

'Of Course We Are Crazy': Discrimination of Native American Indians Through Criminal Justice¹



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Abstract

Native Americans are the most economically impoverished ethnic group in the United States. Fewer educational opportunities, high unemployment, permanent residency issues, homelessness, mental illness, substance abuse, and geographic isolation are realities and challenges that contribute to the proliferation of social problems experienced by Native Americans. For example, twenty-seven percent (27%) of Indian families live below the poverty level (compared to approximately eleven percent (11.6%) among whites nationwide). Also, Native Americans are subject to more violent crime than any other U.S. ethnic group, these crimes include murder, assault, drug trafficking, human trafficking, gang violence, and illegal immigration through tribal lands along with the experiencing highest rate of incarceration in the nation. To compound these realities is the fact that Native Americans experience a lack of cultural respect (competency) by members of other ethnic groups and the white community in particular. This lack of cultural respect or

¹ This first part of the title is the statement of an anonymous female Native American who asserted, "of course we are crazy, first the whites conquered us, took our best land, sent us away to become white, then sent us back home to be Indian again, then told us how much Indian we are and then left us on the Reservation with nothing."

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cultural incompetency is rooted, in part, in racial discrimination imposed on Native Americans. Application of discrimination theory provides an understanding of how racial discrimination is the foundation of the social challenges Native Americans face. One solution to lessen the challenges that Native Americans experience is the restoration of their core cultural competencies.

"Any man who thinks he can be happy and prosperous by letting the government take care of him, better take a closer look at the American Indian." - Henry Ford

Introduction

Native Americans, or American Indians, face social problems that create a destructive environment that directly impacts them. The lack of educational opportunities, high unemployment, permanent residency issues, homelessness, mental illness, substance abuse, and geographic isolation are realities that contribute to the proliferation of social problems experienced by Native Americans. Nationally, 27% of Native American families live below the poverty level compared to 11.6 % among white families (Macartney, 2013). These figures are even more dramatic considering that the poverty rates for Native Americans in Arizona, Maine, Minnesota, Montana, Nebraska, New Mexico, North Dakota, South Dakota, and Utah exceeds 30% (Macartney, 2013).

Native Americans are subject to more violent crime than any other U.S. ethnic group; these crimes include murder, assault, drug trafficking, human trafficking, gang violence, and illegal immigration through tribal lands along with the highest rate of incarceration in the United States. (Perry, 2004; Crane-Murdoch, 2013; Williams, 2012; Bell, 2013). This article examines several recent studies conducted at the Marion County jail in Salem, Oregon. The data shows the number of Native Americans in Marion County's jail increased from seven percent (7%) in 2005 to eleven percent (11.1%) percent in 2011.

To compound these realities are the challenges Native Americans face due to hostility expressed by whites or violence exerted by whites toward Native Americans (National Research Council, 2007). Susy Buchanan reports, "Even the FBI's 2005 statistics on hate crimes that were reported to police show that while American Indians and Alaska Natives comprise only 1% of the U.S. population, they represent 2% of victims of racially motivated hate crimes" (Buchanan, 2006). In 2004, a U.S. Department of Justice 10-year study entitled *American Indians and*

Crime found a "disturbing picture of the victimization of American Indians and Alaska Natives" (Perry, 2004).

By combining the challenges Native Americans face with the constantly changing environment that many Native Americans face, including their migration to urban environments seeking employment opportunities, there results a formidable threat to maintaining long held tribal traditions, cultural identities, and tribal practices. Thomas Hayden notes,

Like other Americans, Indians have continued to move to the cities ever since, for education, excitement, and what is perhaps most lacking on reservations, good jobs. The transition from rural to urban life is never easy, but Native Americans often face the additional challenges of discrimination, lack of education, and cultural acclimation. Even simple gestures can be a problem; many Native Americans feel looking someone in the eye is rude; their downcast glances can appear evasive or dishonest (Hayden, 2004).

In this article, I will use racial discrimination theory to explain the impact that discriminatory actions by members of the white community exerts on the Native Americans. The result of these actions (i.e. unfair treatment) diminishes Native American's opportunity to maintain the benefits of cultural competence as an ethnic group including high self-esteem, prosperity and cultural integrity. Discrimination theory recognizes the existence of overt, subtle, and institutional forms of racial discrimination. "Even as a national consensus has developed that explicit racial hostility is abhorrent, people may still hold prejudicial attitudes, stemming in part from past U.S. history of overt prejudice." (Blank, 2013).

