

The exclusion of indigenous people in the United States from key policy and decisions

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Briefing Note:

The following section will highlight the injustices faced by Indigenous people through 4 different sections:

Overview:

- Both Native American and Alaskan Native women (two different indigenous tribes) are repeatedly subjected to inhumane forms of violence yet are unable to seek necessary justice or receive accessible and prompt treatment.
- Indigenous people have been forced to evict from their historically owned lands to less prosperous and confined spaces that have been/are exploited and under the threat of climate change.
- The great degree of distrust among indigenous people and their views on the federal government result in low levels of political participation, even then, the small proportion of those who wish to vote face administrative barriers.
- The standard of living of indigenous people is impacted by socio economic problems such as the lack of autonomy in economic decision making, poor quality housing and the limited access to healthcare.

Inadequate protection and support of indigenous women (criminal justice):

Indigenous women are subjects to high rates of sexual violence.

- According to a report by Amnesty International, more than two-folds (56.1%) of American Indian and Alaska Native women have experienced sexual violence throughout their lifetime.¹
- More than 4 out of 5 American Indian and Alaska Native women have suffered some form of sexual violence.²
- Compared to non-hispanic white women, American Indian and Alaska Native women are 2.2 times more likely to be rape victims.³
- The 2016 report by the National Institution of Justice reported that 96% of female American Indian and Alaskan Native victims of sexual violence experienced violence instigated by a non-Native perpetrator.⁴

High rates of missing and murder and indigenous women and girls.

- An investigation by the Justice Department discovered that indigenous women on certain reservations are murdered at a rate more than “10 times the national average in some countries.”⁵
- In Minnesota (third largest population of Native American occupancy), 8% of all murdered women and girls are of indigenous heritage despite only being 1% of the female population.⁶
- In 2016, the US Department of Justice’s federal missing persons data recorded 116 missing people into the system while there were reports made of missing American Indian and Alaskan Native women.⁷

¹ Amnesty International, 2022, [The Never-Ending Maze: Continued Failure to Protect Indigenous Women From Sexual Violence in the USA](#)

² National Congress of American Indians, 2018, [Violence Against American Indian and Alaska Native Women](#)

³ Amnesty International, 2022, [The Never-Ending Maze: Continued Failure to Protect Indigenous Women From Sexual Violence in the USA](#)

⁴ National Congress of American Indians, 2018, [Violence Against American Indian and Alaska Native Women](#)

⁵ Ibid, pg. 1

⁶ Wilder Research, 2021, [Missing and Murdered Indigenous Women’s Task Force in Minnesota](#)

⁷ Urban Indian Health Institute, 2016, [Missing and Murdered Indigenous Women and Girls](#)

- In 2018, Murder was the third leading cause of death among American Indian and Alaskan Native Women.⁸

Poor access to services.

- More than 38% of American Indian and Alaskan Native female victims of violence who required medical attention after physical injuries were unable to gain the necessary services.⁹
- Rape victims are not able to seek satisfactory forensic exams performed by qualified professionals, which are “vital for a successful prosecution”.¹⁰
- Native Americans who have no other option but to seek treatment at non-native health facilities with one in 5 people¹¹ encountering “non-culturally sensitive care” and “discriminatory treatment”.¹²

⁸ CDC, 2020, CDC works to address violence against American Indian and Alaska Native People

⁹ US Department of Justice, 2016, Five Things About Violence Against American Indian and Alaska Native Women and Men

¹⁰ Amnesty International, 2022, The Never-Ending Maze: Continued Failure to Protect Indigenous Women From Sexual Violence in the USA, pg.10

¹¹ Findling et al., 2019, Discrimination in the United States: Experiences of Native Americans

¹² Amnesty International, 2022, The Never-Ending Maze: Continued Failure to Protect Indigenous Women From Sexual Violence in the USA, pg.10

Historical and current property rights:

Loss of ownership and control of land.

- 98.9% of historical land once occupied by indigenous people is no longer in their possession.¹³
- 42% of Native American tribes are recorded to have no recognized land today while tribes that still have land only own a minimal proportion (2.6%) of their historical land.¹⁴
- Through forced relocation, more than 46,000 Native Americans were evicted by the U.S. military with 4,000 individuals not making it due to various factors such as sickness, extreme weather conditions and starvation.¹⁵

Relocated onto less valuable land.

