

**Západočeská univerzita v Plzni**  
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**Bakalářská práce**

**Contemporary Native American Societies As  
Reflected in World Media Coverage**

**Pavla Laznová**

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**Bakalářská práce**

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Prohlašuji, že jsem práci zpracovala samostatně a použila jen uvedených pramenů a literatury.

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## 1 Introduction

The Bachelor Thesis deals with the topic related to the contemporary life of indigenous people of America, specifically of indigenous people living on the area of today's United States. Its objective is to outline their contemporary life and also to adumbrate the changes in lives of Native American nations, caused mainly by colonization of American continent and its subsequent formation. The contemporary situation will be evaluated on the basis of their reflection in media coverage.

The Thesis consists of several parts. At the beginning it is important to state a brief historical overview of the life of indigenous people before and after the Europeans came to America, which should help to comprehend the impact of the changes to Native American population and their current situation. This is the subject of the first chapter. The other chapters are divided thematically according to the most discussed topics concerning the Native American societies living on the area of the United States and reflected in contemporary media. Among the most discussed topics related to the contemporary life of Native Americans belong alcohol abuse, criminality on Indian Country, casino-related issues, land-related issues and issues connected to the US Native culture.

The first chapter discussing the historical overview is inspired by the book *Stručné dějiny USA (1977)* by Jan Navrátil. The next chapters discussing the contemporary issues are based on the analysis of chosen online articles, mainly from the news servers such as international BBC and CNN and local Sioux City Journal. The discussed problem or issue is mentioned at the beginning of each chapter and then, it is demonstrated on a particular case or cases described in the analysed articles.

The situation is supposed to be difficult and today's life of indigenous people of America challenging, because the rate of unemployment and poverty are high on reservations. Moreover, poverty is often accompanied by other problems such as for example alcoholism and delinquency.

At the very end, the Thesis is complemented by the appendix part, which contains some additional information or explanation and also examples of the analysed online articles. The Thesis is aimed to acquaint the author and the reader with the current situation and living conditions of Native American society, how it is reflected in the world media coverage.

## 2 A Brief Historical Overview

The scientific discoveries indicate that the first inhabitants of American continent were relatives of Asian races. They came to American continent about 30 or 20 thousand years ago across the Bering Strait, which was above the surface at that time. They moved forward from North to South and adapted themselves to the natural conditions. In general, the East offered better living conditions, so the communities which settled there had an advantage – they did not suffer from the shortage of subsistence sources, they did not have to migrate and could have founded and developed settlements, culture and society. On the contrary, the West part was covered mainly with deserts, so when the animals became extinct on one place, local inhabitants had to move to another place where the animals lived. This wandering way of life took a lot of time, so these travellers had time neither to found any permanent settlement nor to develop their civilization and culture.

The indigenous people started to build their villages from scratch. They came to uninhabited country and started to create new cultures, which varied. They had not the advantage as people in Europe who could have inspired themselves in Antic. Every community or tribe had its own developing process, but in general, it could be said that they used fishing, hunting and farming as means of subsistence; grew Indian corn, tobacco, weaved plant fibres, produced utility and decorative ceramics, used different types of wooden, bone, copper, stone and ceramic tools. They worshiped a lot of different gods, spread myths and performed many rituals and ceremonies. The single tribes were often enemies. Mostly, they were based on family system and they had a various scale of culture customs, rich art formation, oral historical traditions, they had astronomical knowledge, knew medicinal herbs etc. Before the colonization, there had been about 1.5 million indigenous people in the area of the United States. They taught Europeans how to grow Indian corn, potatoes, tomatoes, tobacco, how to make natural pigments, poisons and light cargo boats. They were taught by Europeans how to use a wheel for moving, how to process iron and make tools and weapons. Before the Europeans came, the indigenous people had known neither gunpowder nor alcohol.



Although the discovery of America is attributed to Christopher Columbus, the first Europeans who entered the American continent were Vikings in 10<sup>th</sup> or 11<sup>th</sup> century, but they probably had no impact on Native American people. Christopher Columbus discovered America in 1492 and since that time, the colonization had begun.

The Europeans started to build their settlements. At the beginning, the contacts with Native Americans<sup>1</sup> - how we call the indigenous American people today – were peaceful. The number of colonists was not great and the relations were amicable. They exchanged mutually their pieces of knowledge and co-existed. But later, the disputes arose. The Native Americans were legitimate owner of the land, which was the object of disputes, when the colonies had become larger and colonists needed more land for their agriculture. There were many battles between Native Americans and colonists, which had many victims of the fights on both sides. As the number of colonists grew, Native nations had less chance to win the battles and often had to withdraw from them. They were forced to leave or cede the land and retreat on the West. The treaties determining peace and space were violated by colonists, later by the United States, and the Native Americans were forced to move to West again and again. Those tribes, that offered resistance during attainment of white people's aims, were exterminated. In 1867, the US Congress approved the law, which ordered the Native Americans to live in reservations. The Native Americans sought to revolt, but all resistance attempts were suppressed.

Native Americans were displaced and expelled to bordered reservations, where the soil is infertile and their living is restricted by the border. The wandering tribes were forced to settle and to settle on a dry, barren land, which caused that their contemporary situation includes many negative phenomena such as poverty, alcoholism, high rate of suicides, criminality, problem of identity, generation gaps and many others. Despite the iniquities committed on Native American nations, they have adapted to the conditions and culture of white people and seek to deal with the issues, they have to face. [1]

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<sup>1</sup> Native Americans, American Indians, indigenous people of A. – in this thesis includes Native Americans of US, indigenous people of Alaska – Alaska Natives, and indigenous people of Hawaii.

The contemporary situation of Native Americans is reflected not only in the media, but also by Sherman Alexie, an awarded Native American author and script writer, who shows in his works the above mentioned phenomena concerning the Native American population. For example a book "The Lone Ranger and Tonto Fistfight in Heaven" [2], a collection of short stories, deals with alcohol abuse, drug use, relationships, differences between generations, traditional Native American way of life and many others. All of these issues are going to be discussed and further commented in the following chapter.

### **3 Contemporary Issues Related to Native American Societies**

#### **3.1 Alcohol-related problems**

Before the Europeans came to occupy American continent the indigenous people of America probably had not known spirits. They had made their own light beverages similar to beer, which had been used only during the ceremonies and rituals. The European colonists had been used to consume spirituous liquors and they had brought with their culture also the distilling apparatuses and manner of drinking.

The colonists had been used to consume spirits. The indigenous Americans did the same after the fashion of 'colonist style', because they sought to become a component part of trading. The problem was that they were not able to consume the same amount of spirits as the colonists were. When they had discovered the influence of the spirits over Native Americans, the colonists became to abuse the power of spirits. It resulted in making spirits the important part of trading. Indians longed to spirits; so far it had been an unavailable commodity for them but for colonists it was cheap and free-of-duty issue. The indigenous Americans were acquiescent to trade spirits for commodities, which were valuable for colonists – fine furs or gold. Moreover, when the colonists had learned the effects of spirits on indigenous Americans, they started to conclude trades with the bottle of spirits which was given to Native Americans for free. They became intoxicated and concluded agreements under very disadvantageous conditions for them.

Except for that, the colonists induced the alcohol addiction at the indigenous population, whereby securing the spirit subscribers. This phenomenon had been inherited from generation to generation and it has been persisting up to the present. [3]

*"History may have therefore sown the seeds for the prevalence of alcohol abuse in North American indigenous populations. Early demand, with no regulation and strong encouragement, may have contributed to a "tradition" of heavy alcohol use passed down from generation to generation, which has led to the current high level of alcohol-related problems."* [4]

### **3.1.1 "Are beer firms to blame for Native American drink woe?" [5]**

The occurrence of problems connected to Native American alcohol abuse in present can be demonstrated on the case of Pine Ridge and White Clay. Pine Ridge Indian Reservation (PRIR) is situated in the South-West of South Dakota, nearly at the state border to Nebraska (see Appendix 1). It is home of the Oglala Sioux (Oglala Lakota) tribe. It is the eight-largest Native American reservation in the United States. The town of White Clay is situated on the opposite side of the same border, in the state of Nebraska, distant about three kilometres (two miles). Its population is on a very low level – between 10 and 14 residents (various sources differ in numbers, for example: 10 [6], 12 [7], 14 [8]). Its economy depends on beer sales to the residents of PRIR, where the alcohol sale and consumption are prohibited. The four beer shops in White Clay sell about 13,000 cans of beer (350ml) a day, which is "more beer per head than almost anywhere else in the US". [9]

The beer stores, distributors and breweries were accused of being the source of the alcohol addiction of the tribe members. They had endeavoured beer stores to be closed by protests, whereby they sought to improve the situation for a long time, but unnecessarily. After the unsuccessful attempts, the tribal leaders decided to take a different approach and filed a lawsuit. This lawsuit demanded to pay 500 million

dollars (309 million pounds; ca. 9.3 billion Czech crowns) for damages caused not only by the beer stores, but also by distributors and breweries.

