

**Dancing with a Brave Spirit:
Telling the Truth about Native America**

2005-2008

A Voices of Native People Special Edition



Dancing with a Brave Spirit: Telling the Truth about Native America

There are many myths about Native people. Some myths are meant to support the historical perception of Native people as wise, noble, and long-suffering. Some are negative stereotypes. Native people have endured both.

Information is a powerful tool. Information has the ability to alter perception. Perception is how we view the world or a portion of it.

Native America, that vast multicultural expanse of Native people is changing remarkably. With those changes come changes in perception. How do we view historically marginalized people who are suddenly impacting American society in new ways?

New questions: *Aren't all Native people becoming rich from gaming revenues? Why are Native people treated specially? Is it true that Native people don't pay taxes?*

In 1999, the Native American Economic Development and Empowerment Task Force of The United Methodist Church met in Washington, D.C. From that meeting came an awareness of a pressing need to answer basic questions about Native America. Across the church and broader society Native and non-Native people were encountering the same misconceptions and misinformation around Native issues. Since that time, the request for more information has increased.

The first special issue of *Voices of Native People, Dancing with a Brave Spirit: Telling the Truth about Native America*, appeared in 1999-2000. Issues were distributed to members of the U.S. Congress, tribal offices, several denominations, delegates to the General Conference of The United Methodist Church, and members of the press nationwide. The response has been gratifying.

This 2005-2008 edition contains expanded and updated information. It is hoped that it will acquaint you with issues surrounding Native people and resources to further address your needs.

The title, *Dancing with a Brave Spirit*, has a unique story. In the late 1800s, Buffalo Bill (William) Cody assembled a collection of performers, cowboys, sharpshooters and Native people to perform in his Wild West Show. Native people often experienced their first opportunity to leave the squalid reservations to make an income for their families. To do this, they were asked to perform dances that had cultural significance in front of a crowd who had paid to be entertained.

A Sioux mother from Rosebud sent a letter to her 10-year-old daughter encouraging her. In the letter she told her daughter to imagine that she was dancing at home and to remember her people by “dancing with a brave spirit.”

Ray Buckley, Director

Introduction

The United States has 564 federally-recognized tribes, according to 2004 statistics for the Bureau of Indian Affairs. Of that number 226 are Native villages in Alaska.

Native tribes or groups are as diverse as the people of Norway and Peru. Traditionally, they speak different languages and have different religions and social customs.

When Europeans arrived in North America, Native people spoke nearly 350 languages and dialects. It is estimated that today about 200 Native languages are still spoken. More than a third of these languages are spoken only by a handful of elders and may not survive. Among the Navajo, nearly 80,000 people speak the tribal language. Among the Ojibwa, there are 40,000 speakers. Less than 10 percent of Native people speak their ancestral language.

Slavery in the Americas began with Native people. In California, until the Emancipation Proclamation, young women sold for \$300, while children sold for as low as \$50. California law allowed non-Indians to indenture Native people for up to 16 years for a fee of \$2. In the early 1800s, California had an estimated 260,000 Native people. By 1900 that number had dropped to 20,000.

Entire population groups were destroyed by slavery along the Pacific coast and in the Southwest and Southeast. In Alaska, many communities were confined and compelled into forced labor at the threat of death. Men were forcibly removed

from their families and died without seeing them again. Many of the women and children who were not hunters died of starvation. In Alaska alone, an estimated 94 percent of the Native population in the Aleutian Islands and southwest coastal region was destroyed by enslavement and the resultant starvation and disease.

Before Columbus arrived, the Native population of North America is believed to have been between 10 million and 12 million. By 1900 only 237,000 Indians remained. As of 2004, 200 tribes are known to be extinct.

Many Native people were forced to convert to Christianity by European colonists. In the late 19th and 20th centuries, Native children were sent to church-sponsored boarding schools, where they were not allowed to speak their languages or practice their religions and customs. Often, those who did were beaten or isolated. As a result, many customs, languages, and religious practices were lost. The federal government banned some practices of Native religions until the 1972 Religious Freedom Act.

In this decade, two-thirds of Native people identify themselves, at least marginally, as Christians. Some of these persons combine Christianity with traditional religious practices, while others practice both religions.

Evangelical missionary societies often quote the number of Native “converts” at around 3 percent.

What does it mean to be federally-recognized?

To be federally recognized means that the U.S. Congress considers a tribe to be sovereign nation.

Many tribes were “recognized by treaty” during the 1700s and 1800s. Today, Native groups seeking recognition must undergo a difficult application process through the Bureau of Indian Affairs at the U.S. Department of the Interior.