- Kyle White, an environmental justice scholar at the University of Michigan has said that indigenous people are placed in reservations that are severely affected by the effects of climate change such as drought and heat.¹⁶
- Opportunities to engage in economic activity has reduced as present day indigenous lands have 24% fewer oil and gas resources than historical lands did.¹⁷
- The ways indigenous people lose their land are through: land evictions, displacements, forced relocations and state and corporate violence against indigenous groups.¹⁸

Lands become target sight for nuclear waste dumping which is referred to as the “most hazardous material ever created by human or nature”.¹⁹

- Experts in this area have described the use of Native lands as dumping sites for Nuclear Waste as “radioactive colonialism”.²⁰
- On the reservation land of the Navajo tribe, 500 uranium mines have been left abandoned, hence being the cause of health complications such as “elevated rates

¹³ Wade, L., 2021, [Native tribes have lost 99% of their land in the United States](#)

¹⁴ Ibid

¹⁵ National Geographic, 2022, [May 28, 1830 CE: Indian Removal Act](#)

¹⁶ Erickson, J., 2021, [Near total loss of historical lands leaves Indigenous nations in the US more vulnerable to climate change](#)

¹⁷ Wade, L., 2021, [Native tribes have lost 99% of their land in the United States](#)

¹⁸ Mowforth, M., 2014, [Indigenous people and the crisis over land and resources](#)

¹⁹ Outrider, 2022, [How Native Lands Became a Target for Nuclear Waste](#)

²⁰ Ibid

of kidney failure, lung disease” and also individuals being poisoned by the toxic contamination of drinking water.²¹

- The head of the Western Shoshone native American tribe, Ian Zabarte, claimed that “928 tests were conducted on Shoshone territory” from 1951 to 1992 emitting nuclear fallout of 620 kilotons which is equivalent to approximately 48 times the amount from the Hiroshima bombing of 1945.²²

Exclusion from the political process:

High levels of distrust in the federal government among indigenous people leads to political disengagement in federal elections.

- A report from the *Southwestern Social Science Association* on the impact of political trust on levels of electoral participation among indigenous people (which surveyed around 1500 indigenous people) concluded that “historical trauma and ongoing discrimination are the primary causes of distrust among Native Americans”.²³
- Similarly, a report by the *Native American Rights Fund (NARF)* found that there is a “traumatic relationship” between indigenous people and the US federal government, due to past and ongoing discrimination of indigenous people, which manifests as high levels of distrust of the federal government among indigenous people. Examples of this “traumatic relationship” include: elders’ recalling discriminated against and denied access to vote; the continued negative socio-economic impact of various federal policies eg. high levels of poverty, lack of housing and infrastructure.²⁴
- Indigenous peoples’ levels of trust in the federal government vary across different tribes and different states between 16.3% – 28%.²⁵
- High levels of distrust among indigenous people in the federal government and non-tribal voting methods has a “surprisingly powerful impact” on levels of political participation. Indigenous people with ‘complete trust’ in the federal government are 83% more likely to vote in federal elections than those with ‘no trust’. Levels of

²¹ Ibid

²² Zabarte, I., 2020, [A message from the most bombed nation on earth](#)

²³ Schroedel et al., 2020, [Political Trust and Native American Electoral Participation: An Analysis of Survey Data from Nevada and South Dakota](#)

²⁴ The Native American Rights Fund, 2020, [Obstacles at Every Turn](#), pg. 43

²⁵ Ibid

voter participation among indigenous people are significantly higher in tribal elections than in non-tribal elections.²⁶

- Political disengagement in federal elections is problematic because participation in federal elections is crucial for “securing [indigenous peoples’] self-determination, land rights, water rights, health care, and improving their socioeconomic status”.²⁷
- Additionally, it is very difficult for Native American candidates to get on a ballot to represent themselves politically due to lack of resources in their campaigns.²⁸

There are various administrative barriers which may prevent indigenous people who wish to vote from registering to vote.

- The NARF highlights that the requirements for voter registration – such as a permanent address, access to the internet, access to the poll station and ID requirements – tend to disproportionately exclude indigenous people: Native Americans often live in remote locations without internet access and may not have a permanent or traditional address.²⁹
- In particular, political exclusion through strict state ID laws disproportionately impacts indigenous people as well as poorer people and people of colour.³⁰
- For example, in 2018, 19% of Native American eligible voters in North Dakota were unable to obtain an acceptable ID to cast a ballot under state law, compared to 12% of other voters.³¹

There are also various administrative barriers which may prevent indigenous people who wish to vote from casting a ballot.

- Indigenous people who are willing and able to register to vote may be blocked from casting ballots by various barriers including: lack of pre-election information; lack of funding for poll stations on reservations; inaccess to early voting, vote by mail and in-person voting; and arbitrary location of poll stations far from reservations.³²

²⁶ Schroedel et al., 2020, [Political Trust and Native American Electoral Participation: An Analysis of Survey Data from Nevada and South Dakota](#)

²⁷ Cultural Survival, 2020, [New Report Outlines the Obstacles Native Americans Face in Voting and Political Participation](#)

²⁸ The Native American Rights Fund, 2020, [Obstacles at Every Turn](#)

²⁹ Ibid

³⁰ Freil, K. and Pablo, E., 2022, [How Voter Suppression Laws Target Native Americans](#)

³¹ Ibid

³² The Native American Rights Fund, 2020, [Obstacles at Every Turn](#)

- The location of poll stations far away from reservations requires indigenous people to take time off work to make the journey, which many cannot afford to do.³³
- For example, indigenous people on the Duckwater reservation in Nevada have to travel 140 miles each way to vote at the nearest poll station. A 2017 poll of Native Americans in South Dakota found that 32% were discouraged from voting due to the distance to the poll station.³⁴

³³ Freil, K. and Pablo, E., 2022, [How Voter Suppression Laws Target Native Americans](#)

³⁴ Ibid

Socio-economic problems:

The federal government retains a large degree of political control over reservations which reduces indigenous communities' decision making power.