The lawsuit alleged that the beer stores and breweries were responsible for alcoholism in PRIR. They were supposed to know about illegal actions happening in White Clay, as for example about the fact that it is forbidden to consume alcohol in public or resell it in Nebraska. In White Clay, there are not situated any restaurants which could serve it legally and its consumption would be permitted in three of the private homes. On the PRIR, it is forbidden altogether, so there is no possibility the amount of alcohol would be consumed in a legal way, because there live around ten residents in White Clay and the consumed amount of alcohol beverages is exceedingly high.

Excessive alcohol consumption harms not only the consumers but it is also followed by health problems, criminality, driving accidents and in general it has destructive impact on the Pine Ridge society. According to statistics used in the lawsuit (see Appendix 2):

- *¼ of the children born on the PRIR are diagnosed with either fetal alcohol syndrome (FAS) or Fetal Alcohol Spectrum Disorder (FASD)*
- *the average life expectancy in PRIR: 45 and 52 years (average American life expectancy: 77.5 years)*
- *diabetes: ca 50 % of population over 40 years, tuberculosis rate: 800% higher than America as whole*
- *teen suicide: 150% higher than America as whole*
- *infant mortality: 300% higher than America as whole*
- *ca 85 % of families are affected by alcoholism*
- *ca 58 % grandparents are raising their grandchildren*
- *In 2008, the OST tribal police made 1,854 juvenile arrests and 25,437 adult arrests, approximately 90 percent of all of these arrests were alcohol related*
- *In November of 2009, the OST tribal police made 1,263 arrests of adults, of those arrested, 1,199 had at least one alcohol related charged offense [10]*

The lawsuit was rejected at the beginning of October 2012 by federal judge. He admitted that the beer distribution and sales contributed to the problem but it was not a sufficient reason to find the sellers, distributors and breweries guilty. The sellers of White Clay had said it could not have been illegal "to buy alcohol at a place that sells it legally" and wanted the Pine Ridge Indians to be responsible for their own.

On the contrary, the New York Times stated in the article "Tribe Considers Lifting Alcohol Ban in South Dakota" [11] that the former tribe chairman of the Oglala Sioux's Law and Order Committee, James Big Boy, did not hesitate and made next step – he intended to propose the tribal council to agree with holding referendum on permission of alcohol sales in Pine Ridge which would probably divide the tribe residents. According to Mr. Big Boy it would be a forward step for one of the "poorest places in the country". [12] He thought it could have improved the situation, if the consumption of alcohol would be controlled and reduced within the reservation and also the consequences would be abated. Moreover, the tribe would acquire financial means from sales and taxes to support social activities and education programs. The tribal police captain, Milton Bianis, also agreed that this would be valuable for the officers, because they would not have to deal with imprisoning of the drunks but could investigate more important cases. [13], [14]

Another two articles discussed very briefly a protest against beer sales hold on 31 December 2012 also in White Clay. The first article informed about the protest and also, some personal story was added. The second article informed that the protest ended peacefully on 1 January 2013 and added some more information about the course of the protest. [15], [16]

The Pine Ridge Indian Reservation is not the only area where the Native population has the problem with alcohol abuse. It represents one particular example of many other cases of alcohol abuse occurring within the reservations and Native American residences. The alcohol-related problems are not a separate difficulty; it is also accompanied and connected to many other issues such as e.g. criminality, health problems, society and culture destruction discussed further in the thesis.

## **3.2 Criminology**

Another extended problem related to Native American societies is high rate of criminal delinquency. The most prevalent affairs discussed in world media are women sexual assaults and child abuse. Apart from these, the online broadsheet articles comprise some other examples of criminal activity of Native Americans – shooting and extortion. The level of the criminal rate including Native American and Alaska Native nations significantly exceeds the US national average (See the subchapter 3.2.1.3 Statistic examples of violence committed on reservations). In spite of the high criminal rate, there are few charges filed and few perpetrators sentenced. [17]

### **3.2.1 Criminal violence committed on native inhabitants**

#### **"Higher Crime, Fewer Charges on Indian Land" [18]**

Indian women are raped or sexually assaulted four times more often than the national average. In about 86 % of the cases, the sexual offenders are non-Native men. [19] But there are a few convicted persons.

The most serious crimes committed on Indian lands belong to jurisdiction of the Federal Bureau of Investigation and United States attorneys. The tribal courts have the power to convict the members of tribe for crimes committed on the area of reservations but these perpetrators cannot be sentenced to more than three years in prison. Non-Native people cannot be sentenced by the tribal court. In consequence, the tribes seek the most serious crimes to be investigated by federal agents and brought to federal court. Although the federal prosecutors are entitled to sue the perpetrators, in the crimes originated in reservations, there are to be found more rejected cases than filed charges or convicted and incarcerated persons. Federal prosecutors argue that they often lack enough germane evidence. The tribes complain not merely about the dismissal to prosecute cases, but also about the lack of information, containing clarification of rejecting the case, rendered to tribes by federal institutions. [20]

### 3.2.1.1 Women sexual assaults

#### **"For Native American Women, Scourge of Rape, Rare Justice" [21]**

More than half of raped and assaulted women victims never experience the offender to be punished. On the one hand, the most of the announced reports on rapes or assaults conducted in Indian land are rejected. On the other hand, the victims are discouraged from reporting sexual assaults by tribal police or they are afraid of retribution of the perpetrator, thus they do not report it. The result of it is, that the offenders are hardly ever sentenced. They live at liberty and can perpetrate more assaults. Apart from that, the victims are often provided by insufficient health service. On the reservations there are few hospitals of Indian Health Service. They are responsible for providing health care but they are inadequately prepared. They suffer from deficiency in equipment and facilities and lack trained personnel. They are unqualified to provide access to birth control, sexually transmitted disease testing or perform rape examination, which is essential for bringing cases to trial and providing sufficient evidence.<sup>2</sup>

The Justice Department sought to abet solving the problem by increasing the number of F.B.I. agents and United States attorneys, who should have contributed to the investigations. Moreover, the Justice Department conducted to Indian Health Service to train more nurses. It proceeded systematically and sought to take different approach and find new methods to solve the problem. But the alteration would come slowly. In spite of the allegation of federal agencies that assert they endeavour to ameliorate this momentous situation, the tribes complain about federal failure in providing necessary information and communication. The tribes are not informed about why the cases were rejected or even worse, they are not informed about the actual rejection of the case. The tribes are discontented with the federal attitude. The federal investigators and officials defend themselves by claiming that they cannot

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<sup>2</sup> There are 45 Indian Health Service hospitals in Indian Country; 27 of them provide examinations for rape victims. There are 73 trained sexual assault examiners.  
(<http://www.nytimes.com/2012/05/23/us/native-americans-struggle-with-high-rate-of-rape.html?pagewanted=all>)



provide information about unclosed investigations or cases which could be reopened later. Despite this, the cases are often not resolved and the offenders not prosecuted.

### **3.2.1.2 Child abuse and neglecting**

#### **"A Tribe's Epidemic of Child Sex Abuse, Minimized for Years" [22]**

Indian women sexual assaults are not the only infrequent occasions of violence pursued on Indian reservations. Another example of violence also very common to Indian Country is child abuse. Many of the Indian reservations are contending with an extended rate of child abuse and neglecting. Although the statistic data reflecting the child abuse in Spirit Lake Indian Reservation are not publicly accessible information, the SLIR is presumed to have the most extended child abuse rate within the Indian Country. As in the case of women assaults, the authorized institutions fail to deal with this issue. As the Spirit Lake reservation is regarded to be the Indian area with the greatest proportion of child abuse, the obvious reality concerning child violence is often concealed and the problem minimized.