The aforementioned social problems also pose similar challenges to other people of color. However, there are several factors, which can be viewed as unique to Native Americans. Those factors include distinctive jurisdictional and legal complexities (e.g., treaty agreements and subsequent treaty violations and Federal Government policies and programs), core cultural competencies, and longstanding historic issues germane to the Native American heritage and culture.

Native American Core Cultural Competencies

To more fully understand the challenges Native Americans face a description of Native American core cultural competencies is illustrative. Native America is made up of many tribes and varied cultures; yet there exists a set of core cultural competencies that serves as a common thread for all Native Americans. These

tribal core cultural competencies include family and community, tribal values, traditions, spiritual beliefs, history, and leadership.

Family and community dynamics are an important element of tribal culture. The American Indian family is the central unit in most American Indian communities. Most American Indian families are fluid to ensure that everyone receives the support they need. There are four basic family structures that exemplify the fluid characteristics of American Indian families found in today's society. These four family structures are: Small Reservation Communities, Interstate Structure, Communities in Urban Areas, and Communities in Metropolitan Areas (Red Horse, 1980).

Tribal values can be expressed through symbols, stories, clothing, signs, language, and rituals. However, these traditions have generally not been recorded. Currently, many Native American tribes have embarked on an effort to resurrect tribal traditions as well as tribal languages. For example, *Our Mother Tongues: Discover America's First Languages* is an initiative to restore and preserve Native American languages across America. Jennifer Weston, Co-Producer of *Our Mother Tongues*, states, "This site offers a glimpse into a vibrant tribal languages movement that embodies the indomitable spirits and love of our Indigenous ancestors, and the power of our ancient languages to continue to shape our contemporary lives and cultural survival as Native peoples" (*Our Mother Tongues*, 2013). White Plume, an Oglala Lakota, in an interview with Alexandra Fuller, *National Geographic Magazine*, contends, "Do you know what saved me from becoming a cold-blooded murderer? My language saved me. There is no way for me to be hateful in my language. It's such a beautiful, gentle language. It's so peaceful" (Fuller, 2012).

At the time of European contact (circa, 1609), the approximately 2,000 different Indian tribes and bands occupying what later became the United States, spoke at least 250 distinct languages. Approximately 175 of these are currently spoken by tribal members. In many tribal belief systems, speech is believed to have a powerful influence on the balance of nature, and therefore, on future events.

Traditions are cultural beliefs, values, and behaviors that have been handed down from generation to generation. These traditions are often central to daily life and decision-making. For example, many Navajo still make at least part of their living by herding sheep and practicing traditional crafts like weaving and silver-smithing. Clearly, when community decisions are made, anything that might impact the practice of these traditions would be a significant concern to individual families and the community at large. Therefore, it is important to work with Indian

communities in a way that is compatible with the traditional activities the community practices.

Native American traditions also include the significance that the role of chiefs and council members, elders, children, and the importance of tribal ceremonies. Teaching the young how to survive in difficult circumstances and how to live according to tribal custom is not left up to chance in Native American communities. Well-defined customs, values, and practices, are handed down from generation to generation by parents and elders. In this way, they guide, nurture, and protect children (Positive Indian Parenting Manual, 2001). Traditionally nature or environment was used to understand basic concepts of life. Nature was the traditional classroom. The study of plants, animals, and environmental dynamics produces lessons that community lived by.

The advocacy for tribal members to return to their roots and preserve the Native American culture is not new and there is a current effort among many tribes to restore their cultural values. For example, in the 1960's and 1970's Clyde Bellecourt and Eddie Benton Banai, founders of the American Indian Movement, organized 82 (out of 128) Native American Indian inmates incarcerated in Minnesota's Stillwater prison into the Indian American Folklore Group. The Indian American Folklore Group became the model for an Indian cultural renaissance within prisons across the country. Also, members of the group learned about their tribal history, culture, and spirituality. Bellecourt and other Tribal inmates became activists determined to help Indians heal through learning their culture and spirituality (Wittstock, 2013).