- Indian reservations are deemed the federal lands: this means that Indian reservations are “held in trust by the federal government, meaning the government manages the lands for the benefit of the Native American populations.”³⁵
- Resultantly, “federal government remains involved in almost every aspect of Native American lives”.³⁶
- Indigenous communities have a low level of political autonomy.³⁷

There is a lack of good quality/ affordable housing on reservations.

- Lack of affordable and quality housing is “one of the most critical problems facing Native American communities”. The Kennan institute highlights that indigenous people are the worst affected by policy changes and budget cuts due to their low socioeconomic status.³⁸
- The housing crisis is twofold: houses are becoming more expensive, and houses are decaying to the extent that they must be condemned, which reduces the supply of housing.³⁹
- Housing conditions on reservations are also problematic: 40% of housing is considered substandard, compared to 6% of housing outside of the reservations. Around 30% of homes on reservations are overcrowded; less than 50% are connected to public sewers; 16% do not have indoor plumbing; and 50% do not have phone service.⁴⁰
- Another problem is that private developers are discouraged to build on reservations as there are limited profit opportunities.⁴¹

There is a lack of access to suitable and reliable healthcare on reservations.

³⁵ Tubb, K., 2018, [Federal Government Continues to Give Native American Tribes a Bad Deal](#)

³⁶ Ibid

³⁷ Ibid

³⁸ Kenan Institute of Private Enterprise, 2020, [Tackling the Housing Crisis Brewing in America's Native Communities](#)

³⁹ Ibid

⁴⁰ National Congress of American Indians, n.d., [Housing & Infrastructure](#)

⁴¹ Kenan Institute of Private Enterprise, 2020, [Tackling the Housing Crisis Brewing in America's Native Communities](#)

- The IHS (Indian Health Service) faces persistent underfunding.⁴²
- This underfunding has led to poor health care outcomes, such as long waiting times, staff vacancies, and outdated infrastructure and equipment.⁴³
- Due to high rates of poverty among indigenous people, 33% of indigenous people don't have health insurance.⁴⁴
- Average life expectancy of indigenous people is up to 20 years less than the state average.⁴⁵
- There are always issues with understanding of the indigenous peoples' access to the US healthcare system. Many indigenous people feel excluded from the US healthcare system⁴⁶; or may not realise that they have a right to use it as citizens.⁴⁷ Other US citizens or providers also often tend not to realise indigenous peoples' right to access healthcare.⁴⁸

⁴² Lofthouse, J., 2022, Increasing Funding for the Indian Health Service to Improve Native American Health Outcomes

⁴³ Ibid

⁴⁴ Artiga, S et al., 2013, Health Coverage and Care for American Indians and Alaska Natives

⁴⁵ Whitney, E., Native Americans Feel Invisible In U.S. Health Care System

⁴⁶ Ibid

⁴⁷ Indian Health Service, 2015, Basis for Health Services

⁴⁸ Ibid

Insight:

Overview:

Four key issues that demonstrate the exclusion of indigenous people were highlighted in the briefing section. The following section will explore the reasons behind why these deeply rooted problems still persist even after the period of colonisation. The first area that will be focused on is the poor sensitivity from law enforcement and lack of awareness from society that allows injustices to go unseen. Next, the consequences of federal policies and how they have deprived these communities through socio economic struggles. Last but not least, the reason why indigenous people are discriminated against in relation to the damaging ramifications of colonisation will be examined.

Poor sensitivity from law enforcement and lack of awareness has led indigenous women to experience high rates of violence, missing cases, and murder.

Native Women have proportionately been larger targets of violence, with 84.3% of women and 81.6% of men being victims in their lifetime, respectively.⁴⁹ Since colonial days, native women have been targets of violence and unfortunately still experience them in the current day at alarming rates. The law enforcement and media are two instruments that *should* be used to protect indigenous women from harm, yet the systems have largely turned their back on them through the lack of sensitivity and coverage brought.