Tremendous flaws were found in child welfare system. The failure resides in action and inaction of tribal officials and social service providers. The tribe does not care about what happens to their children, furthermore, they seek to conceal the violence committed on children. Children are directly exposed to the violence by failure of reservation's social workers and tribe's officials. Children belonging to the social service system are endangered as well as the ones outside it. Foster children are placed in families of registered sexual offenders, they are illegally replaced without previous review and the appropriate and mandatory visits to verify the conditions of the foster homes are not performed. Other children can be endangered by their own families; it includes the case when two children (nine and six years) were found in a house of their father, raped and sodomized. The tribe seems not to be able to safeguard their children, when it is possible to read about following cases. The tribe hired a social worker who was convicted abuser or they allowed obvious inaction in cases of child abuse and neglecting as in the case of social worker who found one-year-old child, who had been covered by 100 wood sticks, and the social



worker did not take the baby to hospital. According to Thomas F. Sullivan, the regional administrator for the Administration for Children and Families for six states, the error had arisen when the tribal leadership dismissed professionally qualified staff and replaced them with personnel who ignored needs of children, reports of abuse and neglect and declined to prosecute the most outrageous cases of abuse. [23]

Tribal members confirm the allegation that the child abuse is spread, common and evident issue. They also assert that the cases are barely prosecuted and the perpetrators are hardly ever convicted. The violence acts against children are no longer reported because people are afraid of perpetrators and the law enforcement is not interested in it and rejects the most of the cases. Also, former employers engaged in the Spirit Lake health and human affairs attest the large amount of violence committed on children and indifference of the federal courts. According to these workers, many families are preyed by members of other families by generations. [24]

These problems were uncovered by state medical and social services administrators and distrust was manifested after two emails had been sent to federal superiors by the regional administrators of health and human services. The federal officials were going to undertake the tribe's social service programs. The federal Bureau of Indian Affairs averred that they would perform all possible measures to redress the flaws of social service system in SLIR to "meet the needs of children on the reservation". They endeavoured to reduce the extent of the problem, e. g. by disciplined employees, who publicly spoke to make the Indian inhabitants aware of sexual abuse and questioned them to ascertain their competences. [25], [26]

Obviously, to shortly summarize what has been stated in the previous subchapters, the violence perpetrated on Native American women and children is very extended issue in present. Indian Country seems to be a refuge for sexual offenders. The reservations are remote places where the crimes can be easily committed. The women and children are endangered because officials responsible for reporting, investigation and prosecution do not accomplish their duties. In cases of women sexual assaults the most of the complaints were expressed about state and

federal officials and agents. On the contrary, in cases of child abuse the complaints were expressed mostly about the tribal officials.

In both cases, the reasons for so extremely high rate of sexual violence on reservations are barely understandable, but a certain role might be played by phenomena as for example failure in the family structure, lack of discussion about sexual violence, alcohol abuse and poverty. In accordance to affirmative allegation of most tribal women, sexual assaults and rapes are common issue in reservations and these affairs are routine. [27]

In 2010, President Barrack Obama signed the Tribal Law and Order Act, which should have provided tribal leaders with more authority in combat with crime on reservations. But its inconsistent implementation raised lot of ambiguousness over Indian Country. It has been persisting for about two and a half year until now. But on the beginning of 2013, an article published in Sioux City Journal acquainted with operations related to law changes. It affirmed that federal government, United States attorney's office and other institutions cooperate with tribal officials (of different tribes) on designing new codes, which would extend the authority of tribal courts. Moreover, federal institutions have increased the number of agents, e. g. professionally trained agents for improving the prevention, investigation and prosecution. The number of trained workers in Indian Health Service has been arisen three times. [28]

### **3.2.1.3      Statistic examples of violence committed on reservations**

- *the criminal rate is more than 2.5 times higher than national average in 310 Indian reservations*
- *Native American/Alaska Native women are 10 times more often murdered than other Americans*
- *Justice Department filed charges in about half of Indian Country murder investigations*
- *federal prosecutors declined to file charges in 52 % of cases involving the most serious crimes committed on Indian reservations in 2011*

- *Justice Department rejected 2/3 of Indian Country sexual assault cases*
- *Native American/Alaska Native women are 4 times more often raped/sexually assaulted than national average [29]*
- *1 in 3 Native American/Alaska Native women had been raped or experienced an attempted rape*
- *the government did not pursue rape charges on reservation 65 % of the time, [30]*  
*the government rejected 61 % of cases involving charges of sexual abuse of children in 2012 [31]*
- *Sexual violence in rural villages is 12-times more often than the national rate [32]*

<b>Table 1: Arrests made in cases of reported women sexual assaults – according to victim’s ethnic belonging [33]</b>	
Native American/Alaska Native	13 %
Blacks	35 %
Whites	32 %
Others	20 %

**Table 2: Examples of proportions of some particular nations**

<b>Navaho Nation (Arizona, New Mexico, Utah) [34]</b>	
Population	180,000
Proportion of reported sexual assaults	10 %
Sexual assaults reported in 2007	329
Arrests made in 2012	17

<b>South Dakota [35]</b>	
Proportion of Native Americans on overall state's population	10 %
Proportion of Native American sexual assault victims on state's overall number	40 %
<b>Alaska Native [36]</b>	
Proportion of Alaska Native on overall state's population	15 %
Proportion of Alaska Native sexual assault victims on state's overall number	61 %

**Table 3: Child abuse on Spirit Lake reservation [37]**

<b>Spirit Lake Indian Reservation, North Dakota<sup>3</sup></b>	
Population	6,200
Proportion on the overall population of North Dakota (2009)	9 %
Amount of registered sexual offenders	38
Proportion of the child abuse on the overall child abuse in North Dakota (2009)	30 %
<b>Compared with Grand Folk, North Dakota</b>	
Population	53,000
Amount of registered offenders	13

<sup>3</sup> In 2007, there were 26 confirmed cases of child abuse on Spirit Lake Indian Reservation and 10 times as many allegations of child abuse.

### 3.2.2 Violence committed by Native American inhabitants

The Indian Country is contended not only with criminal acts committed on its inhabitants, but also with criminality committed by its inhabitants. The broadsheets mentioned examples of school shooting in Minnesota and Native American gang rioting also in Minnesota and other close states.

An article "Tribe leader opposes Columbine-like funerals in Minnesota shootings" [38] dealt with school shooting at Red Lake High School (Red Lake reservation, Minnesota). A 16-year-old boy, Jeff Weise, killed his father, Daryl Lussier, and the father's girlfriend. Daryl Lussier was a tribal police sergeant. Weise took Lussier's gun, flak jacket and police car and drove to the school. Seven more people were killed there (security guard, teacher and schoolmates) and other seven were wounded. Then, Weise killed himself. This accident was considered to be the worst school shooting accident since the shooting at Columbine High School in Littleton, in April 1999, when two students killed twelve classmates and themselves too. The authorities refused to cogitate about the attack motives and said that it would emerge with investigation process. Although they declined to tell more about the accident, other students said that Weise did not keep contact with them and that he made "'messed-up' drawings of 'people dying' and Nazi swastikas", admired Adolf Hitler and denounced interracial mixing on reservation. Other pieces of evidence were found on a website, which was allegedly administrated by Jeff Weise, and which showed the same opinion as the drawings. But it was not stated if the victims of shooting were chosen randomly or purposefully. [39]

Another example of more current criminal activity committed by American Indian inhabitants is connected to Native Mob gang. This gang operated mostly within several states: Minnesota, Wisconsin, Michigan, North Dakota and South Dakota. It consisted of about 200 members who were of American Indian ethnicity. The group was established in 1990s to fight for area to deal drugs. In January 2013, three of the gang members were charged with extortion, murder, attempted murder, criminal conspiracy etc. – all these were committed in the purpose of assuring the area for drug trafficking and intimation of competitive gangs or rivals. In March 2013, the "chief" of the gang (34 years old) and two "soldiers" (25 and 26 years old)

were convicted of many of the charges. All three men were conformed to sentencing between 20 years and life in prison. Their defence attorneys would likely appeal against these convictions. [40]

According to the 2011 National Gang Threat Assessment, the Native Mob was one of the largest and most violent American Indian gangs in the United States. It was very well organized. Christopher Grant, a Native American gang specialist in South Dakota, said that there were great numbers of American Indian gang nationwide, but most of them were not organized and might have had no more than five members, so they were not a huge threat. [41]

Although these incidents were led by different people and had different motives, both of them are connected to the contemporary situation of Native American societies and the way how they have to cope with the changes which affected their nations – the first was racial motive, the second was connected to the efforts to earn money, which is, in general, very problematic issue from the point of Native American view. In spite of the fact that the criminality committed by Native American people is considered not to be rare, the violence committed on Native American people, mostly women and children, is still more often and ignored issue.

### **3.3 Casinos and American Indian enterprises**

It was mentioned in previous subchapter that when being Native American, it is not easy to earn money. However, there exists a way – Indian casinos. They are popular and widespread within the United States and their conducting provides American Indian societies, that were able to establish some, with great economic opportunity. The most often discussed subject related to casinos is the law system among the tribe, state and federacy.

The first American Indian casino was opened in 1979 in Florida by Seminole tribe. The successful enterprise was followed by other native nations and tribes. The Seminole casino was federally recognized in 1981 and Indian gaming in general was recognized in 1987. The rules for operating and directing the American Indian gaming on Indian land are established in Indian Gaming Regulatory Act (See

Appendix 3), which was passed by US Congress in 1988. [42] Today, there are 562 [43] federally recognized tribal governments in the United States. And there are also 422 Indian casinos situated in 28 of 50 [44] states and they are operated by 236 of 562 tribes. The annual profit of the Indian casinos over the whole Indian land was \$26.5 billion in 2011. [45]

### **3.3.1 "Native American Casino And Tax Rules That May Surprise You" [46]**

On the one hand, the Indian reservations and land lie within federal authority, as the other parts of the United States. On the other hand, they have tribal sovereignty (although not full sovereignty), which grants them the opportunity to govern themselves in many affairs. Among the Indian Country there is a complex law system which establishes the relations between federal, state and tribal governments. There is a feature in this system, which is exceptional from the federal point of view, but characteristic for the tribal law – it is the definition of the subject to federal income taxes. The tribes and the corporations owned by them are liberated from federal income taxes – they are not the subject to federal income taxes. On the contrary, individual Native Americans are subject to federal income taxes – they must pay them. Also, if the tribal earnings are allocated to tribal members, then this allocation is taxed. Native Americans whose income is acquired from reservation sources cannot be taxed by state, if they live inside the borders of reservation, but this income can be taxed if the Native Americans live outside the reservation borders. [47]

The American Indian tribes and societies that launched some business activity, such as casino conducting, are often criticized for not living in an "Indian" or "Native" way of life. But when the Native American tribes were banished to the remote and often hostile areas, where any crops could be grown, any cattle hunted, these societies have had no opportunity to acquire the means of subsistence. On such parched and rocky ground their only possible way to secure themselves with an income is to establish and operate a casino enterprise. The non-taxed casino profits

guarantee the revenue to tribes and the tribes which operate casino belong to the less poor ones.