To receive federal recognition, an Indian group must prove that (1) it can be identified by historical evidence, written or oral, as being an American Indian tribe; (2) its members are descendants of a tribe that inhabited a specific area, and these members continue to inhabit a specific area in a community viewed as American Indian and distinct from other populations in the area; (3) it has maintained governmental authority over its members as an autonomous entity throughout history until the present; (4) its membership consists primarily of people who are not members of any other Indian tribe, and (5) it has not been the subject of congressional legislation expressly terminating their relationship with the federal government.

Under federal government policies between 1953 and 1963, more than 100 tribes were terminated and their lands sold. The policies have been reversed since then, but under the fifth provision of federal recognition, those tribes are now ineligible to have their status restored.

What is a sovereign nation?

Congress recognizes the rights of tribes to determine their own form of

government, determine criteria for tribal membership, provide for systems of justice, levy taxes, establish businesses, and determine who may be excluded from reservations.

Treaties, case law, and the U.S. Constitution uphold the status of tribes as self-governing nations. Tribes are granted nationhood status with powers of government, except those expressly taken away by Congress or by action of the U.S. Supreme Court.

Three significant Supreme Court rulings in the 1800s validated the rights of tribes to self-government. Those rulings prohibit states from infringing upon those rights, while allowing Congress to override a tribal nation’s authority.

More limitations on tribal sovereignty have occurred within the past 20 years than within the past 200 years. The current climate in Congress toward tribes is the worst since the 1950s. The current Supreme Court has ruled against tribes in nearly every case brought before it, usually without regard to the historic volume of related cases. Tribes have become hesitant to take cases through the judicial system for fear of long-term damage that could be caused by precedent-setting cases.

Most tribal governments are based on democratic election systems. Tribal governments may contain tribal councils, which usually are led by a tribal chairperson or recognized leader. The tribal council administers tribal government.

Sometimes tribes occupy a reservation with another tribe. Often tribes that were traditional enemies were placed on

the same reservation. In many cases they each maintain a separate tribal government.

American Indian reservations make up less than 4 percent of the continental United States. Non-Natives own 11 million acres, roughly 20 percent, with reservation boundaries. These reservations are referred to as “checker-boarded”. Nearly half, or 46 percent, of reservation populations are non-Native.

Are there some exceptions?

Yes. While not truly exceptions four distinct groups have had historically unique status with federal and state governments of the United States: The Pueblos (New Mexico), Alaska Natives, Oklahoma tribes, and New York Indians.

The history of the Pueblos is somewhat unique. Primarily, the Pueblos own their own land. Both Spain, and later Mexico, awarded each of the Pueblos deeded land. Although no treaties were ever signed, the United States affirmed the historical land grants and includes in its federal trust responsibility to the Pueblos the protection of their land as well as other basic rights.

Similar to the Pueblos, Alaska Natives did not enter into treaty arrangements with the government of the United States. In 1955, the Supreme Court, in *Tee-Hit-Ton vs. United States*, held that Alaska Natives did not hold title to their lands and that the federal government could take their lands without compensations.

In 1971, despite the ruling of the Supreme Court, Congress passed the Alaska Native Claims Settlement Act,

which allowed compensation for Native land and the ownership of certain parcels of land. The act divided nearly 40 million acres of land among 200 villages, based on population. The remaining acreage was divided among 12 regional corporations. Each Native Alaskan is enrolled in a region, and each region and village is incorporated under state law. Each Native person received 100 shares of stock in the regional corporation. Congress, however, rejected the Alaska Natives’ request to transfer corporate lands to tribal governments for greater protection.

Alaska Natives are entitled to the same goods and services afforded other tribal groups.

Historically, however, the state of Alaska has strongly opposed the recognition of Native governments and has taken the position that Alaska Natives do not enjoy the powers of self-government afforded other tribes.

The uniqueness of Oklahoma tribes lies in the history of removal and land allotment, and the extreme interference by the federal government in the lives of Oklahoma Native people.

The General Allotment Act of 1887 allowed the president of the United States to dispose of “surplus” Indian land. The Five Civilized Tribes—Cherokees, Choctaws, Chickasaws, Creeks, and Seminoles—had been granted land allotments.

Congress wanted the tribes to sell some of their land. When they declined, the U.S. Congress passed the Curtis Act, which among other things removed the rights of tribes to govern themselves. As

further punishment Oklahoma tribes were excluded from the Indian Reorganization Act of 1934. In 1936, the Oklahoma Indian Welfare Act reversed the decisions, and tribes were once again able to govern themselves.