Until recently, one of the more prominent reasons linked to the high violence rates was the lack of tribal jurisdiction. In 1978, a supreme court case known as *Oliphant v. Indian Tribe* ruled that Native Tribal courts did not have the right to criminal jurisdictions over Non-native Americans.⁵⁰ This allowed non-native people to fearlessly commit violence on native people as no one had the authority to arrest them for their actions. The fact that 96% of female violence was perpetrated by non-native American People demonstrates that the lack of judicial protection was a harm to women for many decades.⁵¹ However, in 2022, congress enacted changes, and it was signed into law that tribes now have the ability to exercise their sovereign power to investigate, prosecute, convict and sentence both Indian and Non-Indians who commit crimes in native land against native victims.⁵² This law known as the 'Special Tribal Criminal Jurisdiction' was taken into effect on the 1st of October 2022. Due to its recentness, there has yet to be available data to evaluate

⁴⁹ U.S. Department of Justice, n.d, [Five Things About Violence Against American Indian and Alaska Native Women and Men](#), pg.1

⁵⁰ Library, 1977 [U.S. Reports: Oliphant v. Suquamish Indian Tribe, 435 U.S. 191 \(1978\)](#)., pg.191

⁵¹ Brewer, G., 2021, [Native American women face an epidemic of violence. A legal loophole prevents prosecutions](#)

⁵² U.S. Department of Justice, 2022, [2013 and 2022 Reauthorizations of the Violence Against Women Act \(VAWA\)](#)

the effectiveness of the change in jurisdiction. Nevertheless, the limits of legislation prior to the amendment can justify the given statistics in this report regarding the high rates of violence, murder and missing of indigenous women.

Current law enforcement does not pay enough attention to cases that involve indigenous women. The negative stereotypical perception that many Americans have of indigenous women cause officers to not take investigations seriously. Typical stereotypes depict native women as “lazy, drug addicts, and alcoholics who rely on the government to survive”.⁵³ An area that substantiates the efforts of poor law enforcement is the poor performance in record keeping of cases. In 2016, more than 5,000 reported cases were left unlogged in the US Department of Justice’s federal missing person database, exemplifying how officers turn a blind eye on cases that involve indigenous women.⁵⁴ Effectively, the poor action taken after crimes incentivize perpetrators to continually commit crime; they are aware of the non-existent/ very limited consequences.

The lack of effort in recognising injustices does not only involve law enforcement officers, but the media as well. The Bureau of Indian Affairs (BIA) recorded approximately 4,200 missing cases of Indian people, regardless of sex.⁵⁵ The relevant question is why there *remains* such a sheer number of missing cases. One of the reasons for the considerable number is due to the below satisfactory coverage brought by media outlets. For instance, the media frenzy in the disappearance of Gabby Petito, a 22 year old American woman who was found murdered 3 to 4 weeks after going missing during a camping trip with her fiance, is an example of differential treatment between certain groups.⁵⁶ This particular case caused a buzz on social media with news agencies closely reporting every moment of rescue efforts continuously over a span of 3-4 weeks. Meanwhile, the murder of indigenous people never gets viral with even a fraction of allocated time in the spotlight. Similarly, in the same place of murder (Wyoming), only 18% of indigenous female homicide victims got coverage compared with 51% for white female and male victims.⁵⁷ With the lack of coverage, there is little to no pressure on law enforcers to continue with

⁵³ Native Hope, n.d, [Missing and Murdered Indigenous Women \(MMIW\)](#)

⁵⁴ Ibid

⁵⁵ Ibid

⁵⁶ Weitzman et al, 2022, [Gabby Petito case: A timeline of her disappearance and homicide](#)

⁵⁷ Bonn, T., 2022, [Indigenous Women are Going Missing at Alarming Rates — Here’s Why You Haven’t Heard About Them](#)

the search and rescue efforts of indigenous women hence causing cases to go unresolved and numbers to be maintained at such high levels.

To summarise, perpetrators who commit these unjust acts against women repeatedly offend as they can easily flee the scene without facing the consequences they deserve. Although not confirmed, there are hopes that recently the enacted 'Special Tribe Criminal Jurisdiction' will help improve the current scenario as non-native people can now be prosecuted for crimes committed on tribal grounds. Even so, there still needs to be development in areas that involve law enforcement taking matters seriously and how the media can be utilised as an instrument of justice.

Federal policies have left reservations economically impoverished and dependent.

As explored in the Briefing section, Native American reservations have persistently poor socio-economic outcomes. These include significantly lower levels of employment, home-ownership and life expectancy than the average US citizen. In this section, we link these socioeconomic problems to the economic policies and legal protections enforced by the US federal government. We first examine the federal government's directly damaging impact on Native American reservations through systemic and persistent underfunding. We then analyse the indirectly damaging impact of high levels of federal legal restrictions and bureaucracy on Native American Reservations.