### **3.3.2 "The Native – and Not So Native – American Way (...)" [48]**

As in the past, the contemporary development of Native American societies differs from tribe to tribe. While some tribes managed to launch a business activity, other tribes lack job opportunities, health care and suffer from poverty. It is caused by diverse environmental, social and economic conditions. Casinos are not the only businesses conducted by "enterprising" Native American tribes, but they are the most profitable for them and also, in the world media, the most discussed enterprises related to Native American societies.

Even though the casino business is for many tribes an important source of income, it is accompanied by an amount of obstacles, which the tribes have to face. For example, in 1994, eleven American Indian tribes living in the reservations situated in California were confronted with the governmental allegation claiming that their casinos did not comply with the state regulations. The dispute was about a machine used in the casino and whether it was or was not a "slot machine". Casino in a Las Vegas style was prohibited in California. The machines used in the Indian casino were claimed to be slot machines by government, because they looked like it. The tribes argued that in their case, there were no levers to pull and the winner did not get any cash money, so they could not have been regarded as slot machines. The machines were defended in this way because it was the most important attraction which could have enticed the players to spend their money there. [49]

In 2000, the Dry Creek Band of Pomo Indians planned to build a large casino in Alexander Valley, Geyserville, California. The tribe encountered the resentment of the Alexander Valley residents. The casino was refused to be built because the scenery and landscape would be devastated and the structure and the customs of the residents, too. But more arguments were in favour of the tribe. For example, they were very outright to negotiate with residents and make them aware of every development concerning the casino planning. They also promised that neither the calmness of the valley nor the landscape would be disturbed by the casino. The last



and the most important fact was that Native American societies were allowed to operate whatever kind of business, including casino, at the area of their reservation, which was enacted by federal law. [50] (The casino can be found as River Rock Casino. [51])

Casino Omaha, operated by Omaha tribe, whose reservation is situated in Iowa, was closed in summer 2011, because it was inundated by floods. In January 2013, an article informed about reopening of the casino under a new name – Blackbird Bend Casino. It was temporary reinitiated in former casino restaurant, because it was the only room which remained dry during the floods. The original building is expected to be rebuilt and enlarged and the casino extended (from about 130 slot machines to 430 and eight table games). Also, the workforce is expected to be raised (from 138 employees in 2011 to 160). It is important source of job opportunity for tribal members (75 % of casino employees are Native Americans). There are 73 of former employees hired to manage it in provisional place. [52]

Besides the problems being solved by tribes, the Indian casino issues caused inconvenience also to US politicians. In 1997, federal officials and politicians were accused of being influenced in their decision by tribal money. The question arose, when the Chippewa Indian proposal for building a casino in Hudson, Wisconsin, was rejected after the Democratic National Committee had received 270,000 dollar campaign donation from other three tribes, which had protested against the casino in Hudson. The dissent with this accusation was expressed by the officials and politicians in several articles studied for the purpose of this thesis. [53], [54], [55], [56]

Apart from it, several other articles introduce also a piece of information about competition between casino-owning corporations. The companies compete for the place of former floating casino in Iowa. But it, more than with issues concerning Native American societies, deals with the competition and its impact on society of the United States (e.g. job vacancies, etc.) in general. [57], [58], [59]

Further, "Native Americans see unity as path to prosperity" is the headline of an article which acquainted the readers with Native American Group. It is a

consortium of Native American tribes and its aim is to organize Native American tribes across the United States and Canada to develop economic opportunities. The author of this idea is Richard Bowers Jr., president of the Seminole Tribe of Florida Inc. The Seminole tribe has been an owner of all the Hard Rock cafés, casinos and hotels (except the Hard Rock Café in London and casino in Las Vegas) since 2007, when the Hard Rock properties were bought for 965 million dollars (ca. 19.3 billion Czech crowns). The intent of this effort is to encourage and support businesses and services owned by indigenous nations. Mission of the unification is to interconnect Native American business owners to help one another (e.g. one tribe can supply another tribe with beef for their restaurants, etc. and keep the business among the Native American land and do not trade with Americans until the opportunity is in the Indian Country). [60]

The casino ownership has made larger differences among the American Indian societies. The tribes that had the opportunities and conditions to launch a casino belong to the less poor ones and have a better economic situation. Despite this, it cannot be stated that all tribes that own casino are rich. This proves that the Native American society is very diversified – not only from the cultural point of view, but also from the point of view of the opportunities and environment, which is determined by many factors.

### **3.4 Land and financial refunds**

Another often discussed issue related to Native American societies is the issue of land. The Native American people had always considered the land and soil to be a gift from nature, and before the Europeans began to colonize America, Native Americans had not known the idea of land possession. Land possession had become one of the most controversial issues between the United States and Native nations and it has been persisting up to these days.

#### **3.4.1 "US government ordered to reimburse Native Americans" [61]**

In 1887, the Indian land was rendered to white-owned companies by the Dawes Act without the Indian families being compensated or paid for their land. In April 2012,

the United States authorities agreed to pay more than one billion dollars (627 million pounds – almost 20 billion Czech crowns) to 41 Native American tribes as a compensation for mismanagement of their land and natural sources. After 22 months-lasting lawsuit, the United States authorities agreed to settle the debt, which is deemed to be "a significant milestone in the improvement of the United States' relationship with Indian tribes". [62]

At the end of April 2012, a United Nation special reporter on indigenous societies, James Anaya, made a journey among seven states of the United States to ascertain under which conditions Native American societies live. The examination was focused on whether the standards of a declaration, signed up in 2010 for establishing minimum basic rights for indigenous people, are reflected in United States law and policy. Some United States conservatives demurred that this was an international intervention into domestic issues. [63]

In his report of 12-day journey, Anaya stated that the current situation, including e.g. land and resource deprivation or disruption of American Indian societies, is based on the racial discrimination, which is both systemic and specific. That is a namely e.g. the way how the children and teacher treat the Indian children at schools and the educational system itself – the reflection of the Native American and Indian peoples demonstrated in school curriculum and teaching. Another example of discrimination is popular media, in which the American Indian population is mentioned mainly when some of its representatives die or as a group of people who receive benefits or people of a 'casino culture'. This is an incorrect picture induced by mainstream media. In fact, their alarming situation is caused by demarcation of their land where they can live and which they can manage. And in most cases there is nothing that could be managed, because the Indian reservations are often dry areas without any possibility to launch some business or agricultural activity. According to James Anaya, the solution of this situation is to restore the land which belongs and should have always belonged to Native nations. [64] He requested United States for returning land to Native Americans, claiming that on the one hand it would be step forward in improving relationship between the United States and Indian tribes. As an example he stated the Black Hills in South Dakota

which is a public place but a sacred place for Sioux and should not be destroyed by business activity. On the other hand, the restoration of some land to Native American nations would contribute to improving their economic situation and reducing the high rate of unemployment, social diseases connected to unemployment, alcoholism and suicide rates, because with the restoration will come a fecund land full of opportunities. [65], [66], [67]

### **3.4.2 "Native American tribes owed millions from government, supreme court rules" [68]**

In June 2012, the US Supreme Court ruled that the Native American tribes should be repaid by the costs of providing public services by themselves. The Indian Self-Determination Act of 1975 enables the tribes to subcontract from the federal government the public services (police, schools, hospitals, fire prevention, infrastructure works, etc.). Under the agreement, the tribes should be paid in the same way as it would be any other contractor. But in 1994, the way of payment was changed. The government stopped paying full for each single contract and paid collective lump sum, which is imposed by a ceiling. Thus, the tribes were curtailed, which had been lasting from 1994 to 2001. This ruling of the US Supreme Court in favour of the tribes is regarded as another success for the Native Americans. This victory of Native American tribes that had filed a class action suit is considered to be as rare as the fact that this case has reached the Supreme Court. [69]

The Native American reservations and other areas inhabited by Native Americans are the poorest places in the United States. The refunds of some land, which are regarded to belong to some Native American tribes, could improve their economic situation. They often live in dry, infertile and remote areas, where nothing can be grown and no business can be launched. They endeavour to gain areas which could help them to run a business or agricultural activity. The financial compensation helps them only in a short-term way.

