

The Tribal Circle Process and the Potential for Positive Peace: A Focus on the Native American Experience in the United States

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Abstract: This paper seeks to understand why the US Government has failed to move beyond negative to positive peace with Native Americans. It then proposes policies needed to enable the shift towards positive peace to occur. Violence and discrimination against Native Americans are legacies of the US history of racial injustice. The US has done very little to acknowledge the genocide of Native Americans or the myth of racial difference created to justify the “removal” of Native people from their lands and the forced assimilation of their children. Strengthening partnerships and sustaining engagement serve as linchpins to bring together the necessary resources, following a culturally appropriate model, to achieve Positive Peace and improve life outcomes for future generations.

Key Words: Positive Peace, Native American, colonization, sovereignty, self-determination

Introduction

Boozhoo, or hello in Anishinaabe, a language often spoken where I grew up as a member of a First Nation reserve in northwestern Ontario Canada. Though I grew up in Canada, I was born in and have lived in the United States (US) for the majority of my life and so, this paper will focus on the Native American experience in the US. The primary research question this paper seeks to address is why the US Government has failed to move beyond negative to positive peace with Native Americans. It then proposes policies needed to enable this shift towards positive or “sustained peace”.

To answer the research question, I will provide an overview of the violence by the American government against the Native Americans over hundreds of years. This violence was so widespread that it resulted in the genocide of many unique tribes and cultures. It was not until 1924, that Native Americans were even considered citizens of the US. An examination of contemporary policies, remaining injustices that have inhibited the US Government in transitioning from negative to positive peace with Native American tribes, and recent efforts to improve relations with Tribes will be provided. Finally, policy suggestions and a new Tribally inspired model will be offered in the hope that by following a combination of complimentary international recommendations that have worked with other countries and the culturally relevant Tribal Circle Process, it may be possible to transform US government and Native American nation-to-nation relations to that of positive peace.

Key Concepts Pertaining to Native Americans and Positive Peace

There are a number of words or phrases that are used to indicate the original inhabitants of “Turtle Island”, or the North American continent. Native American is a term often used to refer to a member of one of the groups of people who were living in North America before Europeans arrived.²⁹⁶

²⁹⁶ Cambridge University Press, “Native American”, Cambridge Dictionary last modified 2022, <https://dictionary.cambridge.org/us/dictionary/english/native-american>

For the purpose of this paper, the term will be used to refer to the Indigenous people of the US in particular.

Racism is one of the dominant historical contributors to conflict between the US and Native Americans. Racism is a prejudice, discrimination, or antagonism directed against a person or people on the basis of their membership in a particular racial or ethnic group. Typically, the group is a minority or marginalized and it is the belief of those that express racism, that different races possess distinct characteristics, abilities, or qualities, especially so as to distinguish races as inferior to their own.²⁹⁷

The experience of colonization is also important to recognize in understanding existing conflicts with Native Americans. Colonization is the action or process of settling among and establishing control over the indigenous people of an area. It occurs when one nation subjugates another, conquering its population and exploiting it, if not eradicating it, often while forcing its own language and cultural values upon the existing people.^{298, 299}

In the consideration of the notion of positive peace, it is useful to distinguish how it is distinguished from negative peace. Negative peace is more than just the absence of war, it is the absence of violence or even the fear of violence³⁰⁰. Positive peace on the other hand, is a transformational concept meant to put the focus on positives instead of negatives in society³⁰¹. The positives include the attitudes, institutions and structures that

²⁹⁷ Oxford University Press, "Oxford Languages and Google," Accessed July 20, 2022, <https://languages.oup.com/google-dictionary-en/>

²⁹⁸ Blakemore, Erin "What is colonialism? The history of colonialism is one of brutal subjugation of indigenous peoples." *National Geographic*. February 19, 2019, <https://www.nationalgeographic.com/culture/article/colonialism>

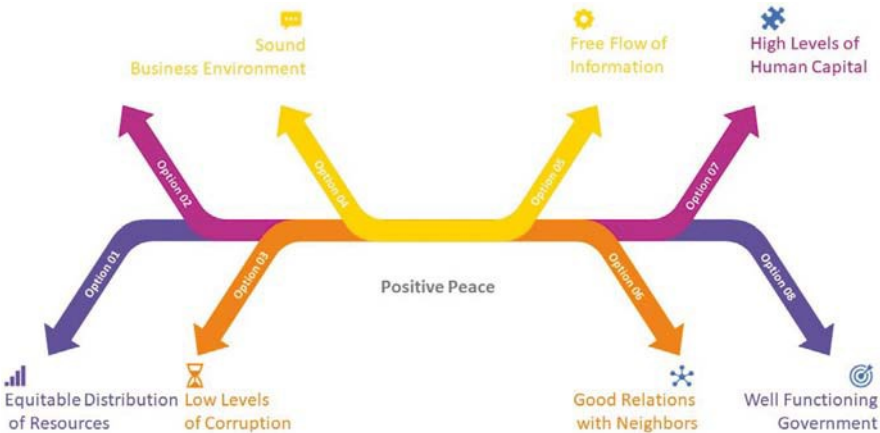
²⁹⁹ Perry, Barbara. *Silent Victims: Hate Crimes Against Native Americans*. Arizona: University of Arizona Press, 2008, <https://doi.org/10.2307/j.ctv1jf2d59>

³⁰⁰ Vision of Humanity, "Defining the Concept of Peace>> Positive & Negative Peace," Accessed July 15, 2022, <https://www.visionofhumanity.org/defining-the-concept-of-peace/>

³⁰¹ Galtung, Johan, Violence, "Peace, and Peace Research," *Journal of Peace Research*, 6.3 (1969): pp. 167-191 http://www2.kobe-u.ac.jp/~alexroni/IPD%202015%20readings/IPD%202015_7/Galtung_Violence,%20Peace,%20and%20Peace%20Research.pdf

create and sustain peaceful societies³⁰². Positive peace improves measures of inclusiveness, wellbeing and happiness by creating socio-economic resilience and maximizing human potential. As illustrated in Figure 1 below, positive peace is built and sustained with the interconnectedness of eight key factors, or pillars specifically: Free Flow of Information, Sound Business Environment, Equitable Distribution of Resources, High Levels of Human Capital, Free Flow of Information, Good Relations with Neighbors, Low Levels of Corruption, and Well-Functioning Government. According to the Positive Peace Report 2020, North America was the only world region which had not improved in their overall measures of Positive Peace since 2009³⁰³.