Spiritual beliefs are very individualistic and relationship based. Spiritual beliefs include tribal values and beliefs, the role of the "Creator", the Grandfathers, and the spirits of nature, relative to tribal communities' interaction within their communities, one on one, and with their environment.

Symbolism is an important aspect in most Native American cultures and contributes to a holistic way of living. Symbols create relationships, identity, and meaning. For example, the medicine wheel is a symbol used by many tribes to help members remember and understand these concepts. Each tribe, and individuals within the tribe, may understand and use the medicine wheel differently depending on their own cultural experiences. Native American's embracing the medicine wheel saw things in fours, for example, the four directions: east, south, west and north. There were and are four seasons: spring, summer, fall, and winter. There are four stages in life: infancy, youth, adult, and elder. The medicine wheel is a symbol used to explain, and solidify these teachings (Jones, 2000).

“One faces the future with one’s past” (Buck) applies to the Native American experience, in that; historical events shape each tribes core cultural values and their future. To understand the aspects of culture it is important to understand the history. By understanding tribal history an individual can gain an insight into Tribal culture, values, beliefs and norms.

Contact with Europeans did have a powerful effect both on the development of Indian cultures and also had a strong effect on European cultures as well. However to understand traditional Indian life, it is important to understand that there was already a great diversity of Indian cultures in North America long before contact with Europeans. For example, Alfred Kroeber looked at the diversity of Indian cultures and stated that he believed that there were seventeen different culture areas and eighty-four sub-areas across the North American Continent. Each of these areas and sub-areas contained groups of tribes who shared cultural similarities such as language, kinship and economy, yet maintained their own unique identities (Kroeber, 1939).

Therefore, it is clear that each tribal culture must be viewed as a dynamic entity that has its own history that has been shaped by internal processes of invention, interaction with other tribes, natural events and contact with the world beyond North America. Working with a tribe requires that one understand that the tribe has a complex set of traditions that arose in a unique historical context. To be successful in working with people of other cultures both the traditions and history of that culture have to be understood and respected.

Native Americans have their own set of moral rules, religious beliefs, language, customs and traditional beliefs. These factors comprise the core cultural values that distinguish Native Americans from other ethnic groups. Without preserving these core cultural values, the Native American people are in danger of losing their various Tribal identities forever. America is one of the most unique places on earth, in that, it is home to just about every culture found across the world. How can one ask a Native American to adapt to present society when society has hundreds of different kinds of people, beliefs, and life styles?

Contemporary tribal governments reflect each tribe’s individual culture, its history, and the current needs of its citizens. Today, many tribal governments combine their traditional governing institutions and/or programs that have been developed and mandated by the federal government. The result is that each tribal government has its own unique way of meeting the needs of its citizens.

“Indian leaders claim--and independent studies confirm--that sovereign tribes, with the power to set policy and run their own affairs, are a key factor in the

improving lot of Native Americans” (Hayden, 2013). The result is that each tribal government has its own unique way of meeting the needs of its citizens.

Federal legislative and policy initiatives

Throughout Native American history the U.S. Congress has passed legislation that failed to embrace any factors of cultural competency resulting in stripping away from Native Americans the powerful dynamics that culture plays. Congress vacillated between two conflicting themes in Indian affairs: assimilation policies mandating Native Americans to enter the American mainstream vs. self-government/self-determination for the tribes. These dramatic swings in public policy have had severe social and psychological effects on many Native Americans. This fluctuation can be seen in certain significant policy initiatives passed by Congress and signed into law by U.S. Presidents described below.

First, the colonies ratified the Articles of Confederation in 1781, which gave the U.S. Federal Government “sole and exclusive” authority over Indian affairs. The Supreme Court, then, defined the relationship between the federal government and tribes as a “trust” relationship and tribal nations were designated as domestic dependent nations. Congress then adopted a policy of removing Native Americans from their ancestral lands and established the Reservation System that exists to this day.

In 1877, the General Allotment Act or Dawes Act was passed. This Act delegated authority to the Bureau of Indian Affairs to allot parcels of tribal land to individual Indians. Under the Dawes Act, large amounts of tribal land not allotted to individual Native Americans was for the taking by whites. This created a “checkerboard pattern of ownership of traditional tribal lands by tribes, tribal members and non-Indian homesteaders.