### 3.5 Culture

The final chapter on contemporary issues related to Native American societies includes topics connected to religion, language, traditions and ethnicity since they are recognized as parts of US indigenous culture.

#### 3.5.1 "Kateri Tekakwitha: First Catholic Native American saint" [70]

The day of 21 October 2012 has been registered as a day when the first Native American was canonized. Among the seven people, who were declared saint that day, was also a Native American Catholic, Kateri Tekakwitha. She is known as "Lily of the Mohawks" and was born in 1656 at the area of the contemporary state of Washington. Her father was a pagan Iroquois and her mother was an Algonquin Christian. Her parents and the only brother died of smallpox epidemic. She grew up in the society of the Mohawk tribe, of which her uncle was a member. In 1676, at the age of 20, she was baptized and became a member of Catholic Church. The Mohawk tribe did not agree with her converting. She was penalized and persecuted for her faith, so she later left to Kahnawake, a Native American village run by Jesuits. The miracles were said to happen upon her death in 1680 at the age of 24 and the Jesuits started to gather every piece of information about her life. Many of the Native American Catholics had been praying for her beatification for years, which was implemented in 1980, and also for her canonization, which came into begin in 2012.

In 2006, a little boy, Jake Finkbonner, was infected by flash-eating bacteria, which is deadly and incurable disease. Jake was airlifted to a hospital. He was not expected to survive a weekend and his parents were prepared to bury their son. Reverend Tim Sauer, who performed the last ritual on Jake, was the parish priest of Finkbonners and also the pastor on the Lummi reservation, of which the Jake's father is a member and for which Kateri Tekakwitha was an important figure. Reverend Sauer urged the Finkbonners to go to the reservation and pray to Kateri Tekakwitha for Jake's curing. Sister Kateri Mitchell took a bone of Kateri Tekakwitha to the hospital, where Jake was hospitalized, laid the bone to Jake's body and she, together with his parents, prayed. Although Jake need some medical

attention, he has been cured, which is considered by some people, including the Vatican, to be a miracle – the second miracle caused by Kateri Tekakwitha, through which she could have been proclaimed to be saint.<sup>4</sup>

On the contrary, some of the Catholics doubt on this miracle. And also, the non-Catholic Native Americans do not celebrate this canonization, because they do not accept Catholicism – they consider it as an intervention brought by 'white-men' and they think that it should leave Native nations and return to the culture of white people. [71], [72], [73], [74]

### **3.5.2 "Saving Native American Languages" [75]**

There are 2,400 languages in the world, which are endangered by extinction. The United States are the country with the second highest number of endangered languages; the first is India. The United States have lost more than one third of indigenous languages which were in being before the colonization. In 2008, the last Alaska Native speaker died, thereby the Alaskan language officially became so called dead language. In 2009, there were 192 native languages in the United States, but they were deemed to be either unsafe or extinct. According to Fred Nahwooksy, a member of the National Museum of American Indian, it is important to revitalize the language and return them to ordinary use, not only to document them. [76]

The problem of extinct languages is rooted in history. In the 19<sup>th</sup> century, the Native Americans were commanded to remove from their locations. During this action, known as the Trail of Tears, many Native Americans had died, which meant a huge loss of native speakers. Due to this, around 40 native languages have only about 10 speakers. Another huge mistake made by United States government was the process of Americanising, when the Indian children were removed from their homes and families and re-educated in an 'American' way. They had forgotten the native mother tongues. Next process contributing to decline of the native languages came in the 1980s with the new technology. The television brought English into

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<sup>4</sup> The first miracle is needed to be beatified, the second is needed to be canonized.

indigenous homes and it replaced the common time with family and story-telling and also the native language.

Recently, there have been many efforts to save and revitalize the native languages. Jessie Little Doe Baird of Wampanoag tribe began to gather word stems and today, her daughter is the first Wampanoag Native speaker in six generations and other children are learning it, too. But in many instances, the tribal elders, who are the only speakers of native languages, were punished for speaking native languages and they are reluctant to teach the younger generation. Also, there are language programs embraced by communities, which are based on class teaching. The children are interested in learning of their indigenous language, but this attempt to return native languages to young native generations encounters some inconveniences. The children are often taught the native tongue as the second language, because they have not any possibility to move at the environment where the native languages are spoken. And the classrooms lack materials and teachers. The Native American language rescuers see another opportunity in the technology which caused the problems in the 1980s – the media. The industry of Native American filmmaking is increasing and has become popular, because it is a natural way how to learn language. [77]

On the contrary to Native American language extinction, in 2012, Google added Cherokee language to its list of languages, in which its users can write. So the Cherokee language is ranked among the 57 languages Google users may be familiar with. Compared to the three most extensive languages, which have more than 25 million speakers each, and the third and second least extensive languages, Basque and Welsh, which have more than 700,000 speakers each, the Cherokee dialect called "jaw la gee" has fewer than 20,000 speakers. To make this language digital was a challenge for both engineers and linguists. The engineers had to design a keyboard for 85-character alphabet, which was created in 1821. The linguists were then asked for appropriate terms to invent – e.g. "email" is called with a word which in English means "lightning paper". [78]

Furthermore, to conclude the issue of indigenous languages it is necessary to mention that the indigenous languages and their speakers also experienced a period



when they were highly valuable. It was during the Second World War when languages of Cherokee and Navajo tribes were used for encoding military messages in fights in Pacific. For further information see Appendix 4.

### **3.5.3 "Native Americans know that cultural misappropriation is a land of darkness" [79]**

Native Americans wish their culture not to be misappropriate, which is done mostly by white people. To admire and honour the Native culture is not deemed to be a violation, but the Native American people consider the misuse of their symbols to be a manifestation of disrespect to them, their culture and their values. For example, wearing a feathered headdress is such misuse [80] (see Appendix 5).

Feathered headdress, tasselled tribal dress, breastplate, leather fringe, moccasin boots etc. was worn by Gwen Stefani in the No Doubt's clip "Looking hot". This video was released on the 2 November 2012 and soon after its release it was removed, because it had caused an online uproar among Native Americans and their sympathizers, who claimed that it was a depreciation of Native culture and it affronted Native people. The band offered their apology to Native people and to all people who were offended by the video for misuse of Native values. It is stated in the apology [81], [82], [83]:

*"Our intention with our new video was never to offend, hurt or trivialise Native American people, their culture or their history (...). Although we consulted with Native American friends and Native American studies experts at the University of California, we realise now that we have offended people ... We sincerely apologise to the Native American community and anyone else offended by this video. Being hurtful to anyone is simply not who we are."* [84]

Another example of degradation of indigenous culture are Indian mascots, which are perceived as ridiculing as well – e. g. Fighting Sioux, a mascot of The University of North Dakota. The tribe was not angry because of using Indian mascots at first, but over the years, the Native Americans have ascertained how they



are perceived and have begun to defend their honour. For example, when Fighting Sioux fans paint themselves and wear feathers when they go to a match, it is considered to be disrespectful and foolish. In 2005, the National Collegiate Athletic Association called the use of Native American mascots "hostile and abusive" [85] and ordered the 18 schools, which used these mascots, to gain the permission of authorized tribes if they wanted to continue to use them. The above mentioned University of North Dakota filed a lawsuit demanding the continuing use of its mascot name, although it got permission only from one of two Sioux tribes of North Dakota and did not request the Sioux tribes from South Dakota. [86]

American Indians argue that they are neither cartoons nor caricatures and want other people to comprehend this fact. People are mystified by their erroneous ideas about Native Americans. They imagine Native Americans all with tomahawks, living in tee-pees, performing the same rituals and customs, but the reality is more diverse – there are more than 500 tribes in the United States, which can have similar habits and culture, but there are also significant differences between them and constant misinterpretation of them causes the persistence of stereotypes, misinterpretation and misunderstanding of Native culture and misuse of its motives. [87]

#### **3.5.4 "Who's Native American? It's complicated" [88]**

Until 2000, there had been only racial options as "White", "Black", "Asian", "American Indian", "Alaska Native" or "Other race" in the United States Census Bureau's sheets. But since 2000, there have been multiple choices. The 2010 census showed that between 2000 and 2010 the population of "mixed race" had increased by 32 % to 9 million (in comparison, the single race had raised by 9.2 %). But scientists assume that this increase of "mixed races" is mainly caused by the option of multiple choices, not because of enormous growth of interracial birth-rate. Sociologist Kris Marsh, a member of the Maryland Population Research Centre, asserts that this phenomenon could curtail the number of people from minority groups such as African-Americans or Native Americans and remove them from political representation for these minorities. [89]

From the more particular point of view, today, it is complicated to determine, who is and who is not a member of a tribe. Different tribes have different methods and proceedings of assessing tribal membership. But all tribes have their decision completely in their own authority. It can be decided on the base of ancestry – parentage or blood quantum, but also a non-relative, for example white man, can be a tribal member if he or she appreciates their values, culture, speaks their language, participates in ceremonies and is found worthy of the membership by the tribe. [90]

Although Native American societies have to face many problems which have negative impact on their civilizations, they are seeking to maintain their cultural wealth and heritage despite the modernization and world changes. They have adapted to the contemporary system of US society and utilize its current means to keep the traditions and cultural values.