Figure 4: The eight pillars of positive peace (adapted by author).



Source:???????????

Historical Policies

The history of US government relations with Native Americans is rife with violent conflict and loss of life. The history can be divided into six main periods each titled based on the dominant US governmental approach toward

³⁰² “Positive Peace Report 2020: Analyzing the Factors That Sustain Peace”. Institute for Economics & Peace. December 2020, <http://visionofhumanity.org/resources>

³⁰³ Ibid.

Native Americans at that time. A brief overview of these periods and a few of the key policies within each, can demonstrate the lack of peace and the violation of trust that has historically been prevalent in US policies towards Native Americans^{304,305}.

Colonial Period

The first period is the colonial period outlining the beginning of the establishment of the American colonies. As illustrated in Map 1, before European contact, there were about 12 million people in 600 tribes inhabiting North America. By 1880 the Indigenous population had diminished by 95% to only about 250,000³⁰⁶.

Map 7: Tribal Distribution, 1500



Source: O'Brien, Sharon. "Traditional Tribal Governments." *American Indian Tribal Governments*. Pp. 15. Oklahoma: University of Oklahoma Press, 1989.

In 1607, Jamestown was founded in Virginia by settlers. By 1763, the English Royal Crown stated the lands in North America belonged to the Indian Tribes. However, about 10 years later in 1775, there was the American War

³⁰⁴ Stannard, David E. *American holocaust: Columbus and the Conquest of the New World*. New York: Oxford University Press, 1992.

³⁰⁵ Prucha, Fancis P., ed. *Documents of United States Indian Policy*. 3rd ed. Nebraska: University of Nebraska Press, 2000.

³⁰⁶ History, "Native American History Timeline," Accessed July 20, 2022, <https://www.history.com/topics/native-american-history/native-american-timeline>

of Independence, and to finance the war, Indian lands were sold by the Americans without permission. The first treaty between the new American Government and an Indian Tribe took place in 1778. In 1781, the Articles of Confederation declared the federal government has authority over Indian affairs, and their rights shall not be infringed. That initial concept of Indian rights was reinforced in the 1787 Northwest Ordinance which stated that land shall not be taken from Indians.

Additionally, in 1788, the U.S. Constitution stated that Congress should regulate commerce with Tribes and that treaties are the supreme law of the land³⁰⁷. As more settlers continued to arrive on American shores in 1803, the Louisiana Territory was purchased not from the Native Americans but from the French. Then in 1804, Lewis and Clark were sent by President Jefferson to charter the western part of the largely unexplored continent.

Removal Period

The next historical period, the Removal period, saw numerous attempts to remove Native Americans from their ancestral lands despite previous treaties and statements that the lands belonged to the Native Americans. In 1823, three Supreme Court decisions known as the Marshall Trilogy, stated that tribes cannot sell their own lands without permission of the federal government³⁰⁸. Another ominous piece of legislation was in 1824, when the Bureau of Indian Affairs was created and placed under the War Department. In 1830, the Indian Removal Act was passed, which ordered the forced removal of Eastern Tribes to the west of Mississippi River by the US Army, see Map 2.

The Removal Act forced the Cherokee, Choctaw, Creek, Chickasaw, and Seminole Nations to cede their lands to the United States and to be relocated west of the Mississippi River. Known as the Trail of Tears, this 1,200-mile government – mandated forced march relocation took 9 months, during

³⁰⁷ Prucha, Francis P. ed. *Documents of United States Indian Policy*. 3rd ed. Nebraska: University of Nebraska Press, 2000.

³⁰⁸ Wilkins, David E. *American Indian Sovereignty and the U.S. Supreme Court: The Masking of Justice*. Texas: University of Texas Press: 1997.

which tens of thousands of indigenous people died as a result of food shortages, exertion, disease, dehydration, and exposure³⁰⁹. While some theorize that Indian removal was inevitable given US expansion ambitions, others point out that it was a contested political act-resisted by both indigenous peoples and many US citizens, which Congress passed by a thin margin³¹⁰.

Map 8: Unorganized Tribal Territory 1834



Source: O'Brien, Sharon. "A Century of Destruction." *American Indian Tribal Governments*. Pp. 62 Oklahoma: University of Oklahoma Press, 1989.

Reservation Period

As fighting continued between the US government and many Native American tribes over the broken treaties and loss of land, the mid 1800's saw the beginning of the Reservation period. In 1849, the Bureau of Indian Affairs was established and placed in the new Department of the Interior. Increasingly, Native Americans were placed on tracts of land known as reservations and they were often ordered not to leave those lands. For instance, in 1849, the fighting between Navajo and the US Army resulted in the incarceration of Navajo on reservation lands, see examples in Map 3.

³⁰⁹ Norton-Smith, Kathryn, Lynn, Kathy, Chief, Cozzetto, Karen, Donatuto, Jamie Hiza Redsteer, Margaret, Kruger, E. Linda, Maldonado, Julie, Viles, Carson and Whyte, P. Kyle, "Climate Change and Indigenous Peoples: A Synthesis of Current Impacts and Experiences," United States Department.

³¹⁰ Claudio, Saunt, *Unworthy republic : the dispossession of Native Americans and the road to Indian territory*, 1st ed., W.W. Norton & Company, Inc. : New York, 2021.

to a two-pronged assault on their tribal identities from the moment they entered one of these institutions. First, school officials stripped away all outward signs of children's association with tribal life. School officials mandated uniforms, dictated hair length, and in many cases ordered children to change their Indian names to common Euro-American names. Second, the boarding schools' pedagogy was intended to eliminate the traditional culture from Native youth. By removing children from the "corrupting" influences of their families and everyday reservation life for years at a time, these institutions usurped Indian parenting responsibilities, tore apart tribal kinship networks, and destroyed the fabric of Indian communities³¹³. Finally, the 1871 Dawes Act, stated that the US will no longer make treaties but protect those that already exist.

