

Indigenous People in America Today

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“One of the things my parents taught me, and I’ll always be grateful . . . is to not ever let anybody else define me; [but] for me to define myself . . .”

This is a quote from Wilma Mankiller (1945-2010), a Native American activist and Principal Chief of the Cherokee Nation, and the first woman elected as chief of a major Native tribe. *A13*

Narrowing this topic – Indigenous People in America Today – was difficult. This population group is not homogenous, and there are many potential areas to explore. I ultimately decided to focus on the ongoing efforts of Native Americans in the continental U.S. and Alaska to reestablish their identity, sovereignty and culture. This is referred to as the Native American Self-Determination Era, reflecting Native American efforts to control their own future following a long history of government paternalism and neglect. *B8*

Before diving into the main discussion, I want to share some broad observations.

Indigenous American is typically used as a term to refer to people who were native to the Americas before European colonization in the 15th century. Native American or American Indian or First American are other labels sometimes used to refer to this same group of people. *A1*

There exists a wide range of estimates of the Indigenous population in the Americas when Columbus first landed in what is now the Bahamas in 1492. The most generally accepted figures are that there were in the range of sixty million people in the Western Hemisphere, including around seven million north of Mexico, although various experts argue for figures both significantly lower and higher than these estimates. For comparison purposes, estimates of the population of Europe in 1492 range from 70-90 million. *A2*

What is not in dispute is the precipitous decline in the Indigenous population after Europeans arrived. The most significant factor was disease, brought by the Europeans and by African slaves, for which Native populations did not have existing immunities. Other factors included wars, violent treatment, forced relocations, forced labor, destruction of food sources, and a general destruction of ways of life.

Estimates suggest that the Indigenous population in the Americas declined by 80-90% in the first centuries of European colonization. By the year 1800, only about 600,000 Indigenous people were living in the U.S. By 1900, the low point, this figure was down to under 300,000, less than 0.5% of the total U.S. population. *A3*

Subsequently, the Indigenous population began to recover. According to the most recent census, in 2020, individuals claiming solely American Indian or Alaska Native heritage numbered 3.7 million, or 1.1% of the U.S. population. When including individuals claiming American Indian or Alaska Native heritage in combination with one or more other races, this figure increases to 9.7 million, or 2.9% of the population. *A4*

We need to be careful in utilizing this census data. Prior to the 1960 census, counts of Indigenous Americans were increasing as one might expect, considering birth and death rates. Since then, the population identified as Native American has increased far beyond what can be attributable to birth and death rates. And while increased immigration has had some effect, this has not been shown to be significant for the Native American cohort. *A5*

Starting in 1970, census data on race has been based on self-identification. And what is asked and how it is asked changes from census to census. It wasn't until the 2000 census that individuals were given the opportunity to self-identify as more than one race, and the number of people claiming Native heritage more than doubled between 2000 and 2020. *A6, A14* Native American academic and author Anton Treuer states in his book "Everything You Wanted to Know About Indians but Were Afraid to Ask": *"...being Native is now cool."* *A7* In any event, even with these increased numbers, Native Americans represent only a small proportion of the current U.S. population. They are sometimes referred to as an "invisible minority".

There are currently 574 federally recognized individual Native Tribes, of which 347 are located within the contiguous forty-eight states, and 227 in Alaska. *A8*

There are 324 federally recognized reservations, with all but one in the lower 48 states. The majority of these reservations are west of the Mississippi.

Approximately 22% of individuals identifying as American Indian or Alaska Native live within the bounds of these reservations and other Native areas. If one only considers formally enrolled tribal members, around half actually live on reservations. The majority of Native Americans not living on reservations live in urban areas. *A7, A9*

The total reservation land area is currently 56.2 million acres, or about 2.3% of the total area of the U.S. Alaska Native areas encompass an additional 44 million acres. *A9, A10*

The primary relationship between a tribe and the United States government is one of a government to a government. As individual citizens, American Indians and Alaska Natives are generally subject to federal, state and local laws. However, on federal Indian reservations, only federal and tribal laws apply, unless Congress has designated otherwise. A somewhat unique illustration of this status occurred in May of this year, when Governor Kristi Noem was banned from the territory of all nine federal Indian reservations in South Dakota in response to comments that she made about tribal leaders working with Mexican drug cartels. This status as an independent government also explains the existence of casinos on native lands irrespective of state gambling regulation. *A11, A12*

Turning to the main theme of this paper, the current Native American Self-Determination Era, it is helpful to review some of the history that led up to today.