After the federal sale of “surplus” tribal land, many Oklahoma tribes, particularly in the west, were left with little tribal land.

The state of Oklahoma has continually sought criminal and civil jurisdiction over Oklahoma tribes. Even if trust land is not part of a reservation, it remains Indian Country.

New York tribes are unique in that the state of New York has broad criminal jurisdiction and some limited civil jurisdiction over Native people living on reservations. It does not, however, have the right to require hunting or fishing licenses, or to sell, levy against, or tax reservation lands.

What is Indian Country?

“Indian Country” is a legal definition for all of the land under the supervision of the U.S. Federal Government that has been set aside for the primary use of Indians.

While not exclusively so, the term implies federal and tribal jurisdiction, rather than state jurisdiction. Thus Indian Country implies a rather distinct set of issues.

How do Native people function as U.S. citizens?

Native people are U.S. citizens, having been extended citizenship in 1924. They have dual citizenship as tribal members and as U.S. citizens.

Some tribes or nations have their own passports. These passports are recognized by other nations of the world as having been issued by a sovereign nation.

Native people have the right to vote in local, state, and federal elections. Each tribe determines who is an eligible voter in tribal elections.

Generally speaking, when tribal members are off reservation land, they are subject to local, state, and federal laws. When they are on reservation land, they are subject to tribal and federal laws. The Assimilative Crimes Act, a statute of federal law, makes any violation of state criminal law on a reservation a federal crime.

Native people have fought in every war since the Revolutionary War. One out of every four native men is a veteran. The bravery of Native military personnel (who were not citizens) prompted Congress to pass the Indian Citizen Act of 1924 following World War I.

During World War II, Japanese forces invaded the Aleutian Islands of Alaska. Some Aleut people from Attu Island were taken by force to Japan where they were interred in prisoner of war camps. By the end of the war, half had perished of starvation and tuberculosis. The U.S. government relocated several villages of Aleut people from the Aleutian and Pribilof Islands to old fish canneries in southeastern Alaska. Many of the buildings did not have complete roofs, and there was little or no heat, food, or sanitary conditions. One toilet served 300 people.

Although questions of racial identification have been denied in light of issues of national security and safety of U.S. citizens, only those persons of 1/8th or more Aleut blood were relocated. Non-Native spouses were not relocated with their families. In villages that were occupied by U.S. troops, villagers returned to find their homes looted or destroyed. Most churches, with priceless Native art, had been ransacked by troops. Some U.S. officers had housed vehicles inside church buildings.

During the latter years of World War II, the U.S. Treasury undertook the selling of sealskins for profit. Aleut men and boys were told that the sealskins were for apparel for U.S. servicemen. In fact most of the skins were sold on the international fur market at a high price. Aleut men were sent without their families to harvest fur seals. They were told that they and their families would not be allowed to return to their villages if they did not participate. History had repeated itself.

Following the war, the Bureau of Indian Affairs and the Alaska Indian Service were assigned the task of resettlement and repair of homes. In 1945, Aleut villagers were returned to homes and churches damaged and looted by U.S. and Japanese troops. The repairs never took place.

Native people are proud of their veterans. Almost every tribe has songs honoring those who have served in the military. It is customary at every gathering of Native people that the flag of the United States is brought into the arena.

Native people serving in elected office have included Charles Curtis, a registered member of the Kaw tribe, who served as vice president under President Herbert Hoover. Ben Nighthorse Campbell, a Northern Cheyenne, served in both the U. S. House of Representatives and the U.S. Senate from the state of Colorado.

Do Native people pay taxes?

In the United States, Native people pay the same taxes as all other Americans with a few exceptions:

- 1) Native people employed on reservations do not pay state income taxes.
- 2) Native people living on land held in trust do not pay state or local property taxes.
- 3) State sales taxes are usually not required on Native transactions made on reservation land.
- 4) Native people do not pay federal income tax on money earned from land held in trust (for drilling, grazing rights, etc.).

Nearly 77 percent of all Native people in the United States live in urban areas. They pay the same taxes as other American citizens.

Tribes, as sovereign nations, do not pay taxes on tribal revenues to state or federal governments, unless negotiated in gaming compacts. States have the ability to assess fees upon tribes for reimbursement of cost for gaming regulation and administration. Individual tribal employees in casinos generally pay the same payroll and federal income tax as all other Americans.

What benefits do Native people receive?