Allotment and Assimilation Period

During the next period Native Americans continued to see loss of life and lands as the US government tried to assimilate the people and allot the lands to individuals, often non-Native individuals, instead of the tribes it had already been given to. In 1876, the infamous Battle of Little Big Horn took place and General Custer and 250 soldiers died. As a result, the US confiscated the Black Hills and other lands that had been protected by treaty³¹⁴. In 1887, the General Allotment Act removed land from communal Tribal ownership to individual allotments and excess land was open to homesteading by non-Indians. The resulting land loss can be seen in Map 4.

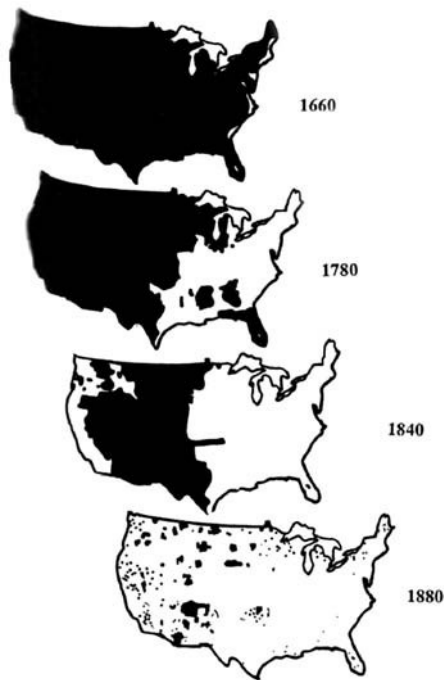
In 1906, the Burke Act – allowed the Secretary of Interior to administer Indian trust land, and 27 million acres of allotted land was lost to sale by 1934. Despite the mistreatment by the US government, more than 10,000 American Indians served in WWI. In 1923, Commissioner of Indian Affairs John Collier declared that "the administration of Indian affairs [is]

³¹³ The White House Washington, "2014 Native Youth Report," Executive Office of the President, December 2014, <https://files.eric.ed.gov/fulltext/ED565658.pdf>

³¹⁴ History, "Native American History Timeline," Accessed July 20, 2022, <https://www.history.com/topics/native-american-history/native-american-timeline>

a disgrace—a policy designed to rob Indians of their property, destroy their culture [,] and eventually exterminate them”³¹⁵.

Map 10: Tribal Land Cession



Source: O’Brien, Sharon. “A Century of Confusion.” American Indian Tribal Governments. Pg. 79 Oklahoma: University of Oklahoma Press, 1989.

As a precursor to changes in policy, in 1924, Native Americans were granted US Citizenship and in 1928, the first federal study on Native Americans, titled the Merriam Report, detailed the destructiveness of federal Indian policy.

³¹⁵ ?????????????????????????????

Reorganization Period

In an effort to reorganize American Indian policy, in 1930, Congressional Hearings were held on the status of American Indians. Then in 1934, the Indian Reorganization Act, which repealed the Dawes Act, allowed Tribes to adopt their own constitutions and by-laws, if they were Federally approved.³¹⁶ For the next 20 years, many tribes moved away from their traditional forms of governance and tried to mimic American governance, by adopting constitutions and holding elections. As wars gripped the global community more than 44,000 American Indians served in WWII and more than 10,000 American Indians served in the Korean War.

Tribal Termination Period

Despite some progress with reorganization, the next period focused on trying to terminate tribes. In 1953, House Resolution 108 passed, providing a process where a Tribe's status could be dissolved and lands taken and sold. As a result of this resolution, 11,466 Indians lost official Tribal identity and 1,362,155 acres were lost. Another change was in allowing State jurisdiction over Indian lands in six states in 1953 as a result of Public Law 280³¹⁷. Furthermore, in 1955, the Supreme Court held that land occupancy by Indians is not a right and it can be terminated without compensation. Then in 1956, the Relocation Act was passed, which encouraged Native Americans to leave their Tribal lands and move to urban areas.

³¹⁶ Native Voices, "1934 President Franklin Roosevelt signs the Indian Reorganization Act," Native Peoples' Concepts of Health and Illness, Accessed July 15, 2022, <https://www.nlm.nih.gov/nativevoices/timeline/452.html>

³¹⁷ Prucha, Francis P., ed. *Documents of United States Indian Policy*. 3rd ed. Nebraska: University of Nebraska Press, 2000.

Contemporary Policies

Self – Determination Period

Contemporary policies tended to focus on the self-determination and sovereignty of Native Americans. As the US experienced many citizens pushing for enhanced civil rights during the 1960's Native Americans advocated for self-determination. As a result, several Acts were passed including the Indian Civil Rights Act in 1968, which ensured Constitutional protections for Native Americans. In 1971, the Alaska Native Claims Act passed, which allowed regional and Inuit village corporations to own and manage 44 million acres of land³¹⁸. Then in 1978, Native American spiritual beliefs were no longer illegal, when the American Indian Religious Freedom Act passed, which allows the use and possession of sacred objects, and the freedom to worship through traditional rites.

Sovereignty Period

Currently, policies primarily focus on sovereignty – the power and authority to govern oneself and be free of external control³¹⁹. In 1980 the Supreme Court ruled that the Sioux must be compensated for confiscation of the Black Hills, the Sioux refused the money in an attempt to regain the land³²⁰. In 1990, the Native American Graves Protection Act was passed, recognizing the importance of sacred burial sites³²¹. As Native Americans grew in their legal ability and desire to govern themselves, once again they also continued to grow in number, reaching 2.47 million according to the 2000 Census.

³¹⁸ History, "Native American History Timeline," Accessed July 20, 2022, <https://www.history.com/topics/native-american-history/native-american-timeline>

³¹⁹ Oxford University Press, "Oxford Languages and Google," Accessed July 20, 2022, <https://languages.oup.com/google-dictionary-en/>

³²⁰ Jr. Deloria, Vine. *God Is Red: A Native View of Religion*. 2nd ed. Colorado: Fulcrum Publishing, 1994.

³²¹ Trope, Jack F. and Echohawk, Walter R. 'The Native American Graves Protection and Repatriation Act: Background and Legislative History'. *Readings in American Indian Law: Recalling The Rhythm of Survival*, Carrillo, Jo, ed., pp 178-197. Philadelphia: Temple University Press, 1998.