Randall Akee⁵⁸, a professor at UCLA’s Department of Public Policy and American Indian Studies, contends that reservations are “woefully underfunded at the federal level” which represents a “failure to fully live up to [the] commitments” made by the federal government to Native Americans. A particularly pertinent example of insufficient government funding is raised by the state of safe, running drinking water and sanitation. A report by the Indian Health Service (IHS) found that over a third of Native American households needed significant improvements in drinking water or sanitation systems.⁵⁹ This problem is having serious health impacts on Native Americans. For example, the drinking water consumed by the Hopi tribe contains over three times the amount of arsenic that the EPA deems safe.⁶⁰ Also, on the Navajo Nation reservation, soda is cheaper and more accessible than drinking water, which can be linked to the diabetes crisis.⁶¹ The estimated cost for fixing the clean water and sanitation of one Native American community is estimated at between \$40m-\$60m.⁶² However, the federal government only funds quick fixes to systems which need to be fully re-built, intervening in emergency situations, which leaves only charities trying to provide Native American communities with safe and accessible drinking water.⁶³ This example is part of a larger picture of the directly damaging impact of federal underfunding of infrastructure and social programs on reservations.

In addition, an administrative issue with the US census further reduces the federal funding assigned to Native American reservations. Undercounting – where people are left out of the census – is a persistent problem with the US census, which disproportionately affects people of colour, especially Native Americans. The 2020 US census undercounted indigenous people by around 6%, missing one in every 17 Native Americans.⁶⁴ Undercounting is problematic because the federal funding (through budgets and social programs) received by reservations is directly connected to census data.⁶⁵ Michael Campbell, the deputy director of the Native American Rights Fund in Boulder⁶⁶, asserts that “When a census undercounts a Native community, it has a direct and long-reaching

⁵⁸ UCLA, 2021, Reservations Need More Federal Funding, Akee Says

⁵⁹ Tebor, C., 2021, On Native American reservations, the push for more clean water and sanitation

⁶⁰ Ibid

⁶¹ Ibid

⁶² Ibid

⁶³ Ibid

⁶⁴ Graf, C., 2022, The Census Undercount Threatens Federal Food and Health Programs on Reservations

⁶⁵ Ibid

⁶⁶ Ibid

impact on the resources that the community receives — things like schools and parks, health care facilities, and roads.”

Secondly, strict regulations and legal protections enforced by the federal government are indirectly damaging to reservations’ economic well being and growth. The federal control of land policy reduces economic outcomes in two main ways.

Firstly, the federal government requires high levels of bureaucratic legislation and red tape for any investment decisions made on Native land. This level of bureaucracy reduces investment from outside businesses in reservations and discourages indigenous people’s entrepreneurship, which restricts economic outcomes on reservations.⁶⁷ For example, energy development companies must go through four agencies and 49 steps to invest on Native land; in states, this is just four steps.⁶⁸ As such, 88% of Native lands with energy potential have not yet been developed.⁶⁹ A 2012 estimate by the Department of the Interior found that Native lands have the potential to produce 5.35 billion barrels of oil, 37.7 trillion cubic feet of natural gas, and 53 billion tons of coal.⁷⁰ Therefore, strict federal regulations and enforced dependency on federal decision-making restrict economic growth.

Secondly, as the federal government has ownership of Native land, Native Americans often do not own their own homes.⁷¹ As such, many Native Americans are unable to mortgage their wealth in return for bank loans (like most other American citizens) which makes it incredibly difficult to start their own businesses.⁷² Additionally, the US government tends to undervalue Native American assets (such as houses).⁷³ A report by the Borgen Project states that the assessments made by the federal government in the years up to 1977 were “some of the poorest agreements ever made in American history.”⁷⁴ Therefore, federal ownership of Native lands and homes is often problematic.

⁶⁷ Tubb, K., 2018, Federal Government Continues to Give Native American Tribes a Bad Deal

⁶⁸ Regan, S., 2014, 5 Ways The Government Keeps Native Americans In Poverty

⁶⁹ Tubb, K., 2018, Federal Government Continues to Give Native American Tribes a Bad Deal

⁷⁰ Ibid

⁷¹ Borgen Magazine, 2021, Poverty on Native American Reservations

⁷² Ibid

⁷³ Ibid

⁷⁴ Ibid

Ties to colonisation have caused indigenous people to be subjects of racism, violence and systemic discrimination.

The mistreatment of indigenous people that occur in many forms (including eviction from ancestral land, the hypersexualization of women and exclusion from spheres of public life) all draw back to the roots of colonisation.

Between 1776 and present day, 1.5 billion acres of land has been seized from North American Native People.⁷⁵ Starting in the 16th century, European settlers arrived in the Americas with the intention of broadening their wealth and influence. Throughout the process, Native Americans were pushed off their land to make space for colonial activity. There were a series of events that legally forced Native Americans from ancestral lands to so-called reservation lands which are “small parcels of land allocated by the government”.⁷⁶ Over the years, discriminatory legislation such as the ‘Indian Removal Act of 1830’ authorised the forced exchange of existing Indian lands within United states territory in return of unsettled lands in the west of the Mississippi. Approximately 100,000 men, women and children were deported with many facing fatalities in this forced march from their homeland known as the ‘trail of tears’.⁷⁷ These acts were justified as being done ‘to help’ yet they were intentionally relocated onto lands that were less valuable, and hence put communities in more vulnerable positions.