The United States government entered into negotiations with tribal governments in the form of treaties. From 1777 to 1871, these agreements created and transferred rights to property in exchange for services. Such rights and services included protection, tribal sovereignty and a homeland, as well as basic needs.

These rights were granted by the U.S. government in exchange for large quantities of land and promises of cooperation. Under the Constitution, treaties are “the supreme law of the land.”

One of the strongest principles of U.S. law is the federal Indian trust responsibility. Under such law the United States is required to protect tribal lands, all assets, resources, and treaty rights.

“The relationship of the American Indian tribes to the United States is founded on principles of international law,” the American Indian Policy Review Commission stated in its final report in 1997. It further stipulated that all future policies must be fenced by two principles:

- 1) Indian tribes are sovereign political bodies, having the power to determine their own membership and to enact laws and enforce them within the boundaries of their reservations.
- 2) The relationship that exists between the tribes and the United States is premised on a special trust that must

govern the conduct of the stronger toward the weaker.

Education—The Bureau of Indian Affairs (BIA) was given the responsibility for the education of Native children on reservations. In 1978, the federal government began turning the control of schools over to tribal governments while still providing funding and oversight of programs.

Eighty-seven percent of Native children attend public schools operated by states.

Today about 60,000 students attend 187 BIA schools. Many school buildings are in severe disrepair as funding and budgets have been reduced. The General Accounting Office reports that BIA schools lack appropriate facilities for education and have unsafe environmental conditions.

Often students are in condemned facilities, and many more students experience inadequate heating and air conditioning, and leaking roofs, sewers and plumbing. In 1997, the General Accounting Office estimated that \$754 million was needed to repair or replace facilities. The anticipated budget for every fiscal year since then has been below the inflation-adjusted baseline.

Rural and reservation Native children depend on transportation to BIA schools. The BIA-funded transportation rate is consistently 20 percent lower than the nationwide average. Many schools are forced to make up the difference out of program funds.

Dropout rates are exceptionally high among Native children and youth. Only about 9 percent of Native people achieve

a bachelor's degree, compared to 22 percent of whites and 20 percent of all other races.

Health care—Native people from federally recognized tribes are eligible to receive medical care through Indian Health Service (IHS). IHS treatment facilities and hospitals are primarily located on reservations or urban centers near large Native populations.

The death rate of Native children is more than three times the national average. The American Academy of Pediatrics reports that 13 percent of American Indian/Alaska Native deaths occur among those under age 25. The death rate from injury for Native children is twice the national average.

Recent studies indicate that only one mental health provider exists in IHS for every 25,000 Native children.

A Harvard School of Public Health and Centers for Disease Control and Prevention study found that the lowest life expectancies in the United States exist in Native communities, at rates lower than those of any nation in this hemisphere, except Haiti. While deaths due to cancer, diabetes, suicide, motor vehicle accidents and heart disease decreased in the general U.S. population between 1994 and 2000, they markedly increased among Native populations.

In a recent report, the National Indian Health Board cites suffering and premature deaths that are associated with cuts in the IHS budget. The failure to increase inflation-adjusted dollars on Indian health care has led to a decline in important primary care. Statistics show:

- A 20 percent decline in well child service between fiscal years 1992-1997.
- A 14 percent decline in physical exams between FY 1994- FY1997.
- An 18 percent reduction in people receiving dental services between FY 1992- FY 1999.
- A 79 percent increase in denials of health care referrals for health care contractors between FY 1993 and FY 1996.

Inadequate funding can be directly linked to an increase in disease and death among Native children due to lack of basic care,

Are some Native people not members of federally recognized tribes?

Yes. The status of Native people in the United States is based solely on an individual's membership in a federally recognized tribe and on that tribe's sovereign right to define who shall make up its membership. In short, with some exceptions, the federal government relates to sovereign nations, not Native people as racial/ethnic groups.

Qualifications for membership in a federally recognized tribe are as diverse as the tribes themselves. Some stipulate that full-blood people (with 100 percent Native blood) cannot be tribal members if they were born off the reservation. Others restrict from membership the children of female members who marry a Native or non-Native person from outside the tribe. A few stipulate that only children born from an enrolled mother may be members. Some require that one can only join a tribe at birth; some at birth and age 18. Some tribal

rolls are closed to membership. Some require only that one prove ancestry to a specific tribal role, while others require 1/64th (one great-great-grandparent) Native blood.

Until the Indian Child Welfare Act of 1978, Native children could be forcibly removed from their families without the knowledge or permission of their parents. Children were adopted from tribal communities without the involvement of tribes. Many Native families were divided and sent to various parts of the country under policies of Indian relocation. Many full-blood children were simply not registered; they are denied membership under various policies and are therefore not “recognized” by the federal government.

