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Background Information – Native Americans

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A

Crime on Reservations

A December 13, 2009 *New York Times* article about growing gang violence on the Pine Ridge Indian Reservation estimated that there were 39 gangs with 5,000 members on that reservation alone. Navajo country recently reported 225 gangs in its territory.

As of 2012, a high incidence of rape continued to impact Native American women and Alaskan native women. According to the Department of Justice, 1 in 3 Native women have suffered rape or attempted rape, more than twice the national rate. About 46 percent of Native American women have been raped, beaten, or stalked by an intimate partner, according to a 2010 study by the Centers for Disease Control. According to Professor N. Bruce Duthu, "More than 80 percent of Indian victims identify their attacker as non-Indian."

From the *New York Times*

Indian reservations across the United States have grappled for years with chronic rates of crime higher than all but a handful of the nation's most violent cities. But the Justice Department, which is responsible for prosecuting the most serious crimes on reservations, files charges in only about half of Indian Country murder investigations and turns down nearly two-thirds of sexual assault cases, according to new federal data.

The country's 310 Indian reservations have violent crime rates that are more than two and a half times higher than the national average, according to data compiled by the Justice Department. American Indian women are 10 times as likely to be murdered than other Americans. They are raped or sexually assaulted at a rate four times the national average, with more than one in three having either been raped or experienced an attempted rape.

The low rate of prosecutions for these crimes by United States attorneys, who along with agents of the Federal Bureau of Investigation generally have jurisdiction for the most serious crimes on reservations, has been a longstanding point of contention for tribes, who say it amounts to a second-class system of justice that encourages law breaking. Prosecutors, however, say they turn down most reservation cases because of a lack of admissible evidence.

Brendan Johnson, the United States attorney for South Dakota, said the government in recent years has deployed extra prosecutors and F.B.I. agents to Indian Country. And the Justice Department says it is seeking to make its decisions more transparent. Impatience on reservations is understandable, Mr. Johnson said.

"If I had the rates of crime in my community that they do, I'd be mad, too," he said.

But tribes say they are rarely told why reservation cases are not pursued by the government.

“One of the basic problems is that not only are they declining to prosecute cases, but we are not getting the reason or notification for the declination,” said Jerry Gardner of the Tribal Law and Policy Institute in West Hollywood, Calif., which works with tribes to develop justice programs. “The federal system takes a long time to make a decision, and when it comes to something like a child sexual assault, the community gets the message that nothing is being done.”

Under federal law, tribal courts have the authority to prosecute tribal members for crimes committed on reservations, but cannot sentence those convicted to more than three years in prison. As a result, tribes usually seek federal prosecution for serious crimes.

The government did not pursue rape charges on reservations 65 percent of the time last year and rejected 61 percent of cases involving charges of sexual abuse of children, the federal data showed. In contrast, the Justice Department declined 20 percent of drug trafficking cases nationwide, according to the federal figures.

One example is particularly poignant: Thomas W. Weissmuller, a former chief judge for several tribes, said he presided over a trial on the Swinomish Reservation in Washington State in which a 31-year-old man was accused of pouring root beer schnapps into the root beer of a girl who had recently turned 13. The girl, unaware of the alcohol, drank the soda and passed out. The man covered her face with her own clothes and raped her.

Mr. Weissmuller said that in spite of a DNA match and statements from two relatives who interrupted the attack, federal prosecutors did not file charges.

Though convicted of rape in tribal court, the man served only one year in jail — the maximum penalty the tribal system at the time. The Justice Department declined to discuss the case.

“I don’t know why it wasn’t prosecuted federally,” Mr. Weissmuller said. “I believe it was a very clear-cut case.”

B

Societal Discrimination and Racism



A discriminatory sign posted above a bar.
Birney, Montana, 1941



Chief Plenty Coups and seven Crow prisoners
under guard at Crow agency. Montana, 1887

Most non-Native Americans admitted they rarely encountered Native Americans in their daily lives. While sympathetic toward Native Americans and expressing regret over the past, most people had only a vague understanding of the problems facing Native Americans today. For their part, Native Americans told researchers that they believed they continued to face prejudice, mistreatment, and inequality in the broader society.

Native Americans suffer from many of the same social and economic problems as other victims of long-term bias and discrimination - including, for example, disproportionately high rates of poverty, infant mortality, unemployment, and low high school completion rates. The struggle for equal employment and educational opportunity is key to addressing these problems.

Other civil rights priorities include ongoing battles for voting rights, as well as the elimination of offensive use of mascots by schools and professional sports teams that reflect outdated stereotypes and perpetuate racism against Native Americans. The "Digital Divide" is also a major area of concern for Native Americans and other minority groups - because many American Indians and Alaskan Natives have yet to be connected to basic telephone networks and are thus unable to access the Internet, they are at risk of falling even further behind in their ability to access employment, educational, and other opportunities made available by information technology.