Today, the legacy of land removal is justified under the guise of safeguarding Native American tribes against encroachment from neighbouring states by establishing federal guardianship over Native land. However, the Foundation for Economic Education states that “federal control of lands is the legacy of the outdated and racist assumption that Native Americans are incapable of managing their own lands or that their cultures are incompatible with markets.”⁷⁸ Previous sections in the Briefing and Insight have examined the damaging impacts of this policy on tribes’ political autonomy and economic well being.

In the previous theme, it was established that many native women face violence due to legal loopholes, however there is also a racist and discriminatory attitude that intensifies the violence that women are put through. Natives from the perspective of colonists were

⁷⁵ Haselby, S., 2015, [How were 1.5 billion acres of land so rapidly stolen?](#)

⁷⁶ History.Com, 2017, [Indian Reservations](#)

⁷⁷ Haselby, S., 2015, [How were 1.5 billion acres of land so rapidly stolen?](#)

⁷⁸ Yeagley, R., 2020, [Why Native American Reservations Are the Most Poverty-Stricken Lands in America](#)

viewed as 'savages' or 'dirty people' due to their lack of clothing.⁷⁹ Therefore, making them less-human hence 'rapable'. These negative stereotypes stem from the roots of colonialism as prior to this women held roles of authority and were sacred beings who were honoured for their strength.⁸⁰ The patriarchal mindset and racism towards indigenous people in general is still very much booming and alive even after years past the end of colonialism.

Other than the eviction of land and disrespectful attitude towards women, the inaccessibility to vote can be attributed to the systemic discrimination from colonisation. The Voting Rights Acts of 1965 was signed to outlaw any racial discrimination to minority groups such as the Native Americans and Alaskan Natives.⁸¹ Despite the legal ability of these groups to vote they were still faced by barriers such as the need to pay poll taxes and having to take literacy tests in order to cast a vote. The series of discriminatory events that hindered indigenous people in the public sphere began during colonial days when they were seen as 'Indian savages' who could not be viewed equally as someone going to the polls.⁸² Similarly, even during the 1900's, the same perception remained where indigenous people were viewed as still 'uncivilised' to vote.⁸³

There are many forms of discrimination that still occur as a consequence of colonisation. A study published in July of 2018 reported that "two-thirds of Americans were unconvinced that Native people were subjects of racial discrimination".⁸⁴ The ignorant mindset allows prejudicial acts of injustices to go unseen and prolong.

⁷⁹ Native Hope, n.d, [Missing and Murdered Indigenous Women \(MMIW\)](#)

⁸⁰ Hunter, M., 2021, [Missing and Murdered: Understanding why indigenous women are murdered and go missing at higher rates than other populations](#)

⁸¹ Bohnee, P., 2020, [How the Native American Vote Continues to be Suppressed](#)

⁸² Ishak, N., 2020, [When Did Native Americans Get The Right To Vote? Inside The Little-Known History Of Indigenous Voter Suppression](#)

⁸³ Ibid

⁸⁴ Reclaiming Native Truth, 2018, [Research Findings: Compilation Of All Research](#)

Conclusion:

- Although legislation that tightens the persecution of criminal activity has been amended, the poor dedication from law enforcement to investigate violence, murder and the disappearance of indigenous people coupled with the lack of coverage from the media allows injustices to go unseen and still remain at a high.
- Actions of the federal government such as the lack of funding, forceful placement on low valued lands and restrictive regulations have left Native Americans struggling to gain socio-economic benefits.
- The negative stereotypical attitude stemmed from colonisation still remains hence causing the rights of Native Americans to be disrespected.

Policy Recommendations:

Overview:

Based on the issues which we highlighted in the previous sections, we have formulated three key policy actions. In particular, these actions focus on: firstly, poorly handled legal incidents involving indigenous people; secondly, the lack of business investment in the energy sector, and thirdly, poor political participation. Our actions will be:

- **Action 1** - Providing training to law enforcement to improve handling of incidents involving indigenous people.
- **Action 2** - Remove the bureaucratic red tape around business investments and entrepreneurship.
- **Action 3** - Create a unified political voice for reservations in policy decisions.