Remaining Injustices

Despite a number of improvements in policy and law, there are a number of remaining injustices as a result of the historical trauma and inequities experienced by Native Americans and a lack of additional government or society efforts to address these inequities. These injustices include inequality, hate crimes, police violence, mass incarceration, and high suicide rates to name a few. Many in the US are not aware of the issues faced by Native Americans, as they are nearly invisible in the media, and their rich and resilient history is neglected in most US educational curriculums.

Historically, Native Americans and their families have been underrepresented in the social sciences literature. Scholars have attributed this near invisibility to shifting census categories, underrepresentation in samples, and residence in more rural geographic areas³²². That disparity and the invisibility it suggests are likely not accidental³²³. This underrepresentation also creates a lack of reliable data and research to assist in forming policies or establishing needed programs.

More than one in three American Indian and Alaska Native children live in poverty, and the high school graduation rate is 67 percent, the lowest of any racial/ethnic demographic group across all schools³²⁴. When discussing the political and economic inequality of people of color, it often seemingly becomes their own fault. Marginalized groups still experience inequality, but it is increasingly covert, institutionalized, and “void of direct racial terminology” except for Native Americans in the US³²⁵.

³²² Gavazzi, Stephen. “Emerging Ideas: The Near Invisibility of Native Americans And Their Families Within The Flagship Journals Of Family Science.” *Family Relations*, 1–9. (2022), <https://doi.org/10.1111/fare.12650>

³²³ Treuer, David. “Invisibility, Disappearance, and the Native American Future.” *Claremont McKenna College*. March 30, 2022, <https://www.cmc.edu/athenaeum/invisibility-disappearance-and-native-american-future>

³²⁴ The White House Washington, “2014 Native Youth Report,” Executive Office of the President, December 2014, <https://files.eric.ed.gov/fulltext/ED565658.pdf>

³²⁵ Dwanna L. Robertson. “Invisibility in the Color-Blind Era: Examining Legitimized Racism against Indigenous Peoples.” *American Indian Quarterly* 39, no. 2 (2015): pp. 113–53, https://www.jstor.org/stable/10.5250/amerindiquar.39.2.0113#metadata_info_tab_contents

Big data and the algorithms used, can further biased treatment of some groups. Big data – is a broad term usually referring to extremely large data sets that can be hard to manage, but may be statistically analyzed, to reveal patterns, trends, and associations, often relating to human behavior and interactions³²⁶. Algorithms are step by step instructions for either hardware or software based routines³²⁷. If these instructions contain an error or bias that is repeated, such as in a computer system, it can create unfair outcomes. These outcomes, such as privileging one category over another, by pushing certain users' content out of a social feed, further marginalizes already marginalized groups. This makes those who are underserved and ostracized in society, even more invisible and underserved, at least on social media.

While hateful attitudes may be experienced in social media, hate crimes can also be a concern for Native Americans³²⁸. The FBI relies on local police agencies to voluntarily report hate crimes, so they tend to be underreported. The Bureau catalogued 4,200 hate crimes in 2015, 3.4 percent of them against Native Americans and Alaska Natives. The figure is statistically significant among a people who represent only one percent of the total U.S. population³²⁹. During 2010-19, persons who are American Indian, Alaska Native, or two or more races had the highest rate of violent hate crime victimizations³³⁰.

Hatred does not just happen at the hands of other citizens but also at the hands of police. Allegations of excessive police use of force against African-Americans has captured international attention recently. But there is

³²⁶ GeeksforGeeks, "Difference Between Big Data and Data Science," May 19, 2022, <https://www.geeksforgeeks.org/difference-between-big-data-and-data-science/>

³²⁷ Kordzadeh Nima & Maryam Ghasemaghaei "Algorithmic bias: review, synthesis, and future research directions." *European Journal of Information Systems*. 31:3, (2022): pp. 388-409, DOI: 10.1080/0960085X.2021.1927212

³²⁸ Chavers, Dean. *Racism In Indian Country*. New York: Peter lang Publishing, Inc., 2009.

³²⁹ Hilleary, Cecily. "Rise in Hate Crimes Alarms Native American Communities." VOA. June 5, 2017, <https://www.voanews.com/a/rise-in-hate-crimes-alarms-native-american-communities/3887303.html>

³³⁰ Kena, Grace and Thompson, Alexandra, "Hate Crime Victimization, 2005-2019," U.S. Department of Justice, September 2021, NCJ 300954, https://bjs.ojp.gov/sites/g/files/xyckuh236/files/media/document/hcv0519_1.pdf

another group whose stories you are less likely to hear about. Native Americans are killed in police encounters at a higher rate than any other racial or ethnic group, according to data from the Centers for Disease Control and Prevention. Yet rarely do these deaths gain the national spotlight³³¹. Data from the Centers for Disease Control and Prevention collected between 1999 and 2011 shows that Native Americans, who are 0.8 percent of the United States population, comprise 1.9 percent of police killings. They are 3.1 times more likely to be killed by police than whites. Law enforcement kills African Americans at 2.8 times the rate of whites³³².

The reservation to prison pipeline refers to the displacement of Native Americans from their communities to prisons and jails due to patterns of mass incarceration³³³. Once Native youth are arrested, it is harder for them to escape the system – being referred to courts at a much higher rate than White youth^{334,335}.

Compared to White juvenile offenders, Native youth are 1.5 times more likely to be incarcerated and referred to the adult criminal system^{336,337}. Approximately 60 percent of juveniles held in federal custody are Native

³³¹ Hansen, Elise, “The forgotten minority in police shootings,” CNN, November 13, 2017, <https://www.cnn.com/2017/11/10/us/native-lives-matter/index.html>

³³² Equal Justice Initiative, “Police Killings Against Native Americans Are Off the Charts and Off the Rader,” October 31, 2016, <https://eji.org/news/native-americans-killed-by-police-at-highest-rate-in-country/>

³³³ Wang, Leah, “The U.S. criminal justice system disproportionately hurts Native people: the data visualized,” October 8, 2021, <https://www.prisonpolicy.org/blog/2021/10/08/indigenouspeoplesday/>

³³⁴ “Are Native Youth Being Pushed into Prison?.” *National Congress of American Indians*. Accessed July 5, 2022, https://www.ncai.org/policy-research-center/research-data/prc-publications/School-to-Prison_Pipeline_Infographic.pdf