Affirmative action issues

Federal contractors and subcontractors, such as businesses and educational institutions, are legally required to adopt equal opportunity employment and affirmative action measures intended to prevent discrimination against employees or applicants for employment on the basis of "color, religion, sex, or national origin". For this purpose, a Native American is defined as "A person having origins in any of the original peoples of North and South America (including Central America), and who maintains a tribal affiliation or community attachment". However, self-reporting is permitted.

Self-reporting opens the door to "box checking" by people who, despite not having a substantial relationship to Native American culture, innocently or fraudulently check the box for Native American.

C

Casinos and the Gaming Industry

Gambling has become a leading industry. Casinos operated by many Native American governments in the United States are creating a stream of gambling revenue that some communities are beginning to use as leverage to build diversified economies. Although many Native American tribes have casinos, the impact of Native American gaming is widely debated. Some tribes, such as the Winnemem Wintu of Redding, California, feel that casinos and their proceeds destroy culture from the inside out. These tribes refuse to participate in the gambling industry.

DISPELLING SOME MYTHS

Gaming Has Not Significantly Impacted Most Native Americans

There is a growing belief in American society that Indians have struck it rich with the establishment of Indian casinos. This is hardly possible when you consider that unemployment among adult Indians is about 15 percent – roughly three times the national average – and Native Americans remain America's poorest people.

Gaming on Indian reservations has not appreciably lowered the high levels of poverty on Indian lands nationwide. According to a "Survey of Grant Giving by American Indian Foundations and Organizations" by Native Americans in Philanthropy, the needs of reservation Indians are so great that even if the total annual Indian gaming revenue in the country could be divided equally among all the Indians in the country, the amount distributed per person would still not be enough to raise Indian per capita income (currently \$11,259) to anywhere near the national average of \$21,587. Of the more than 560 Indian nations, only 224 are involved in gaming. Many tribes may never participate in gaming because of their geographic location in rural, unpopulated areas.

Successful Tribes Should Not Be Punished for Their Success

Gaming operations have enabled a number of tribes to reduce unemployment on their reservations. These tribes must concentrate their gaming revenues to create and maintain tribal police, fire and ambulance services; health and child-care services, educational assistance programs, cultural enhancement, and numerous other human service programs. Thus, the notion that the federal government should make rich tribes share their wealth with poorer ones is absurd and, more importantly, illegal. If the state of Michigan generates extra money from its lottery, the federal government doesn't take money away from Michigan and give it to Mississippi. Remember, each of these tribes is a sovereign nation with their rights guaranteed by treaties and the Constitution of the United States.

Indian Gaming is not a Major Threat to Private and State-Run Gambling

Finally, there is a widespread misconception that Indian gaming is taking money away from private enterprises and state operations. The truth is that all Indian gaming operations in the United States account for only 21% of total gaming industry.



D

Native Americans: The Tragedy of Alcoholism

Native Americans of the Pine Ridge Indian Reservation near Whiteclay, Nebraska, have filed a \$500-million lawsuit against beer manufacturers for the devastation that alcohol has wreaked on their community for decades.

The Oglala Sioux Tribe said the extraordinary sum they are asking for would be used to pay for health care, social services and child rehabilitation.


As in many other Native American communities in the U.S. and Canada, alcohol abuse has destroyed the lives of many in the reservation. For example, one-fourth of the tribe's children suffer from fetal disorders related to their parents' alcoholism.

The illegal sale and trade in alcohol in Whiteclay is open, notorious and well documented by news reports, legislative hearings, movies, public protests and law enforcement activities, the lawsuit stated.

Not only have the plaintiffs targeted the largest beer-makers in the world – including Anheuser-Busch InBev Worldwide, SAB Miller, Molson Coors Brewing, MillerCoors, and Pabst Brewing, but the lawsuit also named four beer sellers in the town of Whiteclay as defendants.

Alcohol is banned on the reservation, a 2-million acre property just over the border in South Dakota that is home to about 40,000 people.

According to the suit, the four stores sold almost 5-million cans of beer in 2010, in a town with a population of only fourteen souls.

 The suit, filed on Thursday in federal court in Lincoln, Neb., alleged that the defendants “knowingly” turned the tiny town of Whiteclay, into a major hub of alcohol smuggling to the reservation.

The lawsuit says Whiteclay has a population of fewer than 12 people and no publicly accessible place to lawfully consume alcohol. Yet each day, the four retailers in town sell more than 13,000 cans of beer.

“You cannot sell 4.9 million cans of beer and wash your hands like Pontius Pilate,” said the tribe's attorney, Tom White.


Tribal president John Yellow Bird Steele told Associated Press: Like American parents everywhere, we will do everything lawful we can to protect the health, welfare and future of our children,

According to the U.S. Census, in the Pine Ridge Indian Reservation, more than half the residents live below the poverty line (versus 15.1 percent in nation). The unemployment rate is above 80 percent.

