed again, without adequate security measures in place. I tend to agree with the instructor.

My reaction to the destruction of the sculpture this past July was immediate. As President of UTTC, I sent a letter to the Bismarck City Commission within days of the destruction stating that the vandalism against the sculpture was a "hate crime", because the total destruction of the sculpture was directed at a Native American themed art work, was deliberate, and was consistent with vandalism targeted against the other Native American themed sculptures in Bismarck's public parks along the Missouri River. No other sculptures in the city have been so consistently targeted by vandals. The act was intended to intimidate the City of Bismarck and Native Americans and prevent further Native American themed sculptures from being constructed. A copy of my letter to the City Commission is attached, as well as photos and other news media articles about the destruction.

Despite my letter, the Bismarck Police do not classify the destruction of "Eagle Rising" as a hate crime. The Executive Director of the Bismarck Parks and Recreation Board lumps the destruction of the statue with other vandalism of public property, such as water fountains and urinals. There seems to be a denial by many that this wanton act was racially motivated.



Subsequently, I have been in contact with the Mayor of Bismarck and City Commissioners, and we have agreed to work on public programs that can address racial attitudes within the city. We know that we need to develop a healthy respect for other cultures, and the diversity within our community, particularly the Native Americans within our community who are by far the largest minority both within Bismarck and within the State of North Dakota. UTTC has also applied for a racial healing grant from the Kellogg Foundation. The hard work of our students should not be so casually treated as simply random vandalism.

The sculpture incident, as well as the activities surrounding the University of North Dakota logo, have prompted many racially motivated and very ugly kinds of comments to surface in public comments made on newspaper sites, public talk shows, and elsewhere in our community in the past several years. I have even been the target of commentary scrawled on the windows of a van observed at a softball game!

I suppose the dominant culture could easily dismiss these kinds of statements as being from a small minority of people. But these comments are too numerous and too frequent to ignore. I believe they are indicative of a larger problem, in which Native Americans are not viewed with respect and not viewed as vital participants in the public life of our state. For example, very few of the personnel in state agencies and at the state capitol in Bismarck are Native American, except for the handful that work directly for Native American oriented activities such as the Indian Affairs Commission. With between 5-7% of the population, there is but one Native American in the state legislature, which has 141 members. Yet, more than 40% of the prison population are Native Americans. Welfare statistics show more than 1/3 of those receiving assistance are Native American. These statistics should be the subject of great concern by our state leaders.

We need a number of things to happen in our state to correct these tremendous imbalances, and to build a healthy respect for the diversity of the population in our state. Among other things, we need:

**1) Research studies to indicate how Native Americans are treated in our state.** The 2010 census will likely show that the Native American population has increased in our state, while the non-Indian population has again declined. At the same time, more than 60% of Native Americans live off the reservation, mostly in the larger cities in our state and in towns near the reservations. How are Native Americans treated by our government agencies, by retail establishments, by law enforcement, by our banks, by our court system? How can biases that are present in these systems be corrected? These are some of the questions that solid research can help answer. I know that Justice VandeWalle of the North Dakota Supreme Court has announced a study of the treatment of racial minorities in the state court system, but that study, as the Chief Justice has indicated to me, is limited in scope. I suggest that the legislature authorize a full study of racial attitudes in our state so that we can begin to address the imbalances mentioned above. Likewise, such a study can help our state address the issue of diversity and how it is a fundamental part of North Dakota's growth in the 21<sup>st</sup> century.

**2) Educational curriculum that treats Native Americans and the cultures of our Tribes with respect.** Education can do a lot to break the cycle of racism, transferred from generation to generation. But it is not sufficient to provide a day, or a week, or a month focused on Native American issues within a particular school year. Respect for Native American cultures and values must be woven into every aspect of the curriculum developed for North Dakota's pre K-12 grades, and even into its postsecondary institutions.

This is already being done in states like Montana, where over 100 units of curricula have been developed, in every facet of the curricula taught in Montana schools, that reflect the values of the seven distinct Tribes and tribal cultures present in Montana. There is nothing to prevent the adoption of those kinds of curricula in North Dakota. While the curricula are not without their critics, the plain fact is that when Tribes and Native Americans are treated with respect in the schools, young people gain the tools they can use to resist the temptation to act in a racially motivated way. This can lead to cooperative efforts that can reduce teen suicides, reduce juvenile and adult crime, improve relations between the Tribal governments and peoples of our state, and increase participation by Native Americans in all levels of the public sphere.

**3) State mandated policies that will require better treatment of Native Americans by state agencies and that can encourage participation of Native Americans in state government.**

There are many policies that can assist in reducing racial tensions and improve Native American participation in state government – a few examples, other than the curriculum development ideas already mentioned, include:

- Development of “cultural competency” materials for use by state workers. These kinds of materials increase awareness and respect for other cultures, and should be made mandatory for any public employees that work directly with the public.
- Policies that mandate outreach to Native American communities and the Tribes. For example, if the Highway Patrol is visiting communities in the state, it should ensure that it visits each reservation in the state. Another example involves state employment. Outreach into Native American communities, to UTTC, to the Native American programs at North Dakota’s colleges and universities, to Native American organizations in our state and otherwise should be mandated. Native Americans need to know that the state welcomes their participation in civic affairs and as employees of state agencies.
- We need a human rights commission that is reflective of the diversity within our state. This issue has been discussed many times in the past. We know that discrimination against Native Americans still occurs in North Dakota. But the Division of Human Rights, with minimal staff and very limited authority, buried within the state Labor Department, and without any Native American outreach or employees, is not seen as a place where Native Americans can get redress for issues of discrimination including housing, employment, public facilities and state services.

**4) Leadership.** We need state leadership that is inclusive of Native Americans in our state and that doesn’t just wait for Native Americans to apply for political positions, but that actively recruits qualified Native Americans to take political and other kinds of jobs in state government and within political parties. There are outstanding examples of how this works in state government in New Mexico and in Montana, a state right next door to us. In both those states, the Governors have recruited Native Americans to fill all kinds of positions, and not just positions that deal exclusively with Native Americans. The State Forester in New Mexico, for example, is a Mescalero Apache. The Director of the Native American Affairs department within the State of New Mexico is a cabinet



level position within the Governor's administration. This is not a matter of Democrats or Republicans, as leadership is needed across the political spectrum on this issue.

We also need state leadership that will condemn racially inappropriate and ignorant comments, and that will take a solid stand against the kinds of attacks on Native Americans that occur physically (against our sculptures, for example), that occur in the media (electronic and otherwise), and that otherwise infect our public discourse. As Native Americans, we alone cannot combat racism in our state. We need the help of every publicly elected official to ensure that racially motivated discourse is never given even tacit support.

I know this is not easy. None of us likes to chastise our neighbor or our friend because of a racially tainted joke or comment. But that is the level of effort that is needed, particularly by our elected leaders and those in executive leadership positions.

**5) Improvement in hate crime legislation.** We need strengthening of our hate crimes legislation. The attack on the Native American themed sculptures in Bismarck must not become an indicator of worse things to come. We need to send a message that such crimes will be prosecuted with an elevated sense of urgency. Right now, in North Dakota, under our criminal code, a person convicted of a hate crime does not receive any additional penalty. That is not acceptable. I urge this Committee to examine changes in North Dakota's hate crime legislation that can make people aware that hate crimes are unacceptable; and that if a hate crime is committed, the perpetrators will be punished severely.

### **Conclusion**

I know that I have given the Committee on Tribal and State relations a lot to think about. But we stand ready to assist the Committee in working through these issues and to assist the Committee in developing appropriate legislation. Thank you for hearing my concerns.

This story is from Wayne Pruse, our Art and Art Marketing Instructor:

The following story was in regards to the first destruction of the fourth eagle sculpture shortly before the dedication:

David Blackcloud and myself drove to the park to put the final sealer on the paint and found a police officer sitting there waiting for us. He showed us what had happened and we called back to the department to tell the others and have them come see. David's reaction was . . . a nervous laugh he said "The whole thing was surreal and couldn't understand it because the whole piece was about bringing all peoples together and providing a "peace full" place to rest and contemplate. When the others arrived John Clifford (who had a very rough upbringing on the Pine Ridge Reservation – he had a lot of anger issues and used to deal with them by fighting and getting in trouble. He came to UTTC to change his life and I might add I was REALLY proud of John and the man he was becoming – he had started to go on long runs when the anger would start to rise) He took off running and we didn't see him for a couple of hours. Martha Garreau, what to say about her, tough woman, very well respected by her classmates – pretty much a leader, a little older than the, we (the staff) always relied on her to bring the other "kids" together when we needed group participation – they listened (or else) to Martha. She is also a 10 year Army Vet. She broke down in tears and couldn't stop crying. Then there's Bethany Drapeau – sweet, innocent, fresh out of high school – inseparable from Martha (Martha took her under her wing) even though she grew up on a reservation she was still kind of naïve about the world . . . I thought. Her reaction was the one that stuck with me the most. She said "We should just stay out at Tribes where we belong." That one hurt considering that bringing the two cultures together was the whole point of the project. Anyway we repaired the sculpture and dedicated it.

As an epilogue I might add the reactions I received from the students after this year's final destruction. David (he's in San Jose, CA pursuing his Bachelor's at a branch of the San Francisco Art Institute) he still laughed only this time not so nervous – more like "I just don't understand". John has disappeared – haven't heard from him. Martha – cried again. Bethany emailed me and said "What did you expect?"



To the Park Board:

In response to the current controversy about the establishment of a public policy for public art. I asked past art students who have participated on each of the four existing sculptures what their thoughts were concerning this issue and the attached letters express those thoughts. As their instructor and advisor I felt that the focus of this 6 year project is being blurred and really should be clarified.

Four years ago I was fortunate enough to take two students to New York City for The American Indian College Fund's Annual Banquet. Being from small rural reservation life the two students were very apprehensive about going. I almost had to drag them onto the plane. After three days of visiting the Metropolitan Museum of Art, site seeing, and a Broadway show I watched their lives change. By the time we were awaiting the return flight the two students who I had to beg to get on the plane were checking the New York papers for apartment rentals and job opportunities. To say this exposure to the outside world was a life changing experience is an understatement. When we got back to Bismarck I wanted that life changing experience for all my students so I decided that we would have to raise our own funds in order to do this. I called all the students together and had them think of ideas on how to raise a substantial amount of money to take a trip. Most of the ideas were the typical 50-50 Raffle, Indian Taco Sale, etc. All I could think of was "New York - that's a lot of taco's." I told them to think bigger. One aggressive student had an idea to make body castings for people. It made sense but at the time the annual "Let's move the Custer Park Sculpture" letters began to appear in the Bismarck Tribune. I mentioned this to her and sent her to see Steve Neu about the possibility of creating a public sculpture for the city. After all, instead of moving our one sculpture from park to park to satisfy everyone, we could come up with a very radical idea . . . Let's make another one! The philosophy being that it is okay to have more than one piece of public art owned by the city. When the student returned from Steve's office she was out of breath and said "They want six." That's when the work began.

What I have learned and continue to learn is what an amazing educational opportunity this has become. Every year I see a new lesson develop. This whole project revolves around the collaboration between education, government, and private business. This collaboration has been a huge success. Each year we work with a company that uses materials that we don't use in our classroom throughout the year. Businesses we have been fortunate enough to work with have bent over backwards to help train these students and our staff in the proper way to use these materials. The process occurs in a number of steps. Students begin work in January. 1. Design an idea - with and artist statement of what this piece is about. The client (in this case the Bismarck Parks District) stipulates that each sculpture will have the theme of "Eagles". It is up to the individual artist to interpret that word. 2. A site plan is developed with input from the client and we meet with engineers on what problems we might face with - the structure and/or the site. 3. A scale model is built. 4. A budget is created. During the first three years there was a set budget of \$30,000.00, last year the budget was \$15,000.00. From that budget the students must figure in subcontractors costs (this could be anything from concrete pads or walkways to outdoor mosaic tile). Whatever can't be done by the department has to be contracted out. Materials that are to be used in the actual construction of the sculpture are also included. There has been some questions in the past and currently on why we use the materials we use. "Why not bronze?" Ask any practicing professional artist and you will find that to cast a one of a kind bronze you will have to add a zero to the above budget. Mr. Kane has a problem with \$37,000.00 of tax payer dollars over a four year period - He'll REALLY have a problem with \$250,000-\$300,000 each

year. The trick comes in to finding a material that not only durable for outdoor use but, it also needs to be inexpensive enough to fit the budget. 5. After completion of the budget a proposal is created complete with interior structure plans, cost breakdown, and an artist statement. 6. We schedule with the Parks District to be on the Agenda during one of their meetings - usually the beginning of April. At the Parks District public meeting students are required to give an oral presentation to the Parks District members and public. At this time any questions or clarifications are raised by Park Board members or the public. 7. The models and budgets are on display during the Art/Art Marketing Departments Annual Art Show and Sale held in late April. The public is encouraged to come by and visit/question the artists on their design and budgeting and vote for the design that they like best. Two years ago over 160 people voted. 8. In early May construction materials for the chosen design are ordered and construction begins.

All students in the Art/Art Marketing Department are required to take summer school. The Interns (I might add here that this Internship is voluntary) work after classes Monday-Thursday from 3:00-5:00 and 8:00-5:00 on Friday. Once summer school is over in July they work 40 hour weeks until school starts in August. If the sculpture isn't finished by August they must work between classes or whenever they have a free hour. The only billable hours are from May-August. The work from January to May and the work from school starting in August until completion is not billable. Before we begin to work on the sculpture students are asked to vote on whether they wish to be paid or if they want to take the labor costs in their budget and apply towards a class trip. In four years only one crew has rolled the dice and elected to try to go on a trip - unfortunately there were problems and that sculpture ran over budget which was absorbed by the department resulting in that crew working for free. Students know the risks before they enter the project and that crew, to their credit, accepted the consequences.

Now we are preparing to enter our fifth year. Did the students get a life changing opportunity by traveling to New York or another exotic location? No . . . But they have had a life changing experience just by working on these pieces. This project has been a tremendous experience for both my students and my staff. The letters attached tell their story. From each sculpture I can point directly to an individual who participated and say "Look what it did for that students career." Mr. Joaquin Andrews who worked on the "Thunderbirds" at Keelboat Park has been employed as a Graphic Designer at Arrow Graphics since his graduation. Miss LaRae Laundreaux who worked on the "Gathering of Visions" at Sertoma Park has been employed as a Graphic Designer at Agency MABU in Bismarck since her sophomore year. Mr. Lyman "Yogi" Vivier who also worked on the "Gathering of Visions" has turned into quite the Animation major and in addition to attending classes at UTTC he runs his own freelance business specializing in Animation and Illustration. Mr. Jeremy Pettigrew who worked on "Reflections" at Steamboat Park is a full-time double major in Art/Art Marketing and Small Business Administration in addition to working part-time as a camera operator at KFYR-TV in Bismarck. Miss Josephine Redday who worked with Jeremy on "Reflections" is a full-time double major in Office Tech and Art/Art Marketing due to graduate in May. Her future plans are to get her CPA and open her own small print shop back home in the Wahpeton area. Miss Martha Garreau from this past years "Rising Eagle" in Pioneer Park is due to graduate from Art/Art Marketing in May and has already started her second major in Small Business Administration with hopes of opening her own shop on the Standing Rock Reservation.

These are but a sampling of the success stories that are a direct result of this ongoing project. I can't say enough about the work ethic, professionalism, and pride that has been exhibited by all of these students. I'm only sorry that I couldn't get in touch with all of the artists that have been part of this amazing



journey. United Tribes is proud and honored to be the catalyst that started this public discussion. As I have said before, the dream is that this project continue long after my students are finished. I feel that there should be a permanent budget item to cover future public art projects. An art policy though? I have a lot of questions on that one. Mr. Kane's concerns about indecent public art seems a little extreme. I guess I have more faith in the residents of Bismarck-Mandan to police the art they own. Offensive art in the examples cited by Mr. Kane would bring a public outcry that I feel would be sufficient to not have anything of that nature happen. The overwhelming positive response we have received from the public while these sculptures are being constructed leads me to believe that my students delivered what was promised . . . beautiful pieces of art that enhance the quality of life in our community. They must be good to have generated such discussion. If these pieces were ignored and no one noticed them then we weren't successful. The Park Board has a difficult task - to service ALL of the communities residents. Evidence that there is a need for more art is that after one year of operation the Arts and Science Center in northwest Bismarck outgrew its space. We do realize when public funds are used the public has a right to comment or ask for justification on how those funds are spent. That's why we elect people to oversee these expenditures. It wouldn't be right for a citizen to say "I don't own a boat, why should I pay for boat ramps, or I don't play softball so I don't want my tax dollars spent on softball diamonds." As a citizen of a community you accept these things that you may not use or participate in because the quality of life is enhanced for the good of the WHOLE community. I would be happy to visit with anyone to clarify any of the issues concerning this project. I can be reached at United Tribes Technical College - 255-3285, Extension 1360. I'm proud of my students and I'm proud of Bismarck's Parks District staff and Board members for taking a bold step in the creation of this project.

Thank you for your time.

Respectfully,  
Wayne Pruse, Chairman  
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To the Editor,

My name is Jeremy Pettigrew. I graduated from United Tribes Technical College in 2007 with an AAS in Art/Art Marketing. This is a fact that I am very proud of. My time there was a very memorable one and I am grateful to have had such a wonderful opportunity.

In the spring of 2007 my instructor Wayne Pruse, director of the Art/Art Marketing program, gave us an assignment to create an eagle sculpture. We were told that as students we were to create and design a sculpture that, if chosen, would become a piece of public art here in Bismarck. I was very excited about this particular project and could not wait to get to work on it. I along with 5 other students designed our own visions of eagles, each had their own ideas and all of them were beautiful. After we were done making small scale models and drafting professional proposals and budgets we then went before the Bismarck Parks and recreation board. We presented our ideas of the eagle sculpture. This was one of the greatest learning experiences that I had at United Tribes. I learned not only how to create an exquisite piece of art but also how to present myself and my art professionally. Of three sculptures only one was chosen. This is the eagle sculpture that you can see in Steamboat Park along the river.

This experience was a very impressionable one that will live with me for the rest of my life. All the blood, sweat, and tears that were put into that sculpture were paid off when I took my family to see the sculpture. My wife cried and my children were in awe of what their father had accomplished. It is very awesome to think that now I am immortalized along with my three close friends who helped in the making the sculpture, after all this was not a one man task.

There are now four eagle sculptures throughout the parks of Bismarck, all along the river and one in Sertoma Park. All of these sculptures were designed and built by United Tribes Art students. We will all be known now throughout history as the ones who made the beautiful eagle sculptures. The people of Bismarck will have something from our hearts and our cultures, as the eagle is a very significant creature to the Native American people.

I recently read in the Bismarck Tribune that there needs to be a policy drafted when picking the pieces of public art that are going up here in Bismarck. I thought about this for a long time because it was my understanding that only ones putting up sculptures, public pieces of art, are the students at United Tribes. I tried to understand what was meant by the letter. "Art that is inappropriate for the public of Bismarck" kept echoing through my head that night as I lay in my bed. The art that I put up in Bismarck seemed so wonderful, so beautiful. Was it that bad and nobody had me told it was "vulgar" or "inappropriate"?

I am very proud of the sculpture that I, Josie Redday, and Mike Gopher put up in the summer of 2007. I never miss a chance to drive by it or show my dearest friends. I never miss the chance to tell my family about it when I return home. I am grateful for the experience and am grateful that the majority of the people in Bismarck enjoy it and the other sculptures. I only hope that people can learn



acceptance and understanding, to know that art is art no matter what the content or looks and that art can be beautiful no matter who creates it.

I am a graduate of UTTC's Art Marketing department, and I worked on the first sculpture in Steamboat Park. I am writing in response to the editorial of October 29th. I was somewhat offended by the way the editorial board clearly referred to the sculptures made United Tribes students but never actually mentioned by name. They did mention Doug Kane's appearance before the park board, but he never mentioned UTTC by name either. I'm curious as to why everyone seems to be tiptoeing around the subject.

The students are already feeling the effects of these articles, the ensuing comments, and the vandalism. We've heard it all. Before we even started the projects, we were told to expect harsh words; as an artist, criticism comes with the territory. So, both the editorial board and citizen Kane may as well make a stand and tell everyone what they really think of United Tribes' art.

Anyone who looks at, say, a Jackson Pollock painting, may have a different opinion than the next person who sees it. One may find intricate beauty in the painting, while the next may only see a haphazard mass of paint splatters and call it a waste of canvas. One who finds the UTTC sculptures eyesores and wants them removed may or may not think the same of the sculptures on the Enchanted Highway. Still, such negative opinions should not be reason to deny art to exist. Art is about expression. Removing the sculptures would be denying such expression completely. This would be bad form for a state's capital city.

For those who wonder why only United Tribes is involved in this project; the opportunity was there for any school or organization (such as BAGA) to make art for the parks. United Tribes was apparently the first to make such a request of the park board. Now I fear such opportunities will be lost to all.

I do agree there should be a policy on public art, and I hope someday students from BSC, U-Mary and UTTC can collaborate on a project. However, given the vitriol that's emerged from this project, I can see discussion on future public art turning into a morass of bickering. Instead of arguing, this is the perfect time for all artists in the city to come together and engage in constructive dialogue.

Nevertheless, people will complain. If it had been another school or a BAGA member putting sculptures in the parks, I'm sure we'd still have these same articles and complaints. The next time a sculpture goes up, we're going to see it all again. Hopefully, the next time either Mr. Kane or the editorial board makes a comment on someone's art, I hope they have the common courtesy to name exactly whom it is they're referring to.

Joaquin Andrews  
Bismarck



Hello my name is LaRae Laundreaux, I am a former student and one of six sculptors that worked on the "Gathering of Visions" public artwork in Sertoma Park. I am writing to let people know about my experience working on the sculpture.

First, I want to let you know why I chose to do the internship. When I saw the "Thunderbirds" ( the first sculpture) I couldn't believe that students could do that and Native American Students?! It was amazing and very inspiring for me. I wanted to be a part of the sculpture because it gave me hope that anything is really possible! I thought finally the community is coming together and what better way than through art! Art is interpreted so many ways, and I think the sculptures mean different things to different people. Also this is a great way for students to learn and apply what we learn. We were taught how to use alternate materials for an inexpensive and real look.

How it benefited me as a student:

I got to learn a lot of different skills such as floor tiling, concrete work, carpentry, use of epoxies and foam, budgeting expenses, product and services research, and public speaking. These things are important to learn not just because they are part of the experience, but because they come in handy in the real world. We worked with local businesses to purchase supplies and they taught us how to use them. I got to meet the community and make new friends, something that doesn't come easy to me. I had to learn compromise and teamwork. I have a strong family unit but this project showed me I have an amazing family!

My parents have given me good advice. First is ASK, because you'll never know unless you ask. Second you never know unless you try!. Third work hard, 4th "stand up for what you believe."

At our first sculpture meeting, we learned who could participate, what was the purpose of the sculpture(s), where they were going to be placed, when we start and finish and How are we going to accomplish this.

- Art/Art Marketing students who are currently attending UTTC are eligible to participate,
- The purpose is to get the community involved and provide the students with a learning experience.
- Because of the eagle in Custer Park, they are placed in various parks in Bismarck and along the waking path.
- We started the project after summer school and needed to be done by the date the Park board set.
- We began with an idea and a proposal to present to the Park Board who reviews, and approves or declines the sculpture idea.

So began the process we each had our part to do to get to the final result. We brainstormed, each creating a different idea. We had to research so we could create our budget.

We also sacrificed and worked hard. I bleed, cried, screamed, yelled, lost hope, got frustrated, got sunburned, and heat stroke! I enjoyed every bit of it: the good and the bad. I

believe the sculptures are a good thing, and have a good purpose. I think people need to look past who made the sculptures. Look past that they are eagles. Eagles mean different things to different people just like art. An eagle adorns our North Dakota flag, to me it stands for pride and honor for North Dakota. I want to share with the community and be part of it in a good way. Everyone and their families have their own traditions. There are people who like the sculptures because they are a nice addition to the walking path. If you want to do a sculpture we have only 2 left. Wait 2 years, then you can present your idea show us what you call public art. If your problem is the money bigger cities spend much more than we did to create our sculptures. If you want more say in the next art pieces come to the art show. Where the community is allowed to make comments and suggestions.

I tried and worked really hard. I gave up an entire summer for a great opportunity, a lot of good came from my experience. I received an internship in my current working field. I now have a wonderful job where I am still learning and growing. Thanks for your time.



My name is Martha Garreau and I am a 2<sup>nd</sup> year student in the Art/Art Marketing program at United Tribes Technical College (UTTC), majoring in Computer Graphics. While attending UTTC I've been involved in projects that I would never have otherwise had the opportunity to be a part of. One such project was the creation of an Eagle Sculpture for the City of Bismarck. During my summer internship I was one of four students that spent long, hard laborious hours on the sculpture.

I am not a fine artist and I don't claim to know anything about public art. So without any prior experience this certainly was a challenge that in the end was very rewarding. I gained understanding and admiration for artists and greater appreciation for art. I have so much more respect for my peers and my advisor. I've also made life long friendships.

In my short lifetime I've been fortunate to experience more than most my age. Throughout my travels and accomplishments, nothing has been more satisfying then creating this sculpture. I feel so proud knowing that someday my granddaughter will be able to say, "My grandma made this." Knowing that I have been a part of creating a large piece of public art for all to enjoy has been truly satisfying.

86/57  
Details, 6B

SATURDAY,  
JULY 25, 2009

# The Bismarck Tribune

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## Sculpture ruined

### Vandals destroy park's 'Rising Eagle'

By JENNY MICHAEL  
Bismarck Tribune

United Tribes Technical College officials are disappointed and disgusted. Beyond that, there's little they can do about a student-created sculpture destroyed by vandals.

"It's pretty obvious what we feel out here," Wayne Pruse, director of the art and art marketing department at UTTC, said.

A Bismarck Parks and Recreation employee reported at 10:20 a.m. Thursday that someone had vandalized the "Rising Eagle" sculpture in Pioneer Park. Bismarck Police Lt. Randy Ziegler said. He said a garbage man

reported noticing the damages Thursday morning, and he was sure the sculpture was intact the prior day.

The sculpture featured a pictograph of an eagle in the center of a 20-foot diameter circular wall. However, the eagle is gone now, and the circle has deep holes, from either being kicked or hit with an object.

David Black Cloud, who designed the sculpture, told the Tribune when the design was unveiled that the circular shape was to reflect nature and symbolize the earth and that "all people are welcome here."

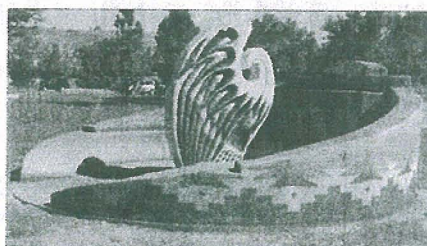
While police listed the damage at \$10,000, out of a value of \$16,250, Pruse said the sculpture

was destroyed.

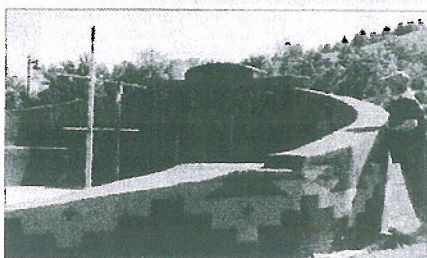
Pruse had a quiet resignation in his voice as he explained that the sculpture would not be fixed.

Far from the first time one of the five eagle sculptures developed by UTTC students has fallen prey to vandals, the recent incident wasn't even the first time "Rising Eagle" had been vandalized. Vandals have broken pieces, knocked over and written on several of the sculptures designed and built by UTTC students in cooperation with the Bismarck Parks and Recreation District.

Several have been damaged before they were dedicated — including "Rising Eagle," Martha (continued on 2A)



**TOP:** The "Rising Eagle" sculpture before it was vandalized this week. (Submitted photo)



**BOTTOM:** Jane la Plante stops on her Friday morning walk in Pioneer Park to examine the damage to "Rising Eagle". The statue was vandalized either Wednesday night or early Thursday. (RACHEL ALBIN/Tribune)

Bismarcktribune.com ■ Bismarck Tribune

## Sculpture vandalized

Garreau was one of the artists who spent three months constructing "Rising Eagle." Friday, she was hurt and sad to see what had happened to the sculpture she helped bring to life.

The eight-foot-tall sculpture was made out of solid materials — two-by-fours, cement board and the like — because it was designed with a bench and the artists knew people would climb on it.

"It was meant for the public to come enjoy it, not destroy it," she said.

Garreau, who now works at the Bismarck Tribune, visited the sculpture's remains on Friday. She said "Rising Eagle" had been vandalized at least twice before — once while under construction

**"They had to put a lot of effort into destroying that sculpture."**

*Martha Garreau, one of the sculpture's creators*

and once just prior to its dedication. But this was by far the worst.

"They had to put a lot of effort into destroying that sculpture," she said.

In some of the previous vandalism cases, someone left racist messages on the sculptures in marker. While this case did not carry any sign of blatant racism, Pruse said the underlying issues of vandalism or racism are issues the Bismarck community needs to discuss. If people specifically have a problem with the eagle sculptures, they need to stand up

and say so, he said.

"Maybe they don't even want these things," he said. But he suggested those with that opinion try a letter to the editor or other form of protest rather than turn to vandalism.

Likewise, if the recent issue was just a case of vandals run amok, the community should take a stand against the destruction of property, Pruse said.

Pruse and UTTC spokesman Dennis Neumann said they were interested in hearing the public's opinion on the vandalism, as

Continued from 1A

well as that of the Bismarck Parks and Recreation District. Steve Neu, director of parks and recreation, and Paul Quist, president of the park board, did not return a call seeking comment on Friday afternoon.

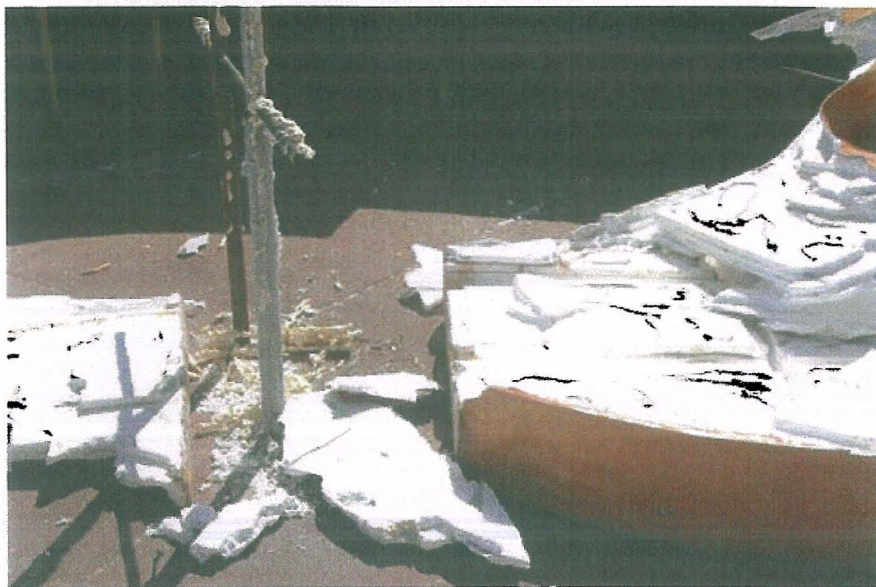
For Garreau, the hardest part of the incident was that her daughters, who just came to town from Ohio to visit, wanted to see "Rising Eagle" for the first time. Now, she has nothing to show them or other people who visit her in Bismarck of the art she worked so long to build.

"That was something I was really proud of," she said.

(Reach reporter Jenny Michael at 250-8225 or jenny.michael@bismarcktribune.com.)




**Bismarck Police Photos - July 23, 2009**



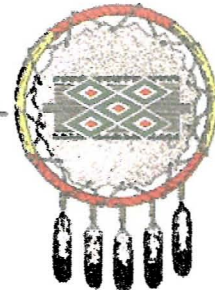








UNITED TRIBES TECHNICAL COLLEGE  
3315 UNIVERSITY DRIVE  
BISMARCK, NORTH DAKOTA 58504 • PHONE 701-255-3285 • FAX 701-530-0605



July 27, 2009

Hon. John Warford, Mayor  
City Commission  
City of Bismarck  
221 N 5th Street  
PO Box 5503  
Bismarck, ND 58506-5503

Re: Destruction of eagle statue at Pioneer Park:  
NEXT STEPS

Dear Mayor Warford and City Commission members:

As you know an important piece of public art, sculpted by students of United Tribes Technical College (UTTC) and owned by the citizens of Bismarck, was destroyed last week. The destruction of "Rising Eagle" in Pioneer Park has caused far greater damage in Bismarck than just the loss of materials and paint. This deliberate, wanton act of destruction took a great deal of effort and probably required tools, was most likely carried out by more than one person, and was undoubtedly witnessed. The destruction of this sculpture and the defacement and harm done to other eagle sculptures in the city's parks along the river are not random acts of vandalism.

I am not satisfied with an explanation that lumps the destruction of this invaluable sculpture with other public property as simple vandalism. The result of this act is to intimidate those who think it is wise public policy for our community to display public art that expresses the cultural diversity that exists within the community. I can only wonder how long it will be before the other sculptures by UTTC students will suffer a similar fate.

Simply put, this action targeted Native Americans. There should be no place in Bismarck for such violent acts. Left unchecked, they could lead to other acts of violence, not only against property but individual citizens. The public expects public officials to condemn such acts, press for a solution to the crimes, and work to prevent them from occurring in the future.

It is my belief that this series of acts against the eagle sculptures constitutes "hate crime." The definition of a hate crime used by the Federal Bureau of Investigation is: "a criminal offense committed against a person or property which is motivated, in whole or in part, by the offender's bias against the victim's race, religion, disability, ethnic origin, national origin, or sexual-orientation." Notice that the FBI definition includes crimes against property.

The City Commission and the Parks and Recreation District Board should each take formal action to condemn the act of violence that destroyed "Eagle Rising." The act should be reported

by the police as a "hate" crime. If city police have not done that already, the city commission should prompt or direct them to do so.


Action is needed by the city commission and parks board to protect the remaining eagle sculptures. A reward should be offered for information leading to the arrest and conviction of those who destroyed "Eagle Rising." This will underscore Bismarck's commitment to building a community that respects, values and protects diversity.

Further, the city commission should adopt a policy that condemns "hate" crimes in our community. Attached to this letter is the policy wisely adopted by the Fargo and Moorhead City Commissions several years ago. Please note that this policy provides for a role by the Fargo Human Rights Commission and works to prevent such crimes in the future. I urge you to adopt a similar policy, to send a message to the perpetrators of the violent act against the eagle sculpture that the community, as a whole, will not tolerate hate crimes in any manner.

I believe it is entirely appropriate for the city commission to devote substantial time to this issue at a meeting in the near future. It should not be left only to Native Americans in our community to stand up for what is right. It must be a shared responsibility. Otherwise, it may call into question the leadership provided by city officials in guiding Bismarck citizens to embrace the diversity that is supposedly already a part of the community. The question is whether Bismarck is a city mature enough yet to accept the diversity within it.

I welcome further discussion with the City Commission on this topic.

Sincerely,



David M. Gipp, President  
United Tribes Technical College

DMG/tmd/dn

Attachment: Fargo/Moorhead Hate Crime Prevention and Response Plan



## **FARGO/MOORHEAD HATE CRIME PREVENTION AND RESPONSE PLAN**

The purpose of this plan is to establish a procedure for appropriate and timely local responses to hate crimes and incidents in the FM area. The goal is to show strong support for victims of hate and zero tolerance for such incidents. In addition, the plan strives to raise awareness of hate related issues in the community.

Most importantly, people should not feel alone when a hate incident occurs – hate is a community problem, not an individual problem. The Fargo Moorhead community stands together against acts of hate. Although all hate incidents are unique, and individual judgment should be used in each case, this plan endeavors to provide a course of action that should prove useful when a hate crime or hate incident occurs in the area.

The Fargo Human Relations Commission and the Moorhead Human Rights Commission do not investigate hate crimes and incidents. Rather, both commissions provide support to victims and communities, along with leadership in preventing hate crime through educational and collaborative efforts to stand against prejudice and bigotry.

1. When a hate crime or incident is reported to the Fargo Human Relations Commission or the Moorhead Human Rights Commission, the victim and/or community should be encouraged to contact the police immediately.<sup>1</sup> An offer should also be made by a representative of the Fargo Human Relations Commission or Moorhead Human Rights Commission to accompany the victim or group to the police department. In addition, victims should be encouraged to document specific details, including what was said, by whom, when and where and if any threats were made.
2. Together, the police, human rights/relations commissions and city staff will determine the appropriate level of community response, including any necessary public statements.
3. If local law enforcement finds that a hate crime or incident has occurred, it will report the incident to the appropriate state and federal agencies and local human rights/relations commission.
4. If appropriate, the human rights/relations commissions will also call upon partners in the Hate Crime Prevention and Response Network (listed in this document) to determine a further response. The Hate Crime Prevention and Response Network will identify follow-up measures for victim and community support. Examples of follow-up include:
  - a. Meet with neighborhood groups and residents in target communities to ally concern and respond to the incident specifically
  - b. Encourage the larger community to step forward and show solidarity
  - c. Assure the victim and community that the crime or incident is being taken seriously
  - d. Expand, where appropriate, existing hate prevention programs, such as anti-hate seminars and response workshops

---

<sup>1</sup> If you are a victim or witness to a hate crime, call 911 immediately. If it is a non-emergency, call 701-235-4493 (Fargo Police Department) or 218-299-5111 (Moorhead Police Department).

5. The Fargo Human Relations Commission and Moorhead Human Rights Commission should review the hate crime prevention and response process annually and provide recommendations to the Fargo City Commission, Moorhead City Council and police departments.
6. The Fargo Human Relations Commission and Moorhead Human Rights Commission should also periodically sponsor hate crime prevention and response workshops to promote understanding and provide continuing education to the Hate Crime Prevention and Response Network.<sup>2</sup>

**Hate Crime Prevention and Response Network:**

In order to provide a timely and meaningful response to victims and communities of hate crimes and incidents, the Fargo Human Relations Commission and Moorhead Human Rights Commission will partner with citizens and organizations in the Hate Crime Prevention and Response Network. Key partners are listed on page 3.

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<sup>2</sup> **Hate Crime Defined:** The states of Minnesota and North Dakota do not have the same laws relating to hate crimes. Therefore, the definitions are different:

**Minnesota:** A hate crime, as defined by Minnesota Statute Section 609.223 1, Subd. 4, is a criminal act committed against a person, institution, or property, of which the primary motivation is the victim's affiliation with a protected class. This includes such criminal acts as arson, assault, vandalism, threats, harassment, and physical acts of violence. Minnesota state law established the following protected classes: *race, color, religion, gender, sexual orientation, age, disability, and national origin*. In Minnesota, convictions resulting from hate crimes carry enhanced penalties.

**North Dakota:** North Dakota does not have a hate crime statute at this time. However, a hate crime is defined in the North Dakota Century Code Section 12.1-14-04, as intentional injury or intimidation of another because of a person's *sex, race, color, religion, or national origin*. North Dakota Century Code, Section 12.1-14-15 criminalizes acts committed by force, threat of force or by economic coercion that injures or intimidates another because the person exercises civil rights. In addition, City of Fargo ordinance 4081, Article 15-02, discourages all forms of discrimination on the basis of *race, color, religion, sex, national origin, age, the presence of any mental or physical disability, status with regard to marriage or public assistance, sexual orientation, or lawful activity off an employer's premise during nonworking hours*. In North Dakota, convictions resulting from hate crimes do not carry enhanced penalties.

**United States:** For purposes of data collection, the FBI defines a hate crime as a criminal offense committed against a person or property which is motivated, in whole or in part, by the offender's bias against the victim's race, religion, disability, ethnic origin, national origin, or sexual-orientation.



## Hate Crime Prevention and Response Network:

Law Enforcement	Schools and Universities	Supportive Services
<p>Fargo Police Department 222 4<sup>th</sup> St N Fargo, ND 58102 701-241-1437</p> <p>Moorhead Police Department 915 9<sup>th</sup> Avenue North Moorhead, MN 56560 218-299-5121</p> <p>Cass County Sheriff's Office 211 9<sup>th</sup> Street South Fargo, ND 58103 701-241-5800</p> <p>Clay County Sheriff's Office 915 9<sup>th</sup> Avenue North Moorhead, MN 56560 218-299-5151</p> <p>ND States Attorney's Office 600 East Boulevard Avenue Bismarck, ND 58505 701-328-2210</p> <p>Clay County Attorney 807 11<sup>th</sup> Street North Moorhead, MN 56560 218-299-5035</p> <p>Minnesota County Attorney's Office 445 Minnesota Street, Suite 1400 St. Paul, MN 55101 1-800-657-3787</p>	<p>Minnesota State University Moorhead 1104 7<sup>th</sup> Avenue South Moorhead, MN 56560 218-477-2156</p> <p>Concordia College 901 8<sup>th</sup> Street South Moorhead, MN 56560 218-299-4321</p> <p>North Dakota State University 1301 12<sup>th</sup> Avenue North Fargo, ND 58102 701-231-8011</p> <p>Fargo Public School District 415 North 4<sup>th</sup> Street Fargo, ND 58102 701-446-1000</p> <p>Moorhead Public School District 2410 14<sup>th</sup> Street South Moorhead, MN 56560 218-284-3330</p> <p>Fargo Catholic Schools Network 1825 11<sup>th</sup> Street South Fargo, ND 58103 701-232-7461</p> <p>Oak Grove Lutheran School 124 North Terrace Fargo, ND 58102 701-227-0210</p> <p>Minnesota State Community and Technical College 1900 28<sup>th</sup> Avenue South Moorhead, MN 56560 218-299-6500</p>	<p>Moorhead Human Rights Commission P.O. Box 779 Moorhead, MN 56561 218-299-5296</p> <p>Fargo Human Relations Commission 200 3<sup>rd</sup> St N Fargo, ND 58102 (701) 241-1474</p> <p>Cultural Diversity Resources 303 Roberts Street North Fargo, ND 58102 701-232-2170</p> <p>Fargo Moorhead Pride Collective 116 12<sup>th</sup> Street South Moorhead, MN 56560 218-287-8034</p> <p>Rape and Abuse Crisis Center 317 8<sup>th</sup> Street North Fargo, ND 58102 701-293-7273</p> <p>Fargo Mayor's Office 200 3<sup>rd</sup> Street North Fargo, ND 58102 701-241-1310</p> <p>Moorhead Mayor's Office 500 Center Avenue Moorhead, MN 56560 218-299-5166</p> <p>Freedom Resources for Independent Living 2701 9<sup>th</sup> Avenue SW Fargo, ND 58103 701-478-0459</p> <p>North Dakota Human Rights Coalition PO Box 1961 Fargo, ND 58107 701-239-9323</p> <p>People Escaping Poverty Project (PEPP) 116 12<sup>th</sup> Street South Moorhead, MN 56560 218-236-5434</p> <p>Area places of worship -- Churches, Synagogue and Islamic Center</p> <p>Community Residents Cultural, and Neighborhood Organizations</p> <p>Local Media  <b>Fargo Forum</b> 701-235-7311  <b>High Plains Reader</b> 701-235-1553  <b>KJJB TV 4</b> 701-282-0444  <b>WDAY TV 6</b> 701-237-6500  <b>WVLY TV 11</b> 701-237-5211  <b>KVRN TV Fox</b> 701-277-4515</p>

# Gipp says art vandalism was hate crime

**UTTC's president seeks public policies to respect diversity**

By JENNY MICHAEL  
Bismarck Tribune

The president of United Tribes Technical College wants the destruction of a student-created sculpture labeled a hate crime.

However, police have found nothing at this point to indicate the case is anything more than vandalism.

But UTTC President David Gipp said lack of direct evidence from this crime should not stop conversations about whether it or other related incidents were racially motivated.

"It should not stop there," he said.

Gipp on Tuesday sent letters to the city commission and Paul Quist,

chairman of the Park Board, in which he asked the city leaders to press police to label the vandalism a hate crime and to work toward public policies that promote respect for diversity.

Someone destroyed the "Rising Eagle" sculpture in Pioneer Park overnight July 22-23. The sculpture featured a pictograph of an eagle in the center of a 20-foot-diameter circular wall. However, the eagle is gone now, and the circle has deep

holes, from being either kicked or hit with an object.

Damages were estimated at \$10,000 on the \$16,250 artwork.

Bismarck Police Lt. Randy Ziegler said preliminary investigations have not turned up anything remotely racist about the vandalism, though he said "that could change." The case is in its "early infant stages of investigation."

Gipp, who did not attempt to

*Continued on 9A*

## Hate crime

*Continued from 1A*

contact police concerning the investigation, said he believes the vandalism was racially motivated due to the fact that all five sculptures created by UTTC art and art marketing students for the Bismarck Parks District have been vandalized over the years. Some of the vandalism cases have included racial slurs and obscenity written in marker on the artworks.

"To me, there is a potential link," he said.

Gipp also thinks the "extreme destruction" of the statue points to more than just impulsive vandalism.

"The destruction was very utter, very complete," he said, labeling it a "very, very pointed attack."

He wants to know the nature of the investigation into the vandalism, what the park board plans to do to prevent future vandalism and where the city's leadership stands in relation to diversity issues. Gipp has not talked to anyone from the commission or the park board.

"I guess that's one of the questions: What are their views?" he said.

Gipp said he believes the Bismarck-Mandan commu-

nities need to provide leadership as the cities become more racially and culturally diverse. He included in his letter a copy of the Fargo-Moorhead Hate Crime Plan.

"I think we have something to learn from other cities, such as Fargo and Moorhead," he said.

Mayor John Warford addressed the issue at the beginning of Tuesday night's city commission meeting. He said he did not want to comment on the matter until the police investigation was over, but did describe the acts as "senseless and deplorable."

"At the appropriate time ... I will take every means I can to lead the commission in taking appropriate steps in that matter," he said.

Gipp questioned the safety of the parks and the security measures taken to protect property and people.

"Shouldn't they have cameras on site for some of these things?" he asked.

Steve Neu, director of parks and recreation for the Bismarck Parks District, said vandalism is a routine thing in Bismarck's parks, affecting more than public art. Garbage gets dumped

around parks and in swimming pools, soap is added to fountains, benches and picnic tables are moved or overturned, and objects throughout the park get spray painted.

"We have vandalism throughout the district," he said. "You can go on and on and on."

While protection of all parts of the parks is an issue, it's a difficult issue to solve, Neu said.

"We don't have a big enough army. Where do you start?" he said. "It's a tough one. We have security, we have local law enforcement, we have patrols, we have very conscientious and supportive people in the community who will report it. We're doing

the best of our ability."

The park district carries insurance on all structures and objects, including public art, in the parks. Discussions with insurance companies about the "Rising Eagle" vandalism are ongoing, he said.

Neu had no comment on whether the vandalism was a hate crime. "We're looking at it as an incident of vandalism," he said.

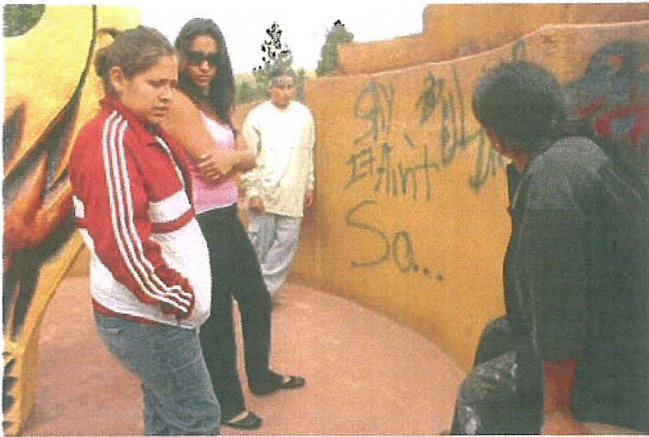
Ziegler said Bismarck police track crimes that could potentially be labeled hate crimes, though he said some are included in the category if there are even peripheral indications race played a part. Since 1998, 23 crimes have been tracked as hate crimes, he said.

In the "Rising Eagle" case, little evidence was available at the scene, Ziegler said. Detectives took photos, but not even a shoe print was found near the statue. But if future evidence leads officers to believe the crime was racially motivated, it will be labeled a hate crime, Ziegler said.

Anyone with information about the vandalism should call the Bismarck Police Department at 223-1212 or Bismarck Area Crime Stoppers at 221-TIPS (224-8477). Rewards may be given for information leading to an arrest.

(Reach reporter Jenny Michael at 250-8225 or [jenny.michael@bismarcktribune.com](mailto:jenny.michael@bismarcktribune.com).)

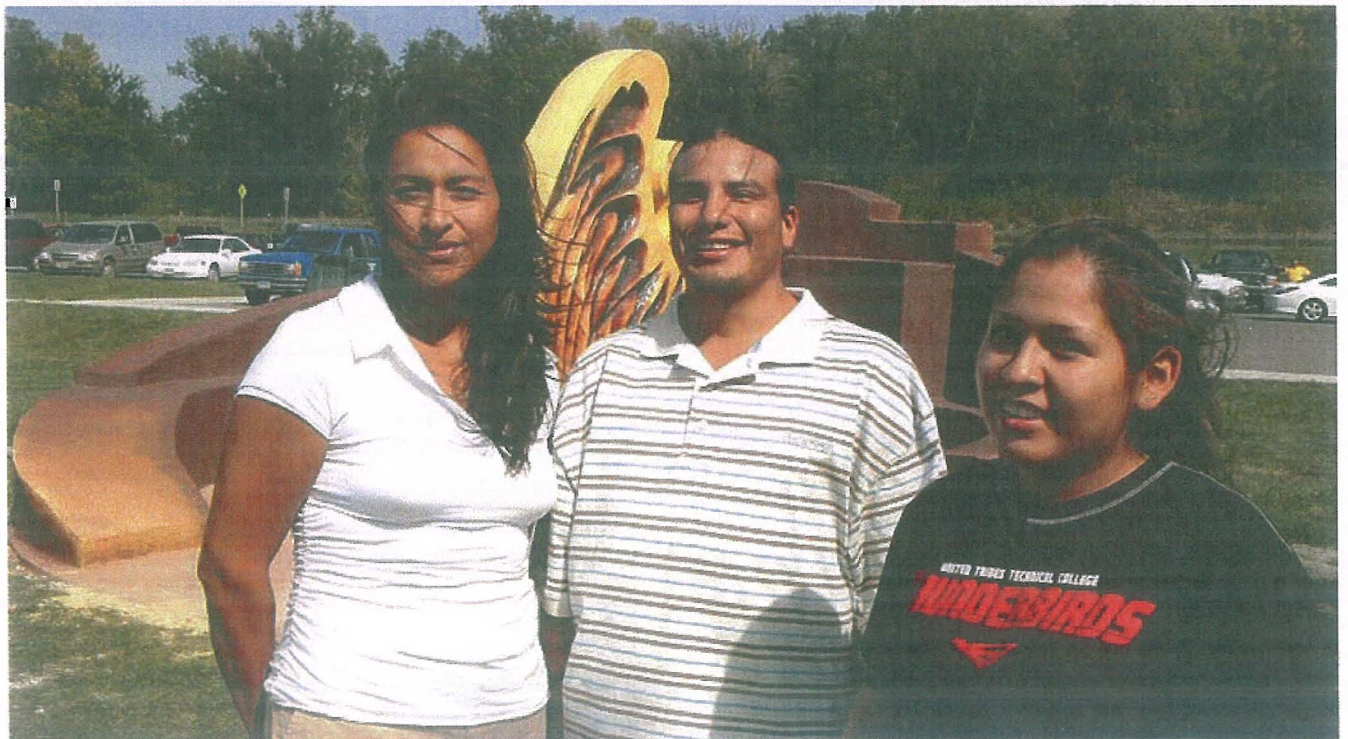




**United Tribes Art/Art Marketing students had to clean up vandalism to Rising Eagle prior to it's dedication in 2007.**

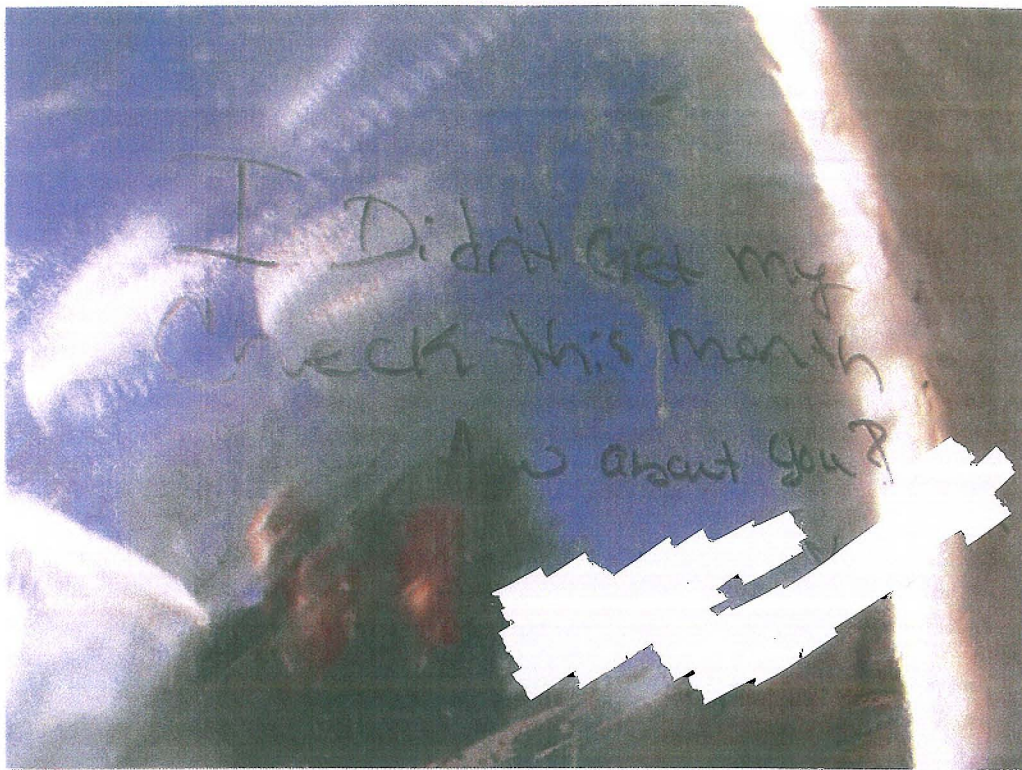


**Parkboard Chairman Mark Zimmerman (left) and Bismarck police Chief Deb Ness (right) at Rising Eagle Dedication on September 5, 2007.**



**Student sculptures at Rising Eagle Dedication, September 5, 2007.**





## **HATE CRIME SEQUENCE**

*A racial slur was used to deface another Bismarck sculpture. This writing on the gazelle ball of the sculpture "The Messenger" appeared just prior to its dedication on November 2, 2006.*

*"I didn't get my check this month. How about you?"*







*Rising Eagle Dedication, September 5, 2007.*

# Losses for the community

By SUSAN E. WEFALD

*Bismarck*

2004-07-29

I was shocked and discouraged this week when I read two articles in the Tribune. One reported how the beautiful eagle sculpture was destroyed in Pioneer Park, and the other reported how two separate parades will be held on Sept. 12 in Bismarck.

I have been so proud of all of the eagle sculptures created by local American Indian artists in our community, and enjoy them every time I walk by them. I hope that our community will ensure that the "Rising Eagle" sculpture is rebuilt, and will work hard to find and bring to justice those who have committed this crime.

I loved the parade when both the powwow participants and the Folkfest events joined forces. If the parade was too long, why not limit the number of entries and divide them between the two event organizations?

What made me very sad was apparently no attempt was made to work with the UTTC powwow Parade of Champions on a combined event. If that is correct, it is a loss for everyone in the community. I did not think that we practiced "separate but equal" in Bismarck.



2009-08-09

# Missing statue leaves some holes we must address

Several holes in the "Rising Eagle" art project at Pioneer Park are covered up with pieces of plywood. The majestic eagle sculpture in the middle is gone, possibly smashed or ripped free from the anchors that held it in place, rising toward the sky.

It is sobering to stand there and look at what is left after a senseless crime and crushing of culture and spirit. But then maybe that is the way it should remain, reminding all who visit of the treasure that has been lost.

What prompted those responsible for such destruction? It would take an angry person, or people, to do what happened in Pioneer Park: there are likely other factors. But we, humanity, should consider we might be playing an unconscious supporting role when bad things like this happen.

That is not to displace blame. There are individuals responsible who will hopefully be held accountable.

But how did those individuals develop such rage? Did it come from familial neglect? Or the teaching of basic humanity?



JOHN  
IRBY

Gangs, as we know, thrive when the boys and girls, men and women involved become dependent upon one another — the only family some gangsters know. The thug lifestyle is not healthy or productive, but if we don't understand why and how it happens we can't begin to do anything about it.

Bismarck-Mandan has fortunately been behind the curve when it comes to gang activity. But we shouldn't be so naïve as to not recognize visual signs that suggest changes are here and coming. That does not suggest the massacre in Pioneer Park was gang related; there are no apparent facts to support that and hopefully the police investigation will be completed soon. But it is worth noting that there is some

minor graffiti on a section of bench, which is difficult to decipher.

Individuals clearly should be held responsible for their own actions. But we — humanity — should be responsible for "our" society and take every opportunity for peaceful unity and education of our diversity. We need to care enough about one another, regardless of status, rank, race, ethnicity, gender or any other difference to share in the responsibility of human kindness, benevolence and respect — and seek ways to change inappropriate actions.

It is a seemingly impossible task as the reality is often this: We are a part of a society, a humanity, that practices inaction, insensitivity, isolation and, frankly, too much tolerance or acceptance of such stupid actions. While we should be more outraged, we should also seek ways to offer help to those struggling with whatever demon possesses them.

"This 'artwork' was pretty ugly to my eyes anyway."

That online posting was typical of several comments. Beauty, it is

said, is in the eye of the beholder. But a lack of art appreciation doesn't justify destruction and insensitive comments. Other statements were personal attacks with the use of hateful and spiteful words, directed in many cases toward those who showed real concern.

Here is another reality. The majority of people care. It is those who don't who often speak the loudest and most often.

More than 200 comments have been made online over the past couple of weeks concerning the vandalism. There are two major themes, or individual belief trends, not based on facts: 1) The destruction was a hate crime. 2) It was not a hate crime, just "simple" (qualifier) vandalism. There have been two subthemes: 1) If those responsible are caught they should be punished. 2) Race is not an issue and those who don't share "my" beliefs have no validation.

What is "simple" vandalism? Is it better than "hate" vandalism?

The posts also seem to confirm that few people are comfortable in discussing issues of race, and many

discount how others, not "like" them, see or view situations. We, as individuals in society, can sometimes seem to only acknowledge our own or like perceptions, convincing ourselves it would be impossible for those who disagree to make a valid point.

We will never all agree and that, really, is a good thing. Nor should we ask those with strong beliefs to compromise ethics. But we should encourage thoughtful and respectful dialog on all topics, including race.

That is what Bismarck-Mandan needs.

The art project's displayed message indicated the eagle was "kind enough to hear our prayers and carry them to our creator." It invited all to sit on the benches and learn about another culture.

My prayer is for peace, less anger and hate, and I share the invitation of cultural education.

(You can reach editor John Irby at 250-8266 or [john.irby@bismarcktribune.com](mailto:john.irby@bismarcktribune.com) and go to [www.bismarcktribune.com/blog/?i=thepaper&e\\_id26711](http://www.bismarcktribune.com/blog/?i=thepaper&e_id26711) to read his blog.)



## Righting wrongs after vandalism

By KAREN KEMNITZ  
Mandan

When I saw "Sculpture ruined" July 25, it pitched me into an avalanche of emotion. I had scheduled to take my children's church class to "Rising Eagle" for a lesson. The sculpture perfectly lends itself to a delightful, informal, outdoor classroom. Kids climb all over it, freely settling wherever they choose, yet remaining enclosed in comfortable proximity to a podium.

The most probable scenario for the destruction seemed to me youthful vandals. My initial reaction was, "I want them found! I want their parents to pay. And I want their parents to take it out of their hides."

After letting my raw anger run its course, I progressed to the sadness of what we lost. This was an act of blatant disrespect for community and the people who gave their time and substance to bring "Rising

Eagle" to reality.

From the designer and architect to the planners and builders, everyone involved gained a sense of satisfaction, purpose and self-respect while motivated solely by a desire to share. Let me address those people. No one gave you those enviable attributes, and no one can take them if you won't let them go. Hold your heads high and know that what you gave is given still.

Let me address righting this wrong. I want it back. \$16,000 is doable for a community this size. I would like to appeal to our community organizations to spearhead an effort to accept donations and oversee rebuilding "Rising Eagle." I have a check ready for the mail.

Lastly, I'm pretty sure there is a group of young people out there who need our help. Experience tells us anyone capable of criminal destruction lives with a self-image devoid of a sense of worth. Given the right set of circumstances, they could have been in a group putting their hand to a project that resulted in satisfaction,

purpose and self-respect. They still can. Designer David Black Cloud chose the circular symbol to carry the message that "all people are welcome here." In the true spirit of building community, that message does not alter in the face of adversity. I still hope they are found

out, because they need that. Then I hope we can employ Lincoln's wisdom toward them and "let 'em up easy." They need guidance to realize better choices are available and someone to care enough to give them some time. They do not need our condemnation.

### Letters to the editor

The Tribune welcomes letters to the editor. Writers must include their address and both day and night telephone numbers. This information will be used only for verification and will not be printed. We cannot verify letters via toll-free numbers.

Letters of 300 words or fewer are preferred. All letters are subject to editing. No more than two letters per month, please. The letters column is intended for discussion of public issues, so we discourage letters of thanks.



**E-mail** may be sent to [letters@bismarcktribune.com](mailto:letters@bismarcktribune.com). Any e-mail attachments must be ASCII text files.



**Mail** letters to the Bismarck Tribune, Letters to the Editor, P.O. Box 5516, Bismarck, N.D. 58506.



**Fax** letters to 223-2063.



Ken Rogers, opinion editor, can be reached by **phone** at 250-8250.



Prayer vigil at Rising Eagle site, August 17, 2009.





# Racism in North Dakota: Mascots Matter

By David M. Gipp

In 2005, the National Collegiate Athletic Association (NCAA) banned the use of the University of North Dakota's Fighting Sioux nickname in postseason play, saying it was hostile and abusive. The university appealed the decision twice, to no satisfaction, before challenging the ruling in a lawsuit against the association last year.

However, last October, the university and the NCAA reached a settlement that gives the university 3 years to lobby the state's Sioux Indian community – namely, the Standing Rock and Spirit Lake tribes.

The Standing Rock Sioux Tribal Council (SRST) quickly demonstrated the futility of this effort. The council passed a resolution Nov. 9, 2007, reaffirming its opposition to the Fighting Sioux nickname. The resolution said the tribe "rejects the possibility that UND can 'win the support' of the SRST on this issue."

Why be upset about the use of tribal mascots? To me and many other American Indian and Alaska Natives, mascots represent cultural violence. The use of tribal mascots is a form of racism that according to Dr. Cornel Pewewardy, former professor of Teaching and Leadership at the University of Kansas, "accepts dominant white norms and privileges."

Mascots do many things, almost all of them harmful to Indigenous people. Some feel shame about who they are as a person and as a cultural being. They depict us as being a fantasy to many Americans – 18th and 19th century



*WRAPPED IN BUFFALO ROBE. David M. Gipp received a buffalo robe in a special ceremony during a reception held in his honor in May 2007. Photo by United Tribes News.*

images, at best. We are real, living human beings. We are not manufactured images, and we are not fantasies. We are not the myths that some have portrayed in history books and novels.

No team in the U.S. is called the Cleveland Whiteboys, or the Atlanta Negroes, or the New York Jews. So why is calling a team – from the nation's capitol, no less – the Washington Redskins considered acceptable? In many cases, it is about monetary gain.

As an alumnus of UND, I do not believe that the logo and the terminology honors me or my people, the Lakota, Dakota, and Nakota. For over 35 years, I have devoted my life to American Indian higher education.

I am concerned about several hundred American Indian students at the University of North Dakota and about tomorrow's students. I believe that the continued controversy over the use of the "Sioux" nickname is largely respon-



sible for a continuing and dangerously racially charged atmosphere on the UND campus.

My colleague Leigh Jeanotte and I have seen what happens to students on campus as a result of the hostile climate there. Because American Indian students are easily identifiable, they are often singled out on campus and in the classroom and asked why they are opposing the nickname. Regardless of their tribe or what they believe on the subject, they are asked to explain or defend the position against nicknames. On the campus they are called names by passersby in vehicles; people do the war whoop; people shout "Go home!"

Derogatory posters have been found at the Indian studies department. Fans of opposing sports teams and the businesses of UND alumni have created derogatory graphic images for t-shirts.

The most significant incident involved the son of a Standing Rock Tribal Council person who was threatened when he pushed for discontinuing use of the logo several years ago. The young man was concerned for his safety based on what was said to him.

As an educator, I see how these false images demean and hurt the self-image of our Native American Indian students. Many Indian people think that nothing can be done to solve the problem. Too often, we remain products of colonial subjugation, and we have not thrown off those chains. Yet, we know we can make change. Past mind-sets can be challenged and can be changed. Understanding history and how prejudice, bias, and power work is necessary.

The use of offensive mascots with team sports is more than just about game or team or school pride. Such mascots show Indian people as less than human – expendable, unimportant, disposable, and subject to racial caricature.

When schools and persons in authority allow tribal mascots, they continue to

perpetuate mean mythology and discriminatory practices. They overtly and covertly send a message to students and the community that it is okay to practice discrimination against a minority. The question becomes who and what are next?

In addition to the NCAA, other national and regional agencies have

anywhere else.

From my perspective as an educator and as a citizen, I want success for our American Indian graduates. Our tribal populations are growing on and off the reservation areas. Better than 51% of our tribal populations are age 24 or less.

We have a population who are a part of North Dakota's present and future in

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## *As an educator, I see how these false images demean and hurt the self-image of our Native American Indian students.*

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recognized the problems created by use of the nickname and Indian-head logo. In October 2003, the evaluation team from the regional accreditation agency told UND that the university should reconsider its use of "Fighting Sioux" nickname and the Indian-head logo.

"It is the considered judgment of the team that continued use of the Indian-head logo and the Fighting Sioux reduces the university's ability to accomplish its purposes and diminishes its educational effectiveness," the report from the Higher Learning Commission of the North Central Association of Colleges and Schools said. This should have been a wake-up call from the real world!


Why should the dominant white society care about this issue? By valuing different cultures, different races, different ethnic groups, and people of different abilities, our North Dakota society and economy can benefit and prosper, immensely. Studies show that cultural diversity improves the economy. It is no less true in North Dakota than

the 21st century. It is incumbent on all of us and our fellow North Dakotans to assure the doors are open for access and opportunity for all who choose to be here.

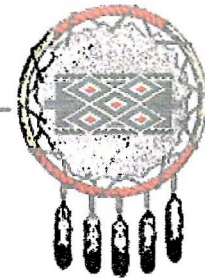
We have our work cut out for us. Let us join hands and move forward. Thank you – *Pilamayapelo*. ■

*David M. Gipp (Hunkpapa Lakota) was born on the Standing Rock Sioux Reservation. He graduated from the University of North Dakota with a degree in political science. From 1973 to 1977, he was the first permanent executive director of the American Indian Higher Education Consortium. Since 1977, he has been president of the United Tribes Technical College in Bismarck. In 1991, he received the North Dakota State University Doctorate of Laws, Honoris Causa, for contributions in American Indian higher education. Much of the column above was given as a keynote address to the first North Dakota Human Rights Network Conference in October 2003 in Fargo, ND.*





UNITED TRIBES TECHNICAL COLLEGE  
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July 27, 2009

Hon. Gerald VandeWalle  
Chief Justice  
North Dakota Supreme Court  
Judicial Wing, 1<sup>st</sup> Floor  
State Capitol Building  
600 East Boulevard, Dept. 180  
Bismarck, ND 58505-0530

Re: Judicial study regarding the treatment of minorities in  
the North Dakota court system

Dear Chief Justice VandeWalle:

United Tribes Technical College listened with interest to your comments in January, 2009, during the State of the Judiciary annual address to the State Legislature regarding a study on the treatment of racial minorities in the North Dakota court system. We have not heard any more about that study, but we remain very supportive of it. We hope that now, with the beginning of the new biennium for the state of North Dakota, you will have the funds to carry it out.

We are particularly interested in providing any logistical, and possibly research, assistance you may need to carry out the study, which we believe is very timely. It is our understanding that a previous study about the treatment of women in the North Dakota courts resulted in concrete steps being taken by the legal system to improve the treatment given to women in our legal system. We hope for similar efforts as a result of the study you have proposed.

As you may know, United Tribes is governed by a 10 person board of directors composed of the Chairs of the five tribes with a presence in North Dakota along with an additional representative from each of the five tribes. Our Board has been involved for many years on issues of regional, state and national significance to the Native American population in our state. Working with us will, I believe, allow the Supreme Court to obtain better information from the Native American population in our state regarding the legal system.

It is also our hope that the study will include the law enforcement aspects of the court system in North Dakota. We realize, of course, that the Supreme Court does not directly control law enforcement agencies. But the plain fact is that for many Native Americans in North Dakota, their contact with the North Dakota court system comes about because they become criminal defendants. Disparate treatment of minorities within the court system, therefore, may well begin at the law enforcement level, and without study of that issue, improvements in the treatment of racial minorities in the court system may be difficult to achieve.

Again, Justice VandeWalle, we look forward to working with you to implement the study on the treatment of racial minorities within the North Dakota courts that you have proposed. Please feel free to contact myself, or our attorney, Tom Disselhorst, at the telephone number on the above letterhead, about this issue.

Sincerely,

A handwritten signature in blue ink, appearing to read "David M. Gipp", written over the printed name.

David M. Gipp  
President  
United Tribes Technical College





CHAMBERS OF  
**Gerald W. VandeWalle**  
CHIEF JUSTICE

*State of North Dakota*  
SUPREME COURT  
BISMARCK

RECEIVED

AUG 25 2009

ADMINISTRATION

August 24, 2009

Dr. David Gipp  
President, United Tribes Technical College  
3315 University Drive  
Bismarck, North Dakota 58504

Re: Commission on Racial and Ethnic Bias in the Courts

Dear Dr. Gipp:

Thank you for your letter of July 27, 2009 concerning the study of racial and ethnic bias in the courts. I apologize for the delay in responding. I was in New Mexico attending the Conference of Chief Justices when the letter arrived.

The Legislature did provide some funding for the study and we are proceeding to establish the Commission. We are in the process of securing staff for the Commission. Although I will not make a public announcement until the members of the Commission have been verified, the Commission will be chaired by Justice Carol Kapsner of the North Dakota Supreme Court and Judge Donovan Foughty, the Presiding Judge of the Northeast Judicial District. The Commission will include Tribal representatives.

I sincerely appreciate your offer of assistance from United Tribes. I am forwarding a copy of your letter to Justice Kapsner and Judge Foughty. Although the Commission will detail its plan to invite comment, I fully expect it will seek information from United Tribes as well as other sources.

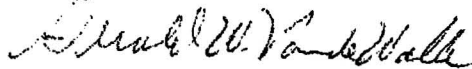
It has become apparent that the expectations for the scope of the study may exceed its purpose. For example, I have been asked to include the operation of the penal system in the study. The study is not intended to include that broad a scope. The request to the Legislature for funding was to enable us to study racial and ethnic bias in the court system and that will be the charge to the Commission. We need to make sure our own house is in order and if it is not to put it in order. We respect the separation of powers and the purpose of the study did not include the executive

Dr. David Gipp  
August 24, 2009  
Page 2

branch of government. However, to the extent that law enforcement is involved in the court system, the study will include their role in proceedings in the courts. It may be that the findings of the Commission will lead to efforts by others to counteract racial and ethnic bias in related aspects of government. Nevertheless, I would not want the citizens to be disappointed because the scope of the study did not meet their expectations.

We are not a large judicial system and our ability to undertake large projects is limited both financially and in our human resources. Your offer of cooperation and assistance from United Tribes is a significant contribution toward a credible study. Thank you, Dr. Gipp, for your interest and willingness to work with us as we try to eliminate bias in the court system.

Sincerely,

A handwritten signature in cursive script, appearing to read "Gerald W. VandeWalle".

Gerald W. VandeWalle

GWV/cja

cc: Justice Carol Kapsner  
Judge Donovan Foughty