During the 19th century and well into the 20th, the U.S. government pursued strategies that included forced migration and forced assimilation. One could reasonably say that the goal was to eliminate the Indian.

Initially, the federal government pursued treaties with individual tribes, acquiring land in exchange for some combination of payments, land, and certain guarantees. In addition to gaining land, motivations for these treaties included protection of both settlers and Native Americans, as well as a desire to encourage mutually beneficial commercial trade relationships. *B1*

However, over time, with the pressures of a rapidly growing country, the nature of and motivations for federal government initiatives changed. Some key examples:

- In 1830, Congress passed the Indian Removal Act. This Act authorized the President to grant lands west of the Mississippi in exchange for lands in existing states, to make space for settlers. Some Native groups went peacefully; others didn't. This led to the "Trail of Tears", when thousands of Native Americans were forced to migrate to Oklahoma. Susan Burns presented an informative Quest paper on this topic just last January. *B2, B3*
- As the 19th century progressed, settlers began moving in greater numbers west of the Mississippi, creating pressure to make land available. In response, the Indian Appropriations Act of 1851 created a reservation system to confine tribes and make room for the increase in settlers, significantly reducing the land originally allocated to Native Americans and forcing drastic lifestyle changes. *B2*

- In 1887, the Dawes Act marked another shift in government policy - from removing Native Americans to reservations to breaking up reservations and encouraging and forcing assimilation. The Dawes Act provided for the dissolution of tribes as legal entities and the allotment of tribal lands among individual tribal members, with excess or “surplus” land sold or given to non-native homesteaders. The Oklahoma Land Rush in 1889 involved such “surplus” land. Native Americans were encouraged to “be like white settlers” and take up agriculture on their individual plots, which often was land not suitable for farming. The Dawes Act was disastrous for many tribes, destroying culture and society. In 1887, when the Act was passed, tribes controlled 138 million acres of land. By 1934, forty-seven years later, this figure was down to 48 million acres. *B2, B4, B13, B14*
- A policy shift occurred in 1934 when the Dawes Act was terminated with the passage of the Indian Reorganization Act. This act temporarily ended the effort to break up tribal lands, and its goals included increasing Indian self-government and responsibility. Modern tribal governments were created subsequent to this act. *B4, A7*
- As recently as the 1950s and 60s, the pendulum swung back again, as a series of laws were passed aimed at dismantling tribal sovereignty, breaking up reservations and moving Indians from reservations into urban areas - referred to as Indian Termination and Relocation Policies. Unfortunately, many of the people who did relocate to urban areas faced discrimination, low-paying jobs or unemployment, along with a loss of cultural support. *B5, B6, B7, B8*

Spanning these various legislative initiatives, throughout much of the 19th century and into the latter half of the 20th, the United States implemented policies establishing and supporting Indian boarding schools, many run by religious organizations. The purpose of these schools was to culturally assimilate Indigenous children. Some children attended these schools voluntarily, but many were forced. The locations were frequently and intentionally far from their homes. Names were changed; hair, important in Native cultures, was cut; Native clothing was not allowed; use of Native languages was prohibited; Native religions and cultural practices were suppressed; and abusive treatment was not uncommon. Education and training focused on vocational training and domestic skills – things Native Americans were felt to be “capable of”. The statement, ***“Kill the Indian in him, and save the man”***, was spoken by Captain Richard Henry Pratt, the founder and superintendent of one of the more prominent Indian boarding schools, the Carlisle Indian Industrial School in Pennsylvania. While there are individual examples of positive achievements

emanating from some of these boarding school programs, the overall experience was very traumatic for several generations of Native Americans, and the after-effects are still being felt today. *B9, B10* Recently, on October 25th, President Biden issued a formal apology on behalf of the US government for the repercussions of the boarding school policies. *B15* And just on Monday of this week, he announced the designation of a new national monument focused on Indian boarding schools at the location of the Carlisle school campus.