Action 1: Providing training to law enforcement to improve handling of incidents involving indigenous people

This policy will recommend efforts to improve the quality of response by law enforcement when it comes to reacting to reports involving violence, missing and murder of indigenous people. President Biden published an executive order directed at the Departments of Justice (DOJ), Interior Homeland Security (DHS) and Health and Human Services (HHS) on the 15th of November 2021 to devise ways to raise the protection and justice of Native American people from the high chances of murder and disappearance.⁸⁵ In addition to this, the support of tribal law enforcement was also affirmed in the form of an introduction of a 'National Tribal Law Enforcement Summit' where both tribal and non-tribal law enforcement entities will be exposed to improved practices that they can apply to their approaches.⁸⁶ Two more forms of support to tribal law enforcement were addressed namely the exploration of the recruitment and retention efforts of Indian law enforcers and the establishment of a 'Tribal Homeland Security Advisory Council'.⁸⁷

We've identified four suggestions within other areas that law enforcement should work on in order to improve the quality of service catered to indigenous people. The following points have drawn inspiration from Amnesty International's report on the protection of Indigenous women from sexual violence in the USA.⁸⁸

1. All individuals who work in law enforcement should undergo mandatory training that educate them on how to appropriately approach victims of sexual violence.
2. The development of thorough and prompt protocols that deal with the investigations behind violence, disappearance and murder of indigenous women.
3. Widening coverage of services in rural areas.
4. Constructing methodologies for orderly bookkeeping of data collection to analyse crime.

Elaborating on each respective point, the need for mandatory training prior to engaging in investigations is imperative since officers ought to be highly sensitive in their approaches in dealing with trauma. Former detective Justin Boardman works in training officers in understanding victims of domestic violence and sexual assault; he claims that

⁸⁵ The White House, 2021, [The White House Tribal Nations Summit Progress Report](#)

⁸⁶ Ibid

⁸⁷ Ibid

⁸⁸ Amnesty International, 2022, [The Never-Ending Maze: Continued Failure to Protect Indigenous Women From Sexual Violence in the USA](#)

victims are often not treated with the empathy they deserve. For example, police officers ask the 'wrong questions' which are counterproductive to investigations. By asking the right questions, victims are able to feel safe and trust the process, hence offering more details.⁸⁹ Therefore, educating police officers is mandatory for both the wellbeing of victims and a better prosecution process.

The next point refers to the development of prompt protocol. As of now, many native families receive 'little to no help from law enforcement'.⁹⁰ Refined protocols should involve a 24 to 48 hours response time from law enforcement (*took 2 weeks in one case*), constant communication with families and an immediate search crew involved. Since this is a large commitment involving time, manpower and resources, we would propose an expansion of law enforcement officers and funding in areas that are heavy on these sorts of criminal activity.

People in rural areas have less access to law enforcement services due to low staff levels and resources. Therefore, there should be increased funding for qualified experts stationed in these areas so that the reporting process is eased and also so that crimes are less inclined to take place. This links to the fourth point of establishing a systematic way to collate data. With data, it will help determine trends such as the reasons why these crimes are repeated, identification of vulnerable groups and particular locations that are targeted.

Overall, a more active law enforcement task force is necessary to decrease the large number of unresolved cases and seek justice for victims and families. The efforts should focus on the 4 suggested points and will require necessary funding and resources from the government.

⁸⁹ Just Solutions, 2018, [Sexual Assault & Violence Response Training: What Police Can Do Better](#)

⁹⁰ Horton, A., 2023, ['The families deserve answers': inside the crisis of missing and murdered Indigenous women](#)

Action 2: Remove the bureaucratic red tape around business investments and entrepreneurship

As established in the briefing, one of the largest hurdles restricting economic growth, and by extension socio-economic wellbeing on reservations, is the bureaucratic ‘red tape’ around business investments. This ‘red tape’ refers to the overly complex legislation implemented by the federal government, which discourages investment in reservations from external businesses as well as entrepreneurship from within reservations. Red tape is particularly around energy development; 88% of Native lands with energy potential have not yet been developed.⁹¹

Our policy action therefore focuses on removing needlessly complex and long winded red tape installed by the federal government around business investments. Our policy recommendations are derived from suggestions made in Regan’s report⁹² on the obstacles to tribal energy development for the Property and Environment Research Centre (PERC).

Our recommendations are:

⁹¹ Tubb, K., 2018, [Federal Government Continues to Give Native American Tribes a Bad Deal](#)

⁹² Regan, S., 2014, [Unlocking the Wealth of Indian Nations: Overcoming Obstacles to Tribal Energy Development](#)

1. Extend the energy development 'one-stop shops' (run by the federal government) from two reservations to across all Indian Reservations.
2. Remove the \$6,500 fee for each application to drill on Indian lands.

To expand on the first point, the current strict bureaucratic protections demand that energy development companies go through four agencies and 49 steps to invest on Native land compared to just four steps in states.⁹³ This drawn out process disincentivizes investment from outside businesses. The federal 'one-stop shops' streamline the approval process for energy development⁹⁴, and has already been successfully implemented in Fort Berthold and Navajo reservations⁹⁵; we thus recommend that this program is expanded to cover all Indian reservations.