Less than one-half of those identified as Native people by the 2000 census are members of federally recognized tribes. As many as 1 million people descended from federally recognized tribes are believed to be “non-status” individuals, despite having primarily Native blood.

In the mid-1990s a little more than 1 million people were registered with federally recognized tribes. At that time, Ross Swimmer, who headed the BIA, estimated that there were at least another half-million ethnic Native people who received no benefits because, for one reason or another, they were not members of a federally recognized tribe.

Tribes may take action to effectively remove Native status from people. In 1992, when the Tonawanda Band of Seneca banished five people who criticized the tribal government, it effectively made them non-Indian. The

council clerk told the local press, “Make no mistake...they’re to be treated as non-Indians. Their names have been removed from our rolls.”

In addition, many Native people belong to tribes that only have state recognition. Such tribes and their individual members have no status with the federal government, although they are entitled to participate in some programs that Congress has not restricted to federally recognized tribes.

As violence against Native people persists in Central and South America, refugees continue to pour into the United States. Aboriginal (Native) people from Canada are immigrating within U.S. borders. They are not recognized by the United States as Native people because they are not from U.S. federally recognized tribes. They, like non-status Native people of the United States, are drawn to urban areas, where they become people in limbo.

While the government of Canada has an established bureaucracy to deal with the welfare of non-status Aborigines, the United States does not.

Why do many tribes pursue gambling as a form of economic development?

Gaming or gambling was an accepted part of many Native cultures long before the arrival of Europeans. It was an important part of celebrations and ceremonies for thousands of years.

Only about one-third of tribes own gaming facilities. Many are limited to bingo. Many tribes believe that gambling as a business damages their

cultures, and they detect a decline in the traditional values and religion of tribes that have organized gaming facilities. Native gaming represents about 8 percent of the total revenues from gambling in the United States, according to the National Indian Gaming Association. Nearly half of the \$8.26 billion earned through Native gaming is from the six largest tribes, which are generally located near urban areas.

“A small number of tribes are becoming wealthy. However, based on every social and economic measure, Native people, as a whole, are the poorest population in the United States. 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 (\$3,000) per person would still not be enough to raise Indian per-capita income (currently \$4,500) to anywhere near the national average of \$14,400.”

—*Dispelling the Myths about Indian Gaming*, The Native American Rights Fund.

Despite some new jobs available from tribes with established gaming, unemployment on these reservations has held steady at around 54 percent. Non-Natives fill many of the casino jobs.

For most tribes with gaming ventures, gambling revenues pay for debt and casino operations, with little or nothing impacting the daily lives of Native people. In rare cases such as the Shakopee Mdewakanton Dakota Tribe of

Minnesota, gambling has changed the lives of tribal members; and unemployment with Scott County (the location of the reservation) has dropped from 70 percent to 4 percent.

Between 1989 and 1997, the national poverty rate stayed at 13 percent. During the same period in counties with reservations offering gaming, the poverty rate declined only slightly. Counties with reservations not offering gaming saw their poverty rate stay at 18 percent.

Tribal governments are required by the Indian Gaming Regulatory Act to spend gaming revenues on tribal operations, welfare, charity, and economic development. Tribes that meet those criteria may petition the U.S. Secretary of the Interior to develop a per-capita plan to benefit individual tribal members. As of 1998 only 47 tribes have attained that status. Most individuals benefiting from per-capita income receive less than \$1,500 per year.

How do Native casinos function?

Congress established the National Indian Gaming Commission, which has the mission of overseeing casinos, bingo, and specific forms of gambling on tribally controlled lands. The commission establishes rules for the licensing of gaming facilities, reviews yearly audits, and approves ordinances that individual tribes develop for gaming operations.

In addition, the U.S. Departments of Interior, Treasury, and Justice have authority in specific areas of Indian gaming. Native tribes/nations also have

individual gambling or gaming commissions, as well as tribal police forces and tribal court systems.

The Indian Gaming Regulatory Act is a federal law that requires states to enter into compacts with tribes or nations wishing to engage in gambling (including blackjack and slot machines). Tribes may engage in gambling only if the state in which they are located permits gambling. Gaming must be contained on tribal land. Any control of the state is limited to the terms of the compact, which must be approved by the U.S. Secretary of the Interior.

What is subsistence?