For those of you who may not be aware – I know I wasn't – many Native Americans were not considered citizens of the United States until the Indian Citizenship Act was passed in 1924. This Act conferred citizenship on all Native Americans, but not voting rights, which were controlled by the states. It would be the late 1950s before all 50 states granted voting rights. Even then, Native Americans have experienced many of the challenges that African Americans have in exercising this right. *B11, B12*

While there were some signs of positive movement and reform earlier in the 20th century, much of what is happening with Indigenous Americans today grew out of developments in the 1960s and 70s. This Self-Determination Era started in the late 1960s and continues today. *C1*

Many of us remember the Civil Rights movement in the U.S. in the 1950s and 60s, and the passage of the landmark Civil Rights Act in 1964 and the Voting Rights Act in 1965. This era also spawned activism in the Indigenous American community. While this activism was at least in part inspired by the Civil Rights Movement, the Indigenous American struggle is a separate issue. As opposed to a primary focus on equal rights, which is nonetheless important, Native American activism is driven by a desire for tribal sovereignty – the right to exist as distinct nations. *C2*

In the summer of 1968, the American Indian Movement (AIM) was formed in Minneapolis and developed into a driving force in the Indigenous civil rights movement. *C3, C4*

On November 20, 1969, a group of 89 Native Americans and their supporters occupied Alcatraz Island to begin an action that lasted 19 months. This was one of the most visible episodes in an era of protest actions designed to draw attention to broken treaties and the treatment of Native peoples.

Over the succeeding years, further protest events took place. Some of the more prominent included:

- The Trail of Broken Treaties in 1972
- The Wounded Knee Occupation in 1973, and
- The Longest Walk in 1978

C5, C6, C7, C8

These protest activities increased public awareness of Native American issues. There were other tangible gains in these early years:

- The Indian Civil Rights Act in 1968 provided Native Americans within tribal jurisdictions with many of the protections outlined in the U.S. Constitution's Bill of Rights, including freedom of speech, religion, press, protection against unreasonable searches and seizures, and the right to a fair trial. *C9, C10*
- In 1970, in a special message to Congress on Indian affairs, Richard Nixon officially ended the Indian Termination and Relocation policies of the 1950s and 60s and voiced encouragement for a policy of Indian self-determination. *C12*
- In 1975, Congress passed the Indian Self-Determination and Educational Assistance Act. This was important legislation that allowed tribes to assume administrative responsibility for federally financed programs designed for their benefit, rather than have them managed by the federal government through the Bureau of Indian Affairs and the Indian Health Service. This act was amended numerous times over the next several decades, including the Tribal Self-Governance Act of 1994, enabling Native Americans to assume greater control over their future. *C12*

While the nature and focus of the struggle has evolved and changed over time, the Native American community is still very much engaged in this fight for sovereignty, recognition and basic rights. In the balance of the paper, I will touch on some of the issues and initiatives that reflect Native American self-determination efforts today.

1. Land Rights

In the late 2010s, a campaign emerged among Indigenous peoples in Australia, Canada and the U.S., referred to as Land Back (#LandBack). This movement seeks to return to Indigenous control lands that Indigenous Tribes claim by treaty. Beyond physical land transfers, this effort is also concerned with the restoration of tribal sovereignty, the implementation of land management and environmental practices of Native peoples, and the preservation of tribal traditions. *D2*

While it is unrealistic to expect a major reconfiguration of existing societal property ownership structures, this movement is ongoing and can point to numerous successes. A few examples:

- In January of 2022, the 18,800-acre National Bison Range was returned to the control of the Confederated Salish and Kootenai Tribes (CSKT) in Montana. *D36*
- In June of 2022, the Bois Forte Band of Ojibwe, along with The Conservation Fund and the Indian Land Tenure Foundation, announced the purchase of 28,089 acres within the Bois Forte Reservation in Minnesota, almost doubling the amount of land under Tribal control. *D2, D3*
- Also in 2022, the Chesapeake Conservancy donated title to 465 acres of land on the Rappahannock River in Virginia to the Rappahannock Tribe. This land is a sacred site for the tribe. *D4*
- In June of this year, California announced that it was returning 2,820 acres of ancestral land to the Shasta Indian Nation. This land is associated with the Klamath River dam removal project. *D5*

There are many other examples. Most are not large and are often the result of years of effort. While sometimes land is donated, frequently some type of payment is involved, along with support from conservancies, land trusts or other non-profits. It is not unusual for the tribe to take on debt. The Land Back movement will not result in the recovery of most of the millions of acres that were once under Indigenous control, but it is nonetheless an important effort for today's Indigenous groups. *D3*

Public lands are also a key focus of the Land Back movement. U.S. Secretary of the Interior, Deb Haaland, and National Park Service Director, Charles F. Sams III, both the first Indigenous leaders in their positions, are working toward greater tribal involvement in the management of federal public land—all of which was once Indigenous land. Several parks and national monuments now have co-management agreements with tribes. Collaboration agreements are in place for many more, providing opportunities to reintroduce historical Native land and water management practices. *D4, D6*

2. The Environment

Given the special relationship that Indigenous peoples have with the land, it's not surprising that environmental and climate issues are at the forefront of Indigenous activism. In a 2023 TED Talk, Dr. Lindsey Schneider, Associate Professor of Indigenous Studies at Colorado State University and a Turtle Mountain Chippewa descendant, said that "every indigenous culture is unique, but our shared philosophy is that we come from the land, and the land is what sustains us, and therefore we have a responsibility to care for it." *D1*

Environmental initiatives can be seen in areas such as fossil fuel extraction and transport, mining, land and water management, including fisheries, and tourism development projects. It needs to be pointed out that Native people's views in many cases are not unanimous. There is a high incidence of poverty and unemployment on most reservations and other native land, and many proposed projects that raise environmental concerns also hold the promise of economic gain. It can be a difficult issue for Tribes.

The lands to which many Native peoples were forced were not perceived by the white population at the time as being particularly valuable. However, often these lands were later determined to hold valuable deposits of important resources, such as oil and gas. The hazards of resource extraction, such as contamination, dumping, and environmental pollution have disproportionately affected Native populations. Other forms of development activity, such as dam construction and certain tourism related projects, have also negatively affected tribes' ways of life. In Alaska, climate change is a particular problem, as 70 out of 200 Alaska Native villages face significant threats from erosion, flooding or thawing permafrost. *D7*

Among the more visible examples of environmental activism were attempts to block construction of the Keystone XL pipeline and the Dakota Access Pipeline. The former project has been cancelled, while the latter is operating, although subject to a federal environmental impact review and ongoing tribal opposition. A main driver of opposition to these specific projects is a concern about spills and the safety of Native water supplies. The role of fossil fuels in climate change is also a motivating factor for many activists. *D8, D9*

In the area of land, water and fisheries management, in late August of this year, the last of four dams was removed from the Klamath River near the Oregon-California Border. This project, the largest dam removal project in U.S. history, returned the flow of the Klamath River to its historical channel for the first time in over 100 years. This was a major victory for the tribes in this region, who waged a decades-long battle to achieve this goal. It promises to restore an

important salmon habitat that was adversely affected when the dams were built over a century ago. *D12*

On the mining front, examples include protests and legal actions directed at the Pebble Mine project in Alaska and the Oak Flat copper mine project in Arizona. *D10, D11*

More recently, technological advances and the desire for clean energy have significantly increased the demand for minerals such as lithium and cobalt, which are frequently found on or near Native land. There is an ongoing challenge to pursue these opportunities in a manner in which the tribal communities benefit and sacred land is protected, which has not always been the case. *D13, D14*

3. Missing and Murdered Indigenous Women Crisis

If any of you watched the Emmy Awards broadcast this past September, you may have seen the actor D’Pharaoh Woon-A-Tai, from the hit series *Reservation Dogs*, appear on the red carpet with a bright red handprint across his mouth. This was meant as a show of solidarity with the Missing and Murdered Indigenous Women movement in North America, or MMIW.