To expand on point 2, the Bureau of Land Management imposes a \$6500 fee for processing each application to drill on Indian lands.⁹⁶ This fee may therefore block indigenous people, who tend to be less wealthy than an average US citizen, from engaging in entrepreneurship.

A clear drawback to this policy action is its detrimental environmental implications. Removing the red tape around business investments in non-renewable energy extraction would produce carbon emissions, which are harmful to the environment. However, the US still relies heavily on fossil fuels for energy production; in 2021, 79% of US energy production was through fossil fuels.⁹⁷ Therefore, in the short term, excluding indigenous people from claiming the economic benefits of non-renewable energy extraction for environmental reasons, while others are permitted to benefit, seems unjust. Furthermore, in the long term, we hope that removing this red tape can incentivise the federal government to do so in other, more sustainable sectors. This outcome is only possible if the impact of removing the red tape around investment is economically beneficial; as it would likely be in this case.

⁹³ Tubb, K., 2018, Federal Government Continues to Give Native American Tribes a Bad Deal

⁹⁴ Regan, S., 2014, Unlocking the Wealth of Indian Nations: Overcoming Obstacles to Tribal Energy Development

⁹⁵ Ibid

⁹⁶ Ibid

⁹⁷ EIA, 2022, U.S. energy facts explained

Action 3: Create a unified political voice for Indian Reservations on policy decisions.

As established in previous sections of the report, indigenous people living on Indian Reservations are not represented by a united political voice. The consequences of lacking a unified political voice may include political disillusionment amongst indigenous people and reduced bargaining power in policy decisions on funding and services on reservations. The policy action which we explore in this section aims to combat these issues.

- We recommend that Native American tribes create a united voice, representing the views of indigenous people in policy discussions.

This policy recommendation would increase the bargaining power held by reservations in policy negotiations.

We think that creating a unified political voice for indigenous people on reservations would be a popular mechanism for political representation for two reasons. Firstly, indigenous people would likely be engaged with this level of political representation, as levels of voter participation among indigenous people are significantly higher in tribal elections than in non-tribal elections.⁹⁸ Secondly, it is very difficult for Native American candidates to get on a ballot to represent themselves politically in federal elections due to lack of resources in their campaigns.⁹⁹ As such, this option would allow for indigenous people to run for political positions, as local representatives would not face these funding issues.

Unifying tribes' political voices has been implemented successfully in an unofficial context. For example, in 2021, tribes apt to be affected by policy decisions made around the agricultural, municipal and industrial use of the Colorado River Basin unified their political positions under Jordan Joaquin, president of the Fort Yuma-Quechan Tribe.¹⁰⁰ Joaquin stated that "Every tribe has its priorities. Every tribe has its own interests. But when we come to the table, we have to come with a unified voice for all tribes."¹⁰¹ Clarke underlines the importance of political representation: "without participatory decision-making from those whom are governed by policy... political identity is threatened and

⁹⁸ Schroedel et al., 2020, Political Trust and Native American Electoral Participation: An Analysis of Survey Data from Nevada and South Dakota

⁹⁹ The Native American Rights Fund, 2020, Obstacles at Every Turn

¹⁰⁰ Runyon, L., 2021, Colorado River tribe aims to establish 'one unified voice' in policy talks

¹⁰¹ Ibid

political decisions can become a catalyst for political conflict.”¹⁰² The approach adopted by Joaquin and the other tribes involved was a first step in combating an enduring narrative in which the “decisions have already been made” by the time that Indigenous tribes are consulted by the federal governments.¹⁰³

Conclusion

Eversince the Biden Administration came into power in 2021, there have been historic steps taken to support indigenous communities and bridge the relationship between them, society and the government. Despite the progress that has been made, there are still key policy areas that can help further boost the lives of Native Americans. First, law enforcement has to play a more active role in protecting Native Americans during vulnerable situations. This suggestion is feasible yet highly dependent on whether the government chooses to fund the necessary short term costs for a long term benefit. Next, the government should consider the removal of restrictions on investment and entrepreneurship that hinder economic growth. As mentioned, this suggestion may benefit indigenous communities at the cost of harming the environment. However, the argument in support for a removal of restrictions states that indigenous communities should be allowed to invest in these lands as long as other people are permitted to do so. Last but not least, having a larger representation of indigenous voices in political negotiations is integral to diminish the disillusionment between the government and indigenous communities. This suggestion is likely as individuals become more politically aware in this day in age.

With the government’s aim to support these communities, a step closer will be achieved if these 3 suggestions are considered and carried through. When implemented, indigenous communities will have a closer resemblance to what the rest of society has on key policies and decisions.

¹⁰² Clarke, T., 2017, [The Construction of Goshute Political Identity: Negotiation of Voice Regarding Nuclear Waste Policy Development](#)

¹⁰³ Runyon, L., 2021, [Colorado River tribe aims to establish ‘one unified voice’ in policy talks](#)