In 1934 Congress passed the Indian Reorganization Act of 1934 (IRA) into law. This Act promoted tribal self-government and encourage tribes to adopt constitutions and to form chartered corporations. Then, in 1953 House Concurrent Resolution 108 (HCR 108) was adopted calling for terminating Tribal self-government and forcing Tribal members to assimilate into white society as rapidly as possible.

This assimilation policy extended to the removal of Native American youth from their homes and forced to attend boarding schools. In the realm of Native American education policy the Congress, Presidency, and the BIA ascended to its height of self-righteousness and arrogance mandating Tribal youth to attend off-

reservation boarding schools to learn how to become a white American. Arguably, this legislation had a devastating impact on the fabric of Native American culture and its corresponding destruction of the Native American way of life as much as any other Federal policy.

Many Indian children were sent to Bureau of Indian Affairs (BIA) Boarding Schools where they had their hair cut, were prohibited from speaking their native language, were taught English and where the practice of traditional Indian religions were often strongly discouraged in the effort to rapidly assimilate them into mainstream society. Andrea Smith writes that Native American children were, "Virtually imprisoned in the schools, children experienced a devastating litany of abuses, from forced assimilation and grueling labor to widespread sexual and physical abuse" (Smith, 2007).

The Carlisle Indian Industrial School exemplifies this horrid policy. Richard Pratt, a former U.S. Army officer, founded the Carlisle School modeled after a correctional facility he administered and is credited with advocating the off-reservation education of Native Americans to immerse them into the white culture. Pratt is quoted as saying, "A great general has said that the only good Indian is a dead one. In a sense, I agree with the sentiment, but only in this: that all the Indian there is in the race should be dead. Kill the Indian in him, and save the man" (Bear, 2008). Ultimately, the BIA modeled their boarding schools after the Carlisle model. The Mount Pleasant and the Industrial Indian Boarding School in Haskell, Kansas are also examples of the Carlisle school model. Gloria King, a Saginaw Chippewa, chronicles:

I would like to show you my mama's picture. This was taken when my mom was about 89 years old. I love my mom. She was a hard worker. Someone asked me one time if my mom, because she had raised three children, was she a good parent? How did her parenting skills affect my parenting skills?

And I laughed. I just laughed out loud. I said, my mother had no parenting skills. She went to an Indian boarding school. She went to Mount Pleasant. And when she was quite young, probably 9 or 10, she was put on a train with many other Indian children. And they were taken to Haskell, Kansas to the Industrial Indian Boarding School in Haskell, Kansas.

And that's where she stayed until she was probably 17 or 18 and graduated-- I don't know if that's the word they used, but until she was finished with her education there. And then she came back to Michigan. But they didn't teach Indian children how to be parents. They taught them how to be domestics and bakers and farmers and servants (American Indian Services, 2011).

These policies and their implementation serve as a backdrop for the current challenges that Native American experience in American society today.

Cultural Competence

In spite of the founding principle of equality embodied in the U.S. Constitution racial discrimination in the United States takes many forms and is arguably among the most pervasive in the world and Native Americans are discriminated at rates that equal, and in some instances, exceed any other ethnic group in the United States. The United States is easily challenged in its exceptionalist claims. Karen Mingst writes, "In actuality, U.S. rhetorical commitment to a human rights agenda has not always been reflected in its behavior. Racial discrimination is an area in which the United States has fared particularly poorly" (Mingst & Arreguin-Toft, 2013).

The racial discrimination directed towards Native Americans is due, in a large part, to a lack of cultural competence, or the existence of cultural incompetence, perpetrated by those engaging in an act of discrimination. For the purpose of this article cultural competence is defined as, "when individuals use awareness, knowledge, and understanding in order to value cultural diversity, and promote fairness, justice, and community confidence" (ABA, 2011). The Oregon Department of Justice (ODJ) has strived to develop a definition of cultural competency. ODJ defines cultural competence as "the on-going commitment of an agency, organization, program or individual to:

- Maintain up-to-date knowledge of the beliefs and conventions of the diverse cultural groups in the community served;
- Employ policies, practices and skills in the workplace environment and client services that respect these beliefs and conventions;
- Use self-assessment for continuous in culturally responsive interactions (Glick, 2006)."

The data presented in this article demonstrates that many Oregon governmental jurisdictions have quite possibly not reached a state of cultural competency as defined by ODJ. One solution to the challenges of cultural incompetence, including racial discrimination that Native