³³⁵ Hockenberry, Sarah and Charles Puzzanchera. “Juvenile Court Statistics, 2015.” *Office of Juvenile Justice and Delinquency Prevention*. 2018, <https://www.ojp.gov/ncjrs/virtual-library/abstracts/juvenile-court-statistics-2015>

³³⁶ “Are Native Youth Being Pushed into Prison?.” *National Congress of American Indians*. Accessed July 5, 2022, https://www.ncai.org/policy-research-center/research-data/prc-publications/School-to-Prison_Pipeline_Infographic.pdf

³³⁷ Arya, Neelum and Addie C. Rolnick. “A Tangled Web of Justice American Indian and Alaska native Youth in Federal, State and Tribal Justice Systems.” *Race and Ethnicity Series*. 1 (2008). Pp. 1-35, <http://www.campaignforyouthjustice.org/research/cfyj-reports/item/a-tangled-web-of-justice-american-indian-and-alaska-native-youth-in-federal-state-and-tribal-justice-systems>

Americans³³⁸. According to Stormy Ogden, “Europeans locked up Native people in military forts, missions, reservations, boarding schools, and today, increasingly, in state and federal prisons. For American Indians, incarceration is an extension of the history and violent mechanisms of colonization”³³⁹.

A final but drastic remaining injustice to be mentioned here is the high suicide rate of Native Americans. Native Americans have the highest rates of suicide of any racial/ethnic group in the US. The rates of suicide in this population have been increasing since 2003³⁴⁰. Suicide is the second leading cause of death—2.5 times the national rate—for Native youth in the 15 to 24 year old age group³⁴¹. Violent deaths, unintentional injuries, homicide, and suicide, account for 75 percent of all mortality in the second decade of life for American Indian/Alaska Natives³⁴².

Recent Efforts – A Troubling Mix

Today, federal and state partners along with Tribal communities themselves are making improvements in a number of areas, including education. However, the absence of any significant increase in financial and political investment makes the path forward uncertain. Although there have been some advances in tribal self-determination, the opportunity gaps remain startling³⁴³. Despite the demonstrated importance of education in

³³⁸ “The Indigenous ‘Womb To Prison’ Pipeline.” *Indian Country Today*. March 25, 2021, <https://indiancountrytoday.com/newscasts/stephanie-autumn-03-25-2021>

³³⁹ “Carceral Colonialism: Imprisonment in Indian Country How Has Settler Colonialism Shaped The Carceral State?.” *University of Minnesota*. Accessed July 5, 2022, <https://statesofincarceration.org/states/minnesota-carceral-colonialism-imprisonment-indian-country>

³⁴⁰ Allison Ertl, Kameron Sheats, Emiko Petrosky, Asha Ivey-Stephenson, and Katherine A. Fowler. “Suicides Among American Indian/Alaska Natives — National Violent Death Reporting System, 18 States, 2003–2014.” 67 (2018). Pp. 237–242, <https://www.cdc.gov/mmwr/volumes/67/wr/mm6708a1.htm>

³⁴¹ The White House Washington, “2014 Native Youth Report,” Executive Office of the President, December 2014, <https://files.eric.ed.gov/fulltext/ED565658.pdf>

³⁴² “Mental and Behavioral Health — American Indians/Alaska Natives.” *U.S. Department of Health and Human Services*. May, 19 2021, <https://minorityhealth.hhs.gov/omh/browse.aspx?lvl=4&lvlid=39>

³⁴³ The White House Washington, “2014 Native Youth Report,” Executive Office of the President, December 2014, <https://files.eric.ed.gov/fulltext/ED565658.pdf>

improving the future outlook for minority communities, the inconsistent and often detrimental (i.e. boarding schools) history of Native American education policy up to this point has left lasting scars that continue to affect Native youth and the underlying nation-to-nation relationship. Today, tribes operate more than two-thirds of Bureau of Indian Education schools and 37 tribal colleges and universities. More than 200 tribal nations have created their own education departments or agencies and vested them with the authority and responsibility to implement tribal education goals and priorities. Despite these significant strides, today's Native youth continue to confront formidable barriers to success³⁴⁴.

A few recent key policies have the potential to improve the conditions for peace for Native Americans, but so far those improvements have not been realized. The 2010 Cobell Settlement required the Federal government to create a \$1.5 billion fund to pay Indian trust beneficiaries, a \$1.9 billion trust land fund and \$60 million scholarship fund to improve access to higher education³⁴⁵. So far, these funds, which are meant to compensate for some of the funding inequities and loss of land, represent just the beginning of reconciliation efforts, but further efforts have yet to be realized.

In 2016, Native American communities organized grassroots protests to the development of the Dakota Access Pipeline (DAPL) which possibly threatened key waterways but which was intended to move oil from the Bakken oilfields. While the protests caught media attention and brought many tribes together for the first time in collective protest, the opportunity for Native Americans to have a voice and effect policy was destroyed. The pipeline was completed despite the protests and now many of the protestors still have criminal charges cases active in the American Courts.

Both the 2019 Savanna's Act and the Not Invisible Act of 2020, increase the coordination of efforts to reduce violent crime within Indian lands and against Indians. While the intent of the acts are clear, the questions

³⁴⁴ Ibid.

³⁴⁵ U.S. Department of the Interior, "Consultations on Cobell Trust Land Consolidation," U.S. Department of the Interior, Accessed July 20, 2022, <https://www.doi.gov/cobell>

that remain are whether the coordination will really increase, whether research and data collection will improve, and whether the coordination will result in fewer violent crimes against Native Americans without funding or enhanced prosecutorial actions.

Most recently as decided in the 2022 Supreme Court case of *Oklahoma v. Castro-Huerta* (21-429), the Federal Government and the State have concurrent jurisdiction to prosecute crimes committed by non-Indians against Indians in Indian country. This decision goes against the Tribal efforts of self-governance and sovereignty, especially on their own lands^{346,347}.