According to the Native Hope website: *“A red hand over the mouth has become the symbol of a growing movement, the MMIW movement. It stands for all the missing sisters whose voices are not heard. It stands for the silence of the media and law enforcement. It stands for the oppression and subjugation of Native women who are now rising up to say #NoMoreStolenSisters.”* *D15*

For decades, Native American and Alaska Native communities have experienced high rates of assault, abduction and murder. Native American and Alaska Native rates of murder, rape, and violent crime are all higher than national averages, often significantly. Many incidents go unreported. Data shows that Native American and Alaska Native women make up a significant portion of missing and murdered individuals. *D16, D17*

The MMIW movement, which originated in Canada, began to build momentum in the mid-2010s. Recent years have seen increased attention at the federal government level. A Trilateral Working Group on Violence Against Indigenous Women and Girls was established by the U.S., Canada and Mexico in 2016. This group continues to be active. *D18*

In 2020, the Not Invisible Act was signed into law. As a result of this act, Attorney General Merrick Garland and Secretary of the Interior Haaland appointed a cross-jurisdictional advisory committee, the Not Invisible Act Commission. This Commission submitted detailed

recommendations to the Departments of Justice and Interior and to Congress in November of 2023, covering a broad spectrum of issues, such as data collection, victim and family support services, cross-jurisdictional law enforcement coordination, and the funding of tribal public safety, health and criminal justice systems. *D19, D33*

4. Native American Themed Mascots & Logos *D20*

The use of Indian mascots and logos came into vogue with the growth of organized sports leagues in the early part of the 20th century. It became common for many teams to name themselves after Native peoples and to use native-themed images and logos.

Many supporters of these teams argue that the use of these names and images is intended to honor Indigenous people, although delving into the original naming history does not always support this argument. The prevailing national policy at the time was to “eliminate the Indian”. Input from Native tribes was seldom sought in these original naming decisions. And it is also noted that this is not done with any other ethnic group.

A majority share of the Indigenous community views these mascots as stereotypes and caricatures, often depicting Natives as savage or primitive. Many Native peoples find them demeaning and disrespectful of their identity and heritage – a reminder of a history of racism and discrimination. *D21, D22*

Psychological research has found that use of American Indian mascots, symbols and images has a negative effect on children and youth, both Native and non-Native. For non-Native students, it reinforces an inaccurate stereotype of what an Indian is, and that it is okay to engage in these types of practices. For Native students, there is a demonstrated effect on self-esteem and attitude, which shows up in longer-term educational performance and personal achievement. The American Psychological Association called for the retirement of all Native-themed mascots in 2005. *D23, D24*

Beginning in the 1960s, a concerted movement began to push for an end to the use of Native-themed mascots and logos in American sports. Slow at first, the effort eventually gained some momentum.

The University of Oklahoma stopped using the mascot Little Red in 1970. In the following years, Dartmouth and Stanford retired their use of Native names and mascots. Changes at other institutions followed over the succeeding decades. In 2005, the NCAA issued a policy discouraging schools from using racial mascots and imagery and prohibiting such usage at championship events. In a few cases, such as Florida State, the University of Utah, and Central Michigan, schools have reached an agreement with local tribes regarding the use of names.

At the professional level, the pace of change notably picked up in 2020 when the NFL's Washington Redskins changed its name to the Washington Football Team and later to the Commanders. In 2021, the Cleveland Indians were rebranded as the Guardians. Some teams have retained Indian themed names, such as the Kansas City Chiefs, but have changed policies relative to things such as mascots, fan dress and behavior at games; for example, restricting headdresses and face paint.

Change has also occurred at the elementary and high school level, such as with North Side High School in Fort Wayne. By 2022, more than 20 states had taken some steps to address the use of Native-themed mascots in public high schools and elementary schools.