## 4 Conclusion

The aim of the Thesis was to inform about current affairs related to Native American population, which lives on the area of the United States. As the Thesis is based on the analysis of the world media, represented mainly by online news articles – it should serve as a superficial introduction to the contemporary situation of US indigenous population.

The way of life of Native Americans completely changed after the European colonists had come to America. Colonists brought with them manners, culture and rules, of which Native Americans were not aware, but they mostly adapted to them. However, they were not able to resist the Europeans' oppression and were forced to move to hostile and infertile reservations.

Living in dry reservation areas is unfavourable on a number of counts. The tribes or societies that were used to live a settled way of life, have no opportunity to provide themselves with a sufficient source of revenues, because in the mostly remote and rocky reservations, there are the conditions neither for agriculture nor for business. On the other hand, the originally wandering tribes are not used to settled way of life. They were used to travel, when the hunted animals moved, but they are not allowed to do this outside the reservation border. This results in the extended poverty and alcoholism among the reservations and the reputation of Native Americans as savages and non-civilized people. However, more than two thirds of cases of violence committed on Indian Country on Native women is performed by non-Native people as it is shown in the Thesis. [91]

The criminal violence on Indian Country is very extended issue. It is mostly conducted towards the Native American women and children, as stated below, mostly by non-Native inhabitants. The reasons for the extent of the criminality on the reservations are their locations, laws and scare. The remote rural areas of reservations, where often neither the tribal nor the state or governmental officers do their responsibilities, are refuges for rapists. The officers often defend themselves with the allegation that they cannot exercise the laws if they lack the evidence. On

the other hand, the victims of violence do not report their raping, due to fear of the perpetrator or inaction of officers. The criminality committed by Native Americans is not too often, however, it is not rare.

Although the poverty is very extended issue concerning the Native American population, there are some tribes in the United States that operate casino business – for example the Seminole tribe, that owns the Hard Rock chain almost around the world, belongs to one of the richest Native American tribes. The other tribes among the United States that own a casino, too, do not belong among the richest tribes. However, these tribes operating casinos belong to the less poor ones. The United Nations official, James Anaya, claims in his reports, that the situation of Native Americans could be improved by refunding some land to some tribes, because these pieces of land could offer the tribe better economic opportunity. [92], [93]

The last chapter of the Thesis deals with the issues related to the US Native culture. It includes topics such as saving of Native American languages, misappropriations of Native American culture by non-Native people, announcement that the first Native American woman is made saint and ethnic belonging. This chapter declares that Native American societies honour their cultural tradition despite the other problematical issues, with which they contend and that they defend their values.

Although the Native Americans are considered to be one nation living in teepees and hunting buffalos in general, the contemporary situation is completely different. They have never been one nation. The general terms Native Americans, indigenous people of America or American Indians cover more than 500 federally recognized Native American nations with different culture, ceremonies, way of life etc. Many tribal members of different tribes live in cities and go to school or work. They adapted to the conditions set by colonists and their descendants and combined them with their indigenous traditions and culture. [94]

The Thesis is based on the analysis of 48 online articles dealing with the most occurring topics related to the contemporary life of Native American societies and described above. The major sources of information were news portals of The New

York Times, The Guardian, CNN, BBC and Sioux City Journal. The analysis is based on the online articles of world media sources, because in the Czech Republic, the citizens are not provided with such topics related to the Native American societies by printed newspaper. Due to the fact that the Thesis is based on a limited amount of sources, it should be considered as a lead-in to the problematic of the contemporary life of Native American societies.

For the extension of author's knowledge of the contemporary life of Native American societies served also other articles, the movie *Smoke Signals* (Chris Eyre) and short stories from the book *Lone Ranger and Tonto Fistfight in Heaven* written by Native American author, Sherman Alexie, which were not used as a material for the Thesis but it could be implemented in its possible future extension.

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**Appendix 8: Picture 9** - SEGAL, Kim. ZARRELLA, John. *Native Americans see unity as path to prosperity*. CNN [online]. May 8, 2009 [retrieved 2013-04-21]. Available from: <http://edition.cnn.com/2009/LIVING/wayoflife/05/08/native.american.group/index.html?iref=allsearch>

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## **7 Abstract**

The Bachelor Thesis refers to the contemporary life and problems concerning the indigenous societies of America as they are reflected in the world media coverage.

The brief historical overview in the first chapter outlines the reason of the changes in the development of Native American societies. The next chapters introduce the particular issues and problems which Native American people have to face in the present. These issues include alcohol abuse, criminality, casino conducting, land disputes between Native Americans and the United States and issues related to the culture of the US indigenous nations. The Thesis is aimed to serve as a general introduction to the contemporary situation of Native American people of the United States and provide the reader with basic knowledge of their contemporary life.

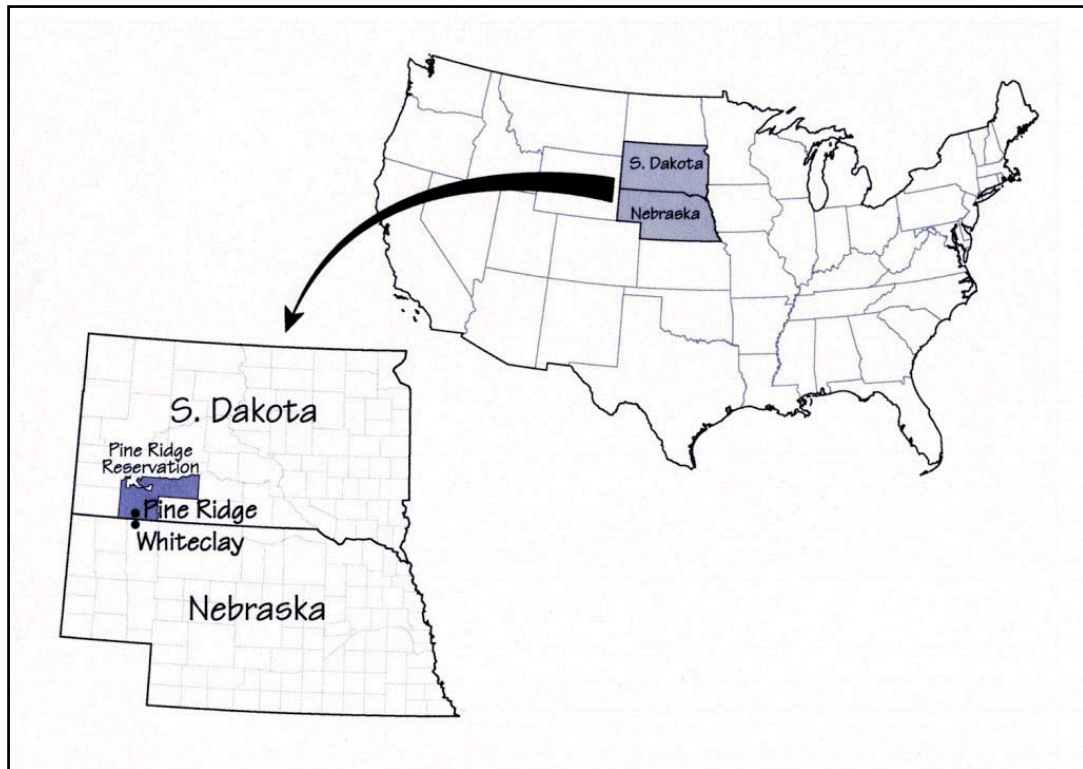
## 8 Resumé

Tato bakalářská práce pojednává o současném životě původních obyvatel Ameriky a jejich problémech z pohledu světových médií.

Stručný přehled historických událostí naznačuje důvody změn ve vývoji společností původních obyvatel Ameriky. Další kapitoly seznamují s jednotlivými otázkami a problémy, kterým musí původní obyvatelé Ameriky v současné době čelit. Mezi ně patří závislost na alkoholu, kriminalita, provozování kasin, pozemkové spory mezi původními obyvateli a Spojenými Státy a záležitosti týkající se kultury původních obyvatel. Cílem této práce je uvést čtenáře do obecného povědomí o současné situaci Amerických Indiánů žijících na území dnešních Spojených Států a poskytnout jim základní informace o jejich současném životě.

## 9 Appendices

### APPENDIX 1



Picture 1 – Map of the border between South Dakota and Nebraska



## APPENDIX 2

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PRIR are over burdened by the demands of children with learning and behavioral disorders caused by fetal alcohol syndrome and living environments poisoned by excessive consumption of alcohol.