Subsistence is a term, which refers to the dependence or partial dependence of fishing, hunting, and the gathering of any part of native plants for the purpose of survival. In regards to Native peoples worldwide, subsistence refers to the historical right of depending upon such resources as an economic/cultural/religious base for individuals and societies. We are discovering that human health issues are intricately connected to the foods eaten by our ancestors, and that significantly straying from those patterns may have detrimental health concerns for any culture.

Native people have strong cultural links with the animals and plants associated with their traditional lands. Historical use of these resources provided complete nutrition as well as spiritual responsibilities. Understanding ones role as part of a broader world helped define Native cultures.

In short, subsistence is the ability to live in one's environment in a state of physical, spiritual, and cultural sustenance.

Where is subsistence practiced, today?

The largest region of the U.S. that practices subsistence living is in the State of Alaska. There are 229 federally recognized tribes in Alaska. While only about 15 percent of Alaskans are Native people, they represent about half of all rural people in Alaska. The Alaskan Federation of Natives provides this information:

Wild foods supply 1/3 of the caloric requirements of rural Alaskans.

The entire subsistence harvest accounts for only 2 percent of the combined fish and game harvest in Alaska.

Most rural settlements are off the road network and are comprised of fewer than 500 people, the majority made up of Native villages.

Of subsistence foods taken by Alaskans, 60 percent of the catch is made up of fish; land mammals make up 20 percent; marine mammals make up 14 percent; and, birds, shellfish, plants, and berries make up the remaining 6 percent of the rural harvest of wild food.

A 1998 report by the Alaska Department of Fish and Game estimates that commercial fisheries take roughly 2 billion pounds which is nearly 97 percent of the total weight of fish and wildlife harvested in Alaska. Sport fishing and hunting account for 1 percent of the total harvest. Rural subsistence

accounts for 45 million pounds, or just 2.2 percent.

In Alaska, subsistence foods may include: halibut, moose, pike, harbor seal, sockeye and chum salmon, steelhead, deer, muktuk, dall sheep, razor clams, arctic hare, berries, mussels, grouse, king crab, elder ducks, caribou, walrus, beluga whale, bowhead whale, ptarmigan, wild roses, seaweed, grass seed, spruce needles, fern, cow parsnip, and many others.

In Alaska, and portions of Canada, whole communities base their economies on subsistence living.

Elsewhere in the United States Native people may continue aspects of hunting, fishing, and gathering, but their strong connections to transportation routes enable them participate in the larger economy. Still, in many communities maintaining traditional fishing, hunting, gathering wild rice, digging prairie turnips, harvesting of chokecherries, berries, green onions, and ranks, while not a true subsistence activity, are continuances of practices deep in tradition. The guarantee of the ability to continue these activities is in many respects the guarantee of cultural survival.

What makes subsistence important to Native culture in our times?

Principally, Native cultures were formed around the world available to them. Inupiat people celebrate the whale in their songs, dances, food, stories and art. Throughout the Pacific Northwest, Alaska, and as far south as California, Native people described themselves in terms of the salmon, wolf, raven, and

eagle. For many Plains tribes it was the buffalo. In the Southeast and Southwest, corn plays a key role in culture. Native people have defined themselves in terms of their places; their world. Villages were not just where people lived, but the very sky, the water, the trees, earth, animals, and plants.

Losing a language threatens a culture. Losing the environment of a culture and the ability to function within it destroys a culture. The context of language, art, dance, and religion is gone. What are left are the simple actions.

Has subsistence changed?

Certainly. The tools most Native people use to hunt and fish have changed immensely. The purpose in which those tools are engaged has changed little. New methods of processing and preserving food have added to the longevity of some foods, while ancient ways have proven the most efficient in others. Transportation has changed, but many communities still use fish-camps or hunting camps.

There is greater competition for the same resources. An increase in population has impacted Native communities in some areas. In Alaska subsistence hunting accounts for only 2 percent of the total fish and game harvest. Commercial fishing, and licensed fishing and hunting take a large share, which impacts both Native and non-Native subsistence communities.

How are Native communities dependent on subsistence?

In rural Alaska, where subsistence is the most vital, there are no roads connecting villages to the outside. Everything commercially produced comes by air, or in some cases water. Unemployment is high with few year-round jobs. Seasonal jobs or cottage industries help to provide cash with which to buy non-food items. By-products from hunting, fishing, and gathering are used to create art objects to further augment the economy.

Rural villages are economically dependent upon subsistence as a way of life. Anything that threatens subsistence living, threatens the existence of the village itself, and thus the irreplaceable loss of culture.

What measures are in place to protect subsistence?