However, the National Congress of American Indians estimates that there are still approximately 2,000 K-12 schools using Native American mascots, and the rate of change has slowed in recent years. There are even a few examples of schools that have gone back to old mascots and logos after a change in administration or school board composition. *D25*

The naming issue is broader than just sports teams. For example, the word "squaw" has been used in the names of many landmarks in the U.S. This word is widely felt to be sexually demeaning by Indigenous women. In 2021, Interior Secretary Haaland issued a directive establishing a process to review and replace derogatory names used in the nation's geographic features, including the word "squaw". *D26*

5. Indian Boarding School Initiative

This paper touched earlier on the topic of Indian Boarding Schools. In January of 2021, Interior Secretary Deb Haaland announced the Federal Indian Boarding School Initiative. Goals of this initiative include documenting and shedding light on the trauma and resulting damage of federal Indian boarding school policies and to identify steps to ameliorate the ongoing effects within the Indigenous community. These schools were in existence from 1819 into the 1970s.

The Interior Department released the first volume of its investigative report in May of 2022. A second and final volume was released in July of this year. This report includes a set of policy recommendations for consideration by Congress and the Executive branch.

The effort included a 12-stop Road to Healing tour by Secretary Haaland across the country in the latter part of 2023 to allow Indigenous survivors of these schools to share their experiences with the federal government. *D37*

6. Indigenous Peoples' Day

An ongoing movement began in the 1970s to recognize October 12th (or the second Monday in October) as “Indigenous Peoples’ Day”, as opposed to Columbus Day. Native Americans have valid reasons to question the celebration of Christopher Columbus, who committed violence against Indigenous inhabitants and put in motion centuries of efforts to remove them. Yet Columbus Day was established, at least in part, to honor the contributions and heritage of Italian American immigrants, who had their own experiences with discrimination and violence.

In 1990, South Dakota became the first state to officially recognize “Native Americans’ Day.” Currently, close to 20 states and over 100 municipalities recognize “Indigenous Peoples’ Day”, either along with or in place of Columbus Day. In 2021, President Biden became the first U.S. president to officially recognize Indigenous Peoples’ Day. Many Native Americans view this day as an opportunity to reflect on the history of Indigenous peoples in the U.S., to reclaim power and visibility, as well as to look forward and draw attention to the issues affecting them today. *D27, D28, D29, D30*

According to Crystal Echo Hawk, a member of the Pawnee Nation of Oklahoma and CEO of the social justice organization IllumiNative, “For too long, Native peoples have been rendered invisible or misrepresented in popular culture and media, but Native peoples are no longer tolerating or settling for erasure. Indigenous Peoples’ Day serves as a reminder of the diversity and depth of Native peoples, and how hard we’ve had to work for recognition and visibility.” *D30*

I have touched on just a few of the issues and initiatives in the current self-determination struggle of Indigenous Americans. Other important issues include poverty, unemployment, health care, housing, substance abuse, education, and cultural and language preservation. Numerous tribal governments and Native focused organizations are engaged in initiatives targeting every one of these issues. In his book “Everything You Wanted to Know About Indians but Were Afraid to Ask”, Anton Treuer states that “*After passage of the Indian Self-Determination and Education Assistance Act of 1975 and other legislation in the late 1970s, tribal leaders gained the authority they needed to create education, work, health and poverty programs.*” He goes on to

discuss that while many initiatives have been undertaken, the depth of the problems is such that it will take years and a continued allocation of resources to address them. ⁴⁷

As a non-Native person, it is difficult for me to conclude how a Native American might feel about progress or lack thereof in recent years. One can point to numerous positives. Tribes have become more effective in the political and economic spheres and in driving positive change in the lives of their members. Improvements are apparent in many indicators of societal wellbeing. And American society in general is more cognizant of the experiences of Indigenous peoples and their challenges and is more supportive of Native American efforts to reassert sovereignty and culture.

However, American Indian and Alaska Native peoples still rank near the bottom of most social, health and economic indicators. ⁴⁹ The current circumstances of the Indigenous population have been profoundly influenced by generations of governmental policies and the actions of the majority population. Native Americans have demonstrated an impressive resilience in surviving and in working to regain control over their lives and culture, and to define their own identity as independent nations, but there remains a long road ahead.

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