39. The police, jails and court systems of the OST are overwhelmed by crimes caused, in whole or in part, by the illegal transport, sale and consumption of alcohol sold out of Whiteclay.

40. The Defendants and each of them knew or should have known that the ultimate sale of alcohol sold in Whiteclay would occur in the PRIR. The Defendants and each of them knew or should have known that the vast majority of the alcohol initially sold at retail in Whiteclay would in fact be smuggled into and resold on the PRIR in violation of both the OST Tribal Law and under the laws of the State of Nebraska.

41. All of the above have, and will for years to come, cost the OST millions of dollars to provide services to address the damages caused by the illegal sale, transport and consumption of alcohol. The OST does not have sufficient resources to meet the needs of the Lakota people and mitigate the damages caused by the illegal transportation, sale and consumption of alcohol on the PRIR.

42. The illegal trade in alcohol could not occur without the knowing cooperation and assistance of every Defendant in the chain of supply. Each and all of the Defendants have profited over the years by supplying vast volumes of alcohol that they knew or should have known was the essential element in an on-going illegal activity. The effects of their common enterprise and cooperation have made that illegal trade in alcohol possible and have caused devastating injuries to the Lakota people and massive financial damages to the OST.

**Picture 2 – Page number 8 excerpted from the Pine Ridge Indian Reservation’s lawsuit against breweries, alcohol distributors and sellers**

### APPENDIX 3

<p>Sec. 2701 Findings</p> <p>The Congress finds that -</p> <p>(1) numerous Indian tribes have become engaged in or have licensed gaming activities on Indian lands as a means of generating tribal governmental revenue;</p> <p>(2) Federal courts have held that section 81 of this title requires Secretarial review of management contracts dealing with Indian gaming, but does not provide standards for approval of such contracts;</p> <p>(3) existing Federal law does not provide clear standards or regulations for the conduct of gaming on Indian lands;</p> <p>(4) a principal goal of Federal Indian policy is to promote tribal economic development, tribal self-sufficiency, and strong tribal government; and</p> <p>(5) Indian tribes have the exclusive right to regulate gaming activity on Indian lands if the gaming activity is not specifically prohibited by Federal law and is conducted within a State which does not, as a matter of criminal law and public policy, prohibit such gaming activity.</p>
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**Picture 3 – Excerpt from the Indian Gaming Regulatory Act (Findings)**

<p>(5) The term "<b>Indian tribe</b>" means any Indian tribe, band, nation, or other organized group or community of Indians which -</p> <p>(A) is recognized as eligible by the Secretary for the special programs and services provided by the United States to Indians because of their status as Indians, and</p> <p>(B) is recognized as possessing powers of self-government.</p> <p>(6) The term "<b>class I gaming</b>" means social games solely for prizes of minimal value or traditional forms of Indian gaming engaged in by individuals as a part of, or in connection with, tribal ceremonies or celebrations.</p> <p>(7) (A) The term "<b>class II gaming</b>" means -</p> <p>(i) the game of chance commonly known as bingo (whether or not electronic, computer, or other technologic aids are used in connection therewith) -</p> <p>(I) which is played for prizes, including monetary prizes, with cards bearing numbers or other designations,</p> <p>(II) in which the holder of the card covers such numbers or designations when objects, similarly numbered or designated, are drawn or electronically determined, and</p> <p>(III) in which the game is won by the first person covering a previously designated arrangement of numbers or designations on such cards, including (if played in the same location) pull-tabs, lotto, punch boards, tip jars, instant bingo, and other games similar to bingo, and</p> <p>(ii) card games that -</p> <p>(I) are explicitly authorized by the laws of the State, or</p> <p>(II) are not explicitly prohibited by the laws of the State and are played at any location in the State, but only if such card games are played in conformity with those laws and regulations (if any) of the State regarding hours or periods of operation of such card games or limitations on wagers or pot sizes in such card games.</p> <p>(B) The term "<b>class II gaming</b>" does not include</p> <p>(i) any banking card games, including baccarat, chemin de fer, or blackjack (21), or</p> <p>(ii) electronic or electromechanical facsimiles of any game of chance or slot machines of any kind.</p>
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**Picture 4 – An excerpt from the Indian Gaming Regulatory Act (Definitions)**

## APPENDIX 4

29 men of Navajo nation acted as 'code talkers' during the Second World War. They were honoured in 2001 for their important role played in American history. Moreover, the article informing about the celebration also stated some 'codes':

<b>Table 1: Navajo codes</b>		
<b>Term in Navaho language</b>	<b>English translation</b>	<b>Meaning</b>
Besh-lo	Iron fish	Submarine
Dah-he-tih-hi	Hummingbird	Fighter plane
Jay-sho	Buzzard	Bomber
Ataah-besh-le-gai	Silver eagle	Colonel

Among the languages of 'code talkers' also the Cherokee language acted:

<b>Table 2: Cherokee expressions</b>	
<b>Translation into English</b>	<b>Meaning</b>
Sewing machines	Machine guns
Turtles	Tanks
Crazy white man	Adolf Hitler

## APPENDIX 5

# Hey You in the Headdress, Know What it Means?

Posted: 02/10/2012 7:31 am



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I see you are [confused](#) about what constitutes cultural appropriation. I would like to provide you with [resources and information](#) on the subject so that you can better understand what our concerns are.

However, I also want you to have a brief summary of some of the more salient points so that you do not assume you are merely being called a racist, and so that I do not become frustrated with your defensive refusal to discuss the topic on those grounds.

If at all possible, I'd like you to read the statements on [this bingo card](#). If any of those ideas have started

whirling through your head, please lock them in a box while you read this article. They tend to interfere with the ability to have a respectful conversation.

## Restricted Symbols

- In some cultures, some items are off-limits. Examples from Canada and the United States would be: [military medals](#), Bachelor degrees (the actual diploma), and certain [awards](#) representing achievement in literature, music, or other fields.
- These items cannot be legitimately possessed or reproduced by just anyone, as they represent achievements earned according to a specific criteria.
- Yes, some people will mock these symbols. However in order to do this, they have to *understand what the symbols represent*, and then purposefully desecrate or alter them in order to make a statement. They cannot then claim to be honouring the symbol.
- Some people will pretend to have earned these symbols, but there can be serious sanctions within a culture for doing this. For example, someone claiming to have earned a medical degree (using a fake diploma) can face criminal charges, because that 'symbol' gives them access to a specialised and restricted profession.

## Unrestricted Symbols/Items

- Other items are non-restricted. Flags, most clothing, food etc. Accessing these things does not mean that you have reached some special achievement, and you are generally free to use these.
- If you do not use these items to mock, denigrate or perpetuate cultural stereotypes, then you can legitimately claim to be honouring those items.



### Headdresses in Native Cultures

For the most part, **headdresses are restricted items**. In particular, the headdress worn by most non-natives imitate those worn by various Plains nations. These headdresses are further restricted within the cultures to *men* who have done certain things to earn them. It is *very* rare for women in Plains cultures to wear these headdresses, and their ability to do so is, again, quite restricted.

So unless you are a native male from a Plains nation who has earned a headdress, or you have been given permission to wear one (sort of like being presented with an honorary degree), then you will have a very difficult time making a case for how wearing one is anything but disrespectful, now that you know these things. If you choose to be disrespectful, please do not be surprised when people are offended...regardless of why you think *you* are entitled to do this.

Even if you have "native friends" or are part native yourself, individual choices to "not be offended" do not trump our collective rights as a people to define our symbols.

### Celebrate Don't Appropriate

It is okay to find our stuff beautiful, because it is. It is okay to admire our culture. However I then think it is reasonable to ask that if you admire a culture, you should learn more about it. Especially when the details are so much more fascinating than say, outdated stereotypes.

You do not have to be an expert on our culture to have access to certain aspects of it. If you aren't sure if something is restricted or not, please ask someone who is from that culture. If people from within that culture tell you that what you are doing is disrespectful, dismissing their concerns because you just don't agree is not indicative of admiration.

If you really, really want to wear beaded moccasins or mukluks or buy beautiful native art, **then please do!** There are legitimate and unrestricted items **crafted and sold by aboriginal peoples** that we would be more than happy to see you own. Then all the disrespectful stereotyping and denigration of restricted symbols can be avoided, while still allowing you to be decked out in beautiful native-created fashion.

If you are an artist who just loves working with aboriginal images, then please try to ensure your work is authentic and does not incorporate restricted symbols (or perpetuate stereotypes). For example, painting a non-native woman in a Plains culture warbonnet is just as disrespectful as wearing one of these headdresses in real life. Painting a picture from an archival or modern photo of a real native person in a warbonnet, or in regalia, or in 'street' clothes is acceptable. Acknowledging from which specific nation the images you are using come from is even better. "Native American" or "Indian" are too vague.