Inhibitors of Positive Peace

To improve US Tribal relationships from one of negative peace to positive peace, it is important to identify the inhibitors of positive peace. If one wants to know why American Indians have the highest rates of poverty of any racial group, why suicide is the leading cause of death among Indian men, why Native women are two and a half times more likely to be raped than the national average and why gang violence affects American Indian youth more than any other group, one must not look only to history. While there is no doubt about the violence against Native American communities in the 19th and 20th centuries, it is the policies today of denying Native Americans ownership of their land, refusing them access to the free market, and failing to provide the police and legal protections due to them as American citizens that have turned many reservations into basically small third-world countries in the middle of the richest and freest nation on earth^{348, 349}.

³⁴⁶ Wilkins, David E., and Lomawaima, Tsianina, K. *Uneven Ground: American Indian Sovereignty and Federal Law*. Oklahoma: University of Oklahoma Press, 2001.

³⁴⁷ Wilkins, David E. *American Indian Sovereignty and the U.S. Supreme Court: The Masking of Justice*. Texas: University of Texas Press: 1997.

³⁴⁸ Riley, Namoni Schaefer, *The new Trail of Tears : how Washington is destroying American Indians*, 1st ed., Encounter Books: New York, 2016.

³⁴⁹ Chavers, Dean. *Racism In Indian Country*. New York: Peter lang Publishing, Inc., 2009.

Discrimination and harassment are widely reported by Native Americans across multiple domains of their lives, regardless of geographic or neighborhood context. Native Americans report major disparities compared to whites in fair treatment by institutions, particularly with health care and police/courts. Results suggest modern forms of discrimination and harassment against Native Americans are systemic and untreated problems^{350, 351}.

Thirty nine percent of the American Indian and Alaska Native population is under 24 years old compared to 33 percent of the total population. Across the US, tribes and their communities are making meaningful and often transformative differences in the lives of their children. By bolstering the interest and involvement of Native youth in tribal cultures and traditions, Native communities have learned how to reach struggling youth. But the challenges faced by Native youth require broader support. Federal, state, local, and tribal governments, as well as private and non-profit sector institutions, all have roles in assuring that all young people have the tools and opportunities they need to succeed³⁵².

In 2012, median household income for the American Indian and Alaska Native population stood at \$39,715 compared to \$56,746 for the U.S. overall. The poverty rate among American Indians and Alaska Natives was 27 percent compared to 15 percent for the nation, and at 34 percent, child poverty was 13 percentage points higher than the national average of 21 percent³⁵³.

There is a lack of research pertaining to the impacts of climate change on sovereignty, culture, health, and economies that are currently being experienced by Alaska Native and American Indian tribes and other indigenous

³⁵⁰ Findling , G. Mary, Logan S. Casey, Stephanie A. Fryberg, Steven Hafner, Robert J. Blendon, John M. Benson, Justin M. Sayde, and Carolyn Miller. Discrimination in the United States: Experiences of native Americans. *Health Services Research*. 54. (2019): pp. 1431– 1441, <https://onlinelibrary.wiley.com/doi/10.1111/1475-6773.13224>

³⁵¹ Chavers, Dean. *Racism In Indian Country*. New York: Peter lang Publishing, Inc., 2009.

³⁵² The White House Washington, "2014 Native Youth Report," Executive Office of the President, December 2014, <https://files.eric.ed.gov/fulltext/ED565658.pdf>

³⁵³ Ibid.

communities in the US³⁵⁴. Development of key frameworks that inform, and are informed by, indigenous understandings of climate change impacts and pathways for adaptation and mitigation are needed. Research regarding tribal sovereignty and self-determination, culture and cultural identity, and indigenous community health indicators is needed. To understand the existing health disparities experienced by indigenous communities, as well as the ways that these disparities will be exacerbated by climate change, one must consider not only historical trauma, but also structural violence rooted in poverty, inequality, and discrimination³⁵⁵.

Currently, there is no governance framework in place in the United States or abroad that evaluates the impact of climate-change and determines when a community can no longer be protected. There are also no institutional mechanisms that determine when a preventive relocation should occur, who makes the decision to preventively relocate, or how the decision should be made³⁵⁶. There is currently no national framework to deal with the relocation of tribal communities, and forced relocation is compounded by the current lack of governance mechanisms and funds to support the communities. This intensifies community impoverishment, negative economic and health impacts, and loss of place, social networks, and culture caused by relocation. Currently, federal laws obstruct Tribes from expanding or transferring tribal jurisdiction and few tribes have the economic means to buy new land and move all of their Tribal members³⁵⁷.

Finally, the ability for the Native Americans to have voice and protest and shape policy is important in the movement toward positive peace. As policing continues to be militarized and state legislatures around the country

³⁵⁴ Norton-Smith, Kathryn, Lynn, Kathy, Chief, Cozzetto, Karen, Donatuto, Jamie Hiza Redsteer, Margaret, Kruger, E. Linda, Maldonado, Julie, Viles, Carson and Whyte, P. Kyle, "Climate Change and Indigenous Peoples: A Synthesis of Current Impacts and Experiences," United States Department of Agriculture, October 2016, https://www.fs.fed.us/pnw/pubs/pnw_gtr944.pdf

³⁵⁵ Norton-Smith, Kathryn, Lynn, Kathy, Chief, Cozzetto, Karen, Donatuto, Jamie Hiza Redsteer, Margaret, Kruger, E. Linda, Maldonado, Julie, Viles, Carson and Whyte, P. Kyle, "Climate Change and Indigenous Peoples: A Synthesis of Current Impacts and Experiences," United States Department of Agriculture, October 2016, https://www.fs.fed.us/pnw/pubs/pnw_gtr944.pdf

³⁵⁶ Ibid.

³⁵⁷ Ibid.

pass laws criminalizing protest in the US, the fact that a private security firm retained by a private Fortune 500 oil and gas company coordinated its efforts with local, state, and federal law enforcement to undermine the Native American protest movement has profoundly anti-democratic implications³⁵⁸.

TigerSwan was the security agency hired by the pipeline company, Energy Transfer Partners, to suppress the protests. TigerSwan operates worldwide and specializes in armed conflict zones. The company utilized militaristic counterterrorism tactics including attack dogs, against Indigenous led anti-DAPL protests in several states.