The Alaska State Constitution and the granting of Alaska statehood in 1959 control subsistence. The constitution of the State of Alaska guarantees that the fish and wildlife of the state belong to all people for their use, without preference of any group.

At this point in time, without altering the constitution of Alaska, Native villages threatened by subsistence deterioration, cannot be given preference over other groups requesting access to fish and game.

Many tribes throughout the United States have gone to court to protect fishing and hunting rights thought to be protected under treaties. In the Pacific Northwest salmon fishing rights were given back to tribes. Along the Great

Lakes traditional walleye fishing, and wild rice gathering have been fought for in the court system.

The most famous case is that of Katie John, who was denied access to her traditional fish-camp site by the state. A 1994 ruling granted that the federal government could protect the rights of rural Alaskans by managing the fisheries running adjacent and through federal lands. The state appealed. The 9th Circuit Court of Appeals, in May 2001, upheld the right of Katie John to fish at her ancestral site.

Conclusion

Certainly, **poverty** is a pervasive problem. Native people still remain the poorest of all Americans.

Misinformation, based on gaming revenues from a handful of wealthy tribes, results in under-funding of programs for the vast majority of Native people who live in desperate conditions.

Violence and overt racism against Native people are on the increase nationwide. Since many issues affecting Native communities deal with questions of sovereignty and the use of natural resources, racism and violence are expected to increase.

Native people suffer violent crime at twice the rate of African Americans, and two and one half times the national average. Native people are twice as likely as African Americans and three times more likely than whites to be victims of rape or aggravated assault.

Unemployment among Native people is 15 percent, about three times the

national average. Unemployment on reservations is around 54 percent. Some reservations experience unemployment in rates higher than 80 percent.

While some tribes have been successful with economic development, most remain critically poor. A pressing need exists to develop long-term economic opportunities that will strengthen the stability of tribes and Native individuals.

The use, or rather misuse, of legislative riders attached to congressional spending bills circumvents due process for tribes.

“Appropriations committees are technically barred from including policy language in their spending bills. Authorizing committees are supposed to write the laws governing the use of federal money. Yet, it has become a common practice to attach carefully crafted legislative riders to must-pass spending bills. In Indian affairs, this tactic is often used to circumvent consultation with tribal leaders to avoid scrutiny by lawmakers familiar with the unique concerns of Indian Country, or to reduce the likelihood of a presidential veto. The increasing use of policy riders represents a particularly unsettling trend in a policymaking arena where inter-governmental consultation is so very critical.”

—*Indian Report, I-58, Summer 1998, Friends Committee on National Legislation*

The undermining of tribal sovereignty has become a critical issue for Native people, as states and other groups seek to benefit from potential taxation of tribal revenues. Some representatives have sought for several years to attach a rider

to the House Interior Appropriations Bill that would block the Secretary of the Interior from taking “in trust” any tribal lands, unless tribes entered into tax agreements with state and local governments.

Historically, tribal land bases have been significantly and continually reduced. Such a rider would make it nearly impossible for tribes to restore land base to any degree. It would, in essence, hold tribes captive to state or local governments, which could impose unreasonable levels of taxation. It primarily violates the government-to-government relationship that has historically existed between tribes and the U.S. Congress.

“As the Supreme Court has stated, (tribes) owe no allegiance to the states, and receive from them no protection...the states where (tribes) are found are often their deadliest enemies.” (U.S. vs. Kagama, 1886)

—*FCNL Indian Report, Summer, 1998*

Beyond issues of tribal sovereignty, large numbers of ethnic Native people do not qualify for tribal membership with an individual federally recognized tribe. While supporting the sovereignty of tribes many Native people also express concern at the unique, legally nonexistent, status of ethnic non-tribal members.

The violation of sacred sites has become a significant issue impacting both Native and non-Native alike. Sites held sacred by various Native people groups are falling prey to highway construction, recreational vehicle usage and general disrespect.

Many Native religions are intricately linked to the land and some to specific sites. Often, Native people within the same tribe will disagree on which are specific sacred sites. Most Native people are tolerant of others visiting or using sacred sites as long as the sites are not altered, damaged or treated in a demeaning manner.

Substance abuse and resulting addiction have deep roots in the Indian policies of our governments. Native communities, with strong systems of tribal structure, religion and economics, were devastated when they were forced onto small enclosure of land and compelled to adopt European/American systems of agriculture and government. Three generations of Native children were raised in boarding schools, away from their parents and grandparents, and denied access to their traditional cultures. As a result, they were left with little but remnants of social connection.

“The death rate attributed to alcohol for Native Americans is seven times higher than that of the general U.S. population.”

—*FCNL Legislative Updates, May 2001*

Native people on rural reservations are four times more likely to be killed in an automobile accident. Most often these accidents are related to substance abuse.

Strongly linked to substance abuse and addiction is an increase of child abuse among Native people. As the national rate of child abuse and neglect was declining, reports of child abuse and neglect among Native people increased 18 percent between 1992 and 1995.

Health issues affecting native people impact tribal communities severely.

“A Harvard School of Public Health/Centers for Disease Control and Prevention study found that American Indian/Alaska Natives have the lowest life expectancies in the country and, indeed, or any nation in this hemisphere except Haiti. Indian people suffer disproportionately higher morbidity/mortality rates than all U.S. populations, as shown (as follows):

- Alcoholism 950 percent
- Tuberculosis 630 percent
- Diabetes 350 percent
- Unintentional injury 270 percent
- Suicide 70 percent
- Pneumonia and Influenza 61 percent
- Homicide 60 percent

—*Testimony on FY 2002*

Appropriation for the Indian Health Service, FCNL, April 17, 2001

In some communities, diabetes affects nearly 60 percent of adults over the age of 50. Government commodities often contribute to the problem with a high concentration of refined sugar and processed fats.

“Diabetes has reached epidemic proportions in Native communities, with amputation rates due to diabetes among Native Americans 3-4 times higher than the general population.”

—*FCNL Legislative Updates, May 2001*

Related to diabetes is the high incidence of kidney disease. Native people have one of the highest rates of irreversible kidney disease in the world.

In 1998 the rate of Native people with End Stage Renal Failure nearly doubled the 1990 report. The rate was 3,049 per million, compared to 754 per million among white Americans.

Among Native people 68 percent of adults and 61 percent of the elderly suffer from untreated tooth decay. Among children, 79 percent between the ages of 2-4 years, have significant tooth decay.

Young Native women are among those with the highest risk factor for contracting HIV/AIDS and other sexually transmitted diseases. Heterosexual transmission of HIV/AIDS has reached almost epidemic proportions in some Native communities. Alcoholism and substance abuse impair normal decision-making abilities, contributing to the spread of sexually transmitted disease. In some traditional communities sexual matters are not discussed publicly as a matter of custom, and information regarding sexually transmitted disease is not easily disseminated.

Native gangs, relatively unheard of until 1992, have become visible in urban areas and on reservations. More than 180 gangs have been identified in Indian Country within the last few years. While Native gangs have been relatively unsophisticated in the past, they will pose an increasing problem as they become more organized. Many tribes still remain in denial regarding gang problems in both tribal and urban communities. As Native gangs gain more access to fully automatic weapons, their manpower and firepower will exceed that of tribal law enforcement. With reduction in the funding for tribal

law enforcement, Native gangs will become more confrontational.

A recent Justice Department study indicated that 1,600 BIA and tribal police officers are patrolling 56 million acres of Indian land. That's less than half the number of police officers per 1,000 residents in non-Native rural communities.

Homicide rates have increased 80 percent since 1992, and youth suicide has risen dramatically on rural reservations. Suicide rates for young people in tribal communities reached an all-time high in 1998-99. "The suicide rate for American Indians and Alaska Natives is 72 percent greater than the rate for all races in the U.S. For males 15-34 years, the suicide rate is more than twice the national average. Sixty-nine percent of all suicidal acts in Indian Country involve alcohol use."

—*FCNL Legislative Updates,*
May 2001

In terms of positive changes Native youth are showing renewed interest in the restoration of tribal traditions and languages. Traditional values and ceremonies are effective tools toward restoring self-esteem and Native pride. The latest studies indicate that Native children and young people who are involved in their specific tribal traditions are better able to avoid substance abuse. The diversity of Native America can be overwhelming. Native people are best viewed as unique societies with distinct values and cultures. That appreciation affords Native and non-Native peoples the opportunity to examine our histories and approach each other with respect. Respect is the beginning of value.

Where is the beginning of that respect?
It first begins with Native people as we appreciate the information that is critical to ourselves as individuals, tribes, communities, and people with shared concerns. It is also recognition for the broader society, that data and facts are merely tools of various processes. Beneath the statistics are people of enormous worth, whose complex lives are affected by history, culture, faith economics, and the conflicting values of a majority culture(s).

Information then becomes the starting place. It is the place for encounter, observation, participation, and relationship. Relationship is, after all, a foundation for many Native societies.

The Native People Communications Office
United Methodist Communications
Ray Buckley, Director

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Indian Law Resource Center

National Indian Law Library

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