### Picture 5 – A part of an article on cultural misappropriation

## APPENDIX 6

### Are beer firms to blame for Native American drink woe?

**After years of failed efforts to address chronic alcoholism, can a \$500m (£308m) dollar lawsuit against the beer supply-chain put an end to one tribe's deadly struggle with alcohol?**

For generations, the dream of a sober society has eluded one of the largest Native American tribes in the US.

Members of the Oglala Sioux tribe, living in South Dakota's Pine Ridge Indian Reservation, have long tried to shut down the beer stores just across the state line in White Clay, Nebraska.

The four beer shops in the tiny town of White Clay (population: a dozen) operate just steps from the reservation. Between them they sell more beer per head than almost anywhere else in the US - a total of about 13,000 12oz (350ml) servings each day.

"I'm 52 years old and I come up here because I'm an alcoholic," says one Pine Ridge resident, Bald Eagle. He is one of several people who spends his days on the street that runs through White Clay, drinking.

"And I love my alcohol," Bald Eagle says. "For me, it's my life-blood."

"I wake up with a hangover every morning. But you know what? I'm smart. I drink a gallon of water every morning. Sometimes I get lucky and I find a beer on the street. That's just the way it is."

"People get stabbed, people get enraged," says Pine Ridge resident Ben Mesteth, who has been sober for about four years. "That's just part of how people drink down here."

According to the complaint, average life expectancy on the reservation is between 45 and 52 years, significantly below the average US life expectancy of over 77 years.

"It's not illegal to buy alcohol at a place that sells it legally," says Vic Clark, one of the few actual residents of White Clay. He runs a general store there that does not sell beer - but he defends the right of the beer shop owners to do so.

"We may know that it's going to be an illegal thing, but on the other hand so does the guy in Rushville, so does the guy in Rapid City."

For Tom Poor Bear, however, saying that "everybody does it" is no longer a good enough excuse.

**Picture 6 – An excerpt from an analysed article**



## APPENDIX 7

### Officials See Child Welfare Dangers on a North Dakota Indian Reservation

By TIMOTHY WILLIAMS  
Published: July 7, 2012

Concerns about the children of Spirit Lake, which is in a remote area of northeastern North Dakota, extend to minors outside the social services system as well. In May 2011, a 9-year-old girl and her 6-year-old brother were found dead, raped and sodomized, inside their father's home on the reservation, a federal official said. By the time their bodies were discovered beneath a mattress, the children may have been dead for as long as three days.

The tribe, according to federal and state administrators, has not conducted required background checks before placing foster children, failed to make mandated monthly visits to children in foster care and illegally removed foster children from homes and placed them elsewhere without determining that the new homes would be safe.

**Picture 7 – A part of an analysed article**

### A Tribe's Epidemic of Child Sex Abuse, Minimized for Years

"The perpetrators know they can get away with it because the authorities don't do anything," said Joanne Streifel, a tribal elder.

Among the sex offenders is Quentin Yankton, 61, who stands 6 feet 5 inches and is a brother of the tribe's chairman. He was first convicted of raping a child in 1976, state records show. In 1992, he was convicted of a similar crime after he forced his 15-year-old niece into sex. The girl became pregnant with twins, and DNA analysis showed that he was the father.

Mr. Yankton told the police, according to court documents, that he thought he was entitled to have sex with his niece because she told him that she had previously been sexually abused by her father.

Mr. Yankton was sentenced to 12 years in prison. The girl's father was never prosecuted, but Alfred Longie, 67, a half-brother of the men, was convicted in 2008 for undressing and rubbing the genitals of a 12-year-old who had passed out after he had given her alcohol.

Joseph Alberts, 59, who plays Santa Claus for the tribe, was convicted of rape in 1983, and in 1986 was found guilty of committing lewd acts with a child under 14 on four different occasions. He served one year in jail for that crime and 18 months for the rape.

In another case, after a woman tried to burn down her house with her 5-year-old daughter inside, the girl was put in a foster home where a sex offender was living, according to Mr. Sullivan and a member of the tribe. Once the foster parent's criminal record was discovered, the tribe removed the child and put her back in her mother's home.

But when the child proved too much for the mother to care for, Mr. Sullivan said, she sold her daughter back to the family of the registered sex offender for \$50 and a ride to Grand Forks.

**Picture 8 – An excerpt from an analysed article**

## APPENDIX 8

## Native Americans see unity as path to prosperity

May 8, 2009 -- Updated 1126 GMT (1926 HKT)

"Some of these reservations I have been to -- it's like the Third World right here in the United States," says Richard Bowers Jr. As president of the Seminole Tribe of Florida Inc., Bowers has oversight over all the Hard Rock cafés, hotels and casinos in the world except the café in London and the casino in Las Vegas.

The Seminole Tribe purchased the Hard Rock properties in 2007 for a reported \$965 million.

Bowers, a former alligator wrestler and cattle rancher, is thankful for his tribe's success and has used his influence to create a consortium of Native American Tribes called the Native American Group. The goal of this group is to bring tribes throughout the United States and Canada together in an effort to promote Native American-owned businesses and services.

Keeping the dollar within Indian Country, Bowers hopes, will help the less fortunate tribes with basic needs such as housing, food and education.

"I view this as historic in nature," says Donald Laverdure, the chief legal counsel from Montana's Crow Tribe. "We haven't had first-nation to first-nation actually occur, and now with the success of the Seminoles and others, they have an opportunity to help tribes such as ourselves."

The help that the Crow Nation seeks is financial. For the Crow Tribe, gaming is not an option, according to Laverdure.

"There's less population, so the success in gaming cannot be paralleled as elsewhere," he says. "So we've always viewed our future in energy."

"Here we have all these cafes, casinos -- everybody eats a hamburger," says Bowers. "And then (I) realized that we don't have enough beef to supply our own needs, and that's when I reached out to other **Native Americans** that did have cattle."

Bowers discovered there are more than 2 million heads of cattle on Indian land. If there is not enough cattle on Indian land, then members of the group are encouraged to keep the business in the country and buy American.

The Native American Group has come a long way since Bowers was looking for cattle. The group now has more than 100 tribal members and more than 100 Native-owned businesses.

One successful business that joined the group is the largest Native American-owned contractor, Flintco. Robin Flint Ballenger, who is Cherokee, is its chairman of the board.

"It wasn't a far stretch for me at all to take a risk on this new organization because we are successful, we're doing very well," says Ballenger, who adds that a third of the company's work is done for Native America.

One of the projects Flintco is working on is a casino being built on Choctaw tribal land in Durant, Oklahoma.

With every Native American-owned casino, Bowers sees an economic opportunity for all.

"Trash bags, everybody uses trash bags -- so just for an example, let's all get together and order trash bags and it's going to be cheaper on all of us," Bowers says, pointing out that there is a Native American trash bag supplier.

Picture 9 – An excerpt from an analysed article



## APPENDIX 9

# US should return stolen land to Indian tribes, says United Nations

UN's correspondent on indigenous peoples urges government to act to combat 'racial discrimination' felt by Native Americans

"At Rosebud, that's a situation where indigenous people have seen over time encroachment on to their land and they've lost vast territories and there have been clear instances of broken treaty promises. It's undisputed that the Black Hills was guaranteed them by treaty and that treaty was just outright violated by the United States in the 1900s. That has been recognised by the United States supreme court," he said.

Anaya said he would reserve detailed recommendations on a plan for land restoration until he presents his final report to the UN human rights council in September.

"I'm talking about restoring to indigenous peoples what obviously they're entitled to and they have a legitimate claim to in a way that is not divisive but restorative. That's the idea behind reconciliation," he said.

**Picture 10 – An excerpt from an analysed article**

## APPENDIX 10

# Why the 'Fighting Sioux' mascot is not acceptable

Apologists for the University of North Dakota say we should be 'honoured' by caricatures of us as warlike savages. You think?

emblems? I even used to say of the University of North Dakota's "Fighting Sioux" that I was somewhat proud of the name – and glad it wasn't the "Flower-picking Sioux".

But over the years, my opinion has evolved. Besides hearing my sons' thoughts on the subject, I also have met people along the way who had differing views. But it wasn't only listening to others; it was also the fact that when I have to explain repeatedly who we are, and how we exist in today's world, it made me realize that most of the world sees us as objects, not as human beings. We don't all have tomahawks; we don't all live in tipis; we don't all have the same rituals, customs, and beliefs. We comprise 500 nations here in America. We are not all from the same cookie-cutter that was used to make the Indian in *The Pilgrim* and Indian cookies on Thanksgiving.

The University of North Dakota has been trying to keep the Fighting Sioux nickname – even though the NCAA in 2005 described the continuing use by 18 schools of Native American mascots as "hostile and abusive". The NCAA informed the schools that in order to use these nicknames, they had to get special permission from the tribes their sports teams were named after.

**Picture 11 – An excerpt from an analysed article**



**APPENDIX 11**



**Picture 12 – Native American  
(typical European point of view)**



**Picture 13 – Native American  
jewellery**



**Picture 14 - The Lake Superior Chippewa Pow Wow at the Grand Portage Indian  
Reservation in 2009**