North Dakota law enforcement and the national guard responded to Standing Rock demonstrations with an aggressive show of force, as police in riot gear deployed pepper spray, tear gas and other “less than lethal” weapons against unarmed people, in some cases leading to serious injuries³⁵⁹. These actions violated the already precarious negative peace with the conscious use of “fear” tactics. The American Civil Liberties Union (ACLU) called for the Department of Justice to investigate the use of force by law enforcement officers on the protesters. The ACLU was joined by Amnesty International and the National Lawyers Guild in condemning the use of force by law enforcement agencies³⁶⁰.

Circle Process/Policy Suggestions

In support of the possibility of restoring negative peace and moving toward a positive sustained peace, a few International nation-to-nation policy suggestions for peace that are in alignment with the concept of positive

³⁵⁸ Brown, Alleen, Parrish, Will, and Speri Alice, “Leaked Documents Reveal Counterterrorism Tactics Used at Standing Rock to “Defeat Pipeline Insurgencies,”” *The Intercept*, May 27, 2017, <https://theintercept.com/2017/05/27/leaked-documents-reveal-security-firms-counterterrorism-tactics-at-standing-rock-to-defeat-pipeline-insurgencies/>

³⁵⁹ The Guardian, “Dakota Access pipeline activists say police have used ‘excessive’ force,” Accessed July 20, 2022, <https://www.theguardian.com/us-news/2017/jan/18/dakota-access-pipeline-protesters-police-used-excessive-force>

³⁶⁰ Ibid.

peace, as well as Native American cultural based teachings from the Tribal Circle Process will be shared^{361, 362, 363}.

The suggestions are visually represented in the Figure 2 Medicine Wheel Model for Positive Peace. The model is my own creation and while it is general enough to represent the beliefs of most Tribal cultures, and thus should be useful for policy makers, I do not presume to speak for all Native people. The model itself encourages elements of self-design by the varied Tribal cultures. The circle is a sacred symbol which represents the interconnectedness of all of us. The four directions and their colors are sacred as they offer us lesson and guidance to improve our selves as human beings. The Medicine Wheel puts the emphasis on getting well rather than getting even. The Circle Process is often used in Native American culture both historically and contemporarily to solve conflicts and gather community members to collectively assist those in need of healing or support and accountability³⁶⁴. The international recommendations are shared in the innermost circle while the Tribal Circle Process ideals are listed in the outer ring of the model. All model elements are interconnected.

In the model we start in the East quadrant of the wheel, as is culturally traditional. East is represented by the color yellow, and it symbolizes our early childhood or beginning steps of our journey, during which the value of respect is learned. In this quadrant are the international recommendations to achieve positive peace – Access to Services/Protection, the Absence of Violence, and Accountable Revenue Distribution. As this paper has demonstrated, currently none of these recommendations and (few of the others which follow) have yet to be realized by Native Americans.

³⁶¹ Ross, Rupert. *Indigenous Healing: Exploring Traditional Paths*. Canada, Ontario: Penguin Group, 2014.

³⁶² McCaslin, Wanda D. ed. *Justice As Healing: Indigenous Ways*. Minnesota: Living Justice Press, 2005.

³⁶³ Robinson, Mary. "Conflict Prevention, Post-Conflict Peace building and Promotion of Durable Peace, Rule of Law and Governance". United Nations: Department of Economic and Social Affairs: Sustainable Development. February 6, 2014. <https://sdgs.un.org/statements/conflict-prevention-post-conflict-peace-building-and-promotion-durable-peace-rule-law>

³⁶⁴ Pranis, Kay, Stuart, Barry, and Wedge, Mark. *Peacemaking Circles: From Conflict to Community*. Minnesota: Living Justice Press, 2003.

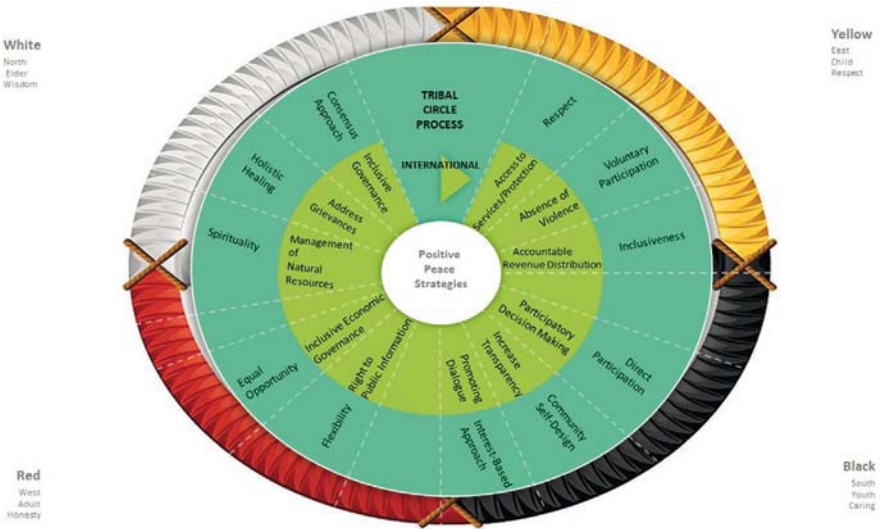
Yet, the changes would be appreciated in Tribal communities as they are in alignment with tribal values. The tribal values in support of these recommendations include acting with respect, participating in the process voluntarily, and conducting the process to be inclusive of all members.

The South quadrant is colored black, representing our life as youth when we learn to practice caring for all of our 'relatives' be they people, plants, or animals. In line with caring, the international recommendations include: Participatory Decision Making, an Increase in Transparency, and Promoting Dialogue. The Tribal strategies that align with the international recommendations are encouraging direct participation by everyone involved, allowing each Tribal community to add elements of their own self-design to the process so it reflects their values and beliefs, and creating an interest-based approach by ensuring participants understand how the issue at hand effects people, places, or things they care about.

The West quadrant is colored red and it represents our adulthood where we need to work at honesty in all of our interactions. The international recommendations include: the Right to Public Information and Inclusive Economic Governance. The Tribal strategies include the open mindedness to be flexible during the Circle Process and to make sure there is equal opportunity for all to have their say and influence the process.

The North quadrant is colored white, it represents being an elder and sharing your wisdom with members of the Tribe. The set of international recommendations are the Management of Natural Resources, Address Grievances, and Inclusive Governance. The Tribal strategies include: allowing our spirituality to guide us, heal in a holistic way (mind, body and spirit), and discuss and negotiate between all parties (not vote or decide purely by rank) to reach a consensus.