While the tribe is unlikely to ever see one cent of the damages sought, the lawsuit reflects the desperation of Native Americans, who are mired in poverty, hopelessness, low life expectancy, alcoholism, crime, violence and misery.

According the Indian Health Services, the rate of alcoholism among Native Americans is six times the U.S. average.

“Certain ethnic groups experience alcoholism on a wider level,” wrote Bethany Winkel, an expert on alcoholism, addiction and treatment,

 “Native Americans are one such group. Their rate of alcoholism is much higher than the rest of the population, and one in 10 Native American deaths is alcohol-related [three times the average for the broader population].”

Winkel explained Native Americans were initially introduced to alcohol by the European settlers and traders.

"Alcohol was often traded for Native American goods, and possibly used to relax the Native Americans in order to get a better trade," she stated.

"The newness of the substance had a great influence on the Native American culture. But researchers over the years have shown that the effects of alcohol on this culture are also due to genetics."

Other cultural and historical factors also aggravated the problems of alcohol (and other ills) among Native Americans.

"The decline of Native American culture when European settlers moved in led to an oppressed society," Winkel noted.

"The cultural clash that still exists today between Native Americans and the dominant society around them has led to conflict, depression, and low self-esteem in the Native American culture. Poverty abounds, along with unemployment, poor education, depression, and drug abuse."

Not only are Native Americans subject to death from alcohol, but rates of homicide, suicide, diabetes, cardiovascular disease are also quite high.

Dr. Ting-Kai Li, professor of medicine and biochemistry at the Indiana University School of Medicine in Indianapolis, once said: We have identified two genes that protect against heavy drinking, and these are particularly prevalent among Asians. We have shown that Native Americans, who have a high rate of alcoholism, do not have these protective genes."

The Centers for Disease Control and Prevention did a study on alcoholism among Native Americans which revealed that 66 percent of those who died from alcohol-related causes were younger than 50; more than 68 percent were men.

Donovan Antelope, a spokesman for the Northern Arapaho Tribe, said of alcoholism: It has had a very negative impact on our day-to-day life."

E

The State of Education on the Reservations

On the 2.8 million-acre Pine Ridge Indian Reservation—home to nearly 40,000 members of the Oglala Lakota Sioux nation—alcoholism and suicide, especially among young people, occur at alarmingly high rates. Families that have been poor since the U.S. government forced tribes onto reservations more than 120 years ago see few prospects for breaking out of seven or eight generations of profound poverty.

Outrunning those odds for Legend and other American Indian youths living on and off reservations is perpetually challenging. Over the past decade, as the high-stakes school accountability era saw every other racial and ethnic subgroup of students make steady, if small, improvements in education outcomes, Native American youths, on the whole, stalled or lost ground.

"The state of American Indian education is a disaster," says David Beaulieu, a professor of educational policy and community studies at the University of Wisconsin-Milwaukee and a member of the Minnesota Chippewa Tribe-White Earth.

While such historically disadvantaged groups as African-American and Latino students have seen their graduation rates accelerate in recent years, American Indians and Alaska Natives, who constitute one subgroup for federal education data reporting, have not. According to analyses by the Editorial Projects in Education Research Center, American Indian graduation rates have been on a downward trend since 2008.

Many families live outside the main population centers of Pine Ridge, in remote communities with names like Slim Butte, Calico, and Red Shirt Table. Long school bus rides—30 miles round trip—are typical.

That isolation can make travel to school a major challenge, especially during extreme South Dakota weather, when heavy snowfall can bring buses to a halt and persistent rainstorms turn hundreds of miles of dirt roads into mudslides.

Most adults on Pine Ridge don't have paid work. The tribal government puts the unemployment rate at around 80 percent, and Shannon County—which lies entirely within the boundaries of the reservation—has a per-capita income of less than \$8,000 a year. The tribe operates a small casino, with slots, poker, and blackjack, and offers guided hunts to tourists, but its economy—like that of so many other Indian reservations—is almost completely dependent on federal funding.

Four of the five poorest counties in the United States fall either wholly or partly within American Indian reservations, according to the 2010 U.S. Census. And the populations of those communities are overwhelmingly young. Because of relatively high birthrates and some of the lowest life-expectancy rates in the Western Hemisphere, nearly 40 percent of the residents of Shannon County, for example, are 18 or younger, compared with 25 percent for the state.

"We have a lot of young people on the reservation and not nearly enough jobs," said Christopher G. Ordeaux, the executive director of the Oceti Sakowin Education Consortium, a group of tribal schools on the Pine Ridge and other South Dakota reservations. "So that presents challenges to us as educators when we are trying to convince our young people to stay in school, to do well in school, to graduate, to go on to college."