Figure 5: A Medicine Wheel Model for Positive Peace



Source:

Given the complexity and magnitude of the historical and current challenges facing Native Americans, there is a need for a broad array of partners to support tribes in identifying solutions to help Native youth and all Tribal members peacefully reach their potential. Federal commitments will be critical to this collaboration. Substantial opportunities exist for tribal nations to engage the private sector and public sector to create and maintain transformative programs. Organizations committed to working on issues of poverty, health, juvenile justice, educational inequality, and student opportunities can play an important role in improving the lives of Native youth³⁶⁵. To raise the visibility of Native American issues we could strengthen tribal control of education and basically everything in Tribal communities so comprehensive, community-based tribal supports can be implemented. Education about Tribal history and cultures should be part of the curriculum for all US classrooms. Also, efforts need to be

³⁶⁵ The White House Washington, "2014 Native Youth Report," Executive Office of the President, December 2014, <https://files.eric.ed.gov/fulltext/ED565658.pdf>

made to strengthen and expand culturally relevant efforts that target suicide prevention^{76, 366}.

To address the impacts of climate change on Native Americans, approaches to relocation must be grounded in a human-rights-based framework³⁶⁷. Given the historical and contemporary forced relocations of indigenous peoples, indigenous communities must be empowered to make their own decisions regarding relocation. Relocation should be considered only after all possibilities for staying in place [e.g., resistance] are exhausted and should not be used as a way to force communities off of their land. According to the UN Declaration on the Rights of Indigenous Peoples (UNDRIP 2007: Art: 1), “Indigenous peoples possess collective rights indispensable for their existence and well-being, including the right to collective self-determination and the collective rights to the lands, territories, and natural resources they have traditionally occupied and used.” In the context of climate change, the right to self-determination means that people have the right to make decisions regarding adaptation strategies and the right to make fundamental decisions about when, how, where, and if relocation occurs³⁶⁸. Traditional knowledge affects how indigenous communities understand climate-change impacts and develop adaptation strategies. Traditional knowledge has enabled indigenous populations to adapt to environmental changes for thousands of years and can inform climate action by recognizing changes, contributing to adaptation strategies, and implementing sustainable land management practices.

³⁶⁶ U.S. Department of Health and Human Services, “To Live To See the Great Day That Dawns: Preventing Suicide by American Indian and Alaska Native Youth and Young Adults,” DHHS Publication SMA (10)-4480, CMHS-NSPL-0196, 2010 <https://store.samhsa.gov/sites/default/files/d7/priv/sma10-4480.pdf>

³⁶⁷ Norton-Smith, Kathryn, Lynn, Kathy, Chief, Cozzetto, Karen, Donatuto, Jamie Hiza Redsteer, Margaret, Kruger, E. Linda, Maldonado, Julie, Viles, Carson and Whyte, P. Kyle, “Climate Change and Indigenous Peoples: A Synthesis of Current Impacts and Experiences,” United States Department of Agriculture, October 2016, https://www.fs.fed.us/pnw/pubs/pnw_gtr944.pdf

³⁶⁸ Norton-Smith, Kathryn, Lynn, Kathy, Chief, Cozzetto, Karen, Donatuto, Jamie Hiza Redsteer, Margaret, Kruger, E. Linda, Maldonado, Julie, Viles, Carson and Whyte, P. Kyle, “Climate Change and Indigenous Peoples: A Synthesis of Current Impacts and Experiences,” United States Department of Agriculture, October 2016, https://www.fs.fed.us/pnw/pubs/pnw_gtr944.pdf

As suggested at the International level, achieving peace and eradicating violence entails progress on many different dimensions and goes beyond the absence of violence. As envisioned in the Medicine Wheel Model for Positive Peace, it must be comprehensive and multidimensional. Specific strategies that can be implemented include: creating responsive, transparent and inclusive governance that addresses the structural causes of conflict, violence and lack of safety. For example, decentralized, rights-based and participatory decision-making structures and social dialogue, with direct involvement of marginalized communities, can help reduce the risk of violence by providing political space to address grievances and aspirations. Promoting dialogue between the organs of state, civil society and the private sector is essential for enhancing governance, transparency and accountability. Increasing transparency in the flow of public funds, and accountability for how revenues are distributed by the government would increase people's trust in government institutions. Guaranteeing citizens' right to access public information would also increase people's trust in government institutions. Inclusive economic governance, growth and development, such as equitable, transparent and accountable management of natural resources; combating youth unemployment; equitable distribution and access to social services and extension of social protection floors; wealth-sharing and the fair distribution of resources, are also important components of peace consolidation.

The culturally appropriate practice of the Tribal Circle Process can be followed by practicing *Respect* by showing respect to all while encouraging voluntary participation by all in an inclusive manner, by demonstrating *Caring* by allowing each community to have direct participation of their members in a process that is self-designed by their community, by conveying *Honesty* through flexibility and equal opportunity and by sharing *Wisdom* through a holistic spiritually based consensus building approach.

Conclusion

Violence and discrimination against Native Americans are legacies of the US history of racial injustice. The US has done very little to acknowledge the genocide of Native Americans or the myth of racial difference created to justify the “removal” of Native people from their lands and the forced assimilation of their children. Generations of Native American activists have challenged this country to more truthfully confront this history and its legacy, which includes not only the highest police-violence rates, but also the highest poverty and suicide rates in the country.

The United States has a unique nation-to-nation relationship with and owes a trust responsibility to Indian tribes. The federal government’s trust relationship with Indian tribes (which is based on treaties, agreements, statutes, court decisions, and executive orders) charges the United States with moral obligations of the highest responsibility. Yet, despite the United States’ historic and sacred trust responsibility to Indian tribes, there is a history of deeply troubling and destructive federal policies and actions that have hurt Native communities, exacerbated severe inequality, and accelerated the loss of tribal cultural traditions.

All of us, including the federal government, have an important role in helping to improve the lives of Native Americans. Strengthening partnerships and sustaining engagement serve as linchpins to bring together the necessary resources, following a culturally appropriate model, to achieve finally Positive Peace and improve life outcomes for the next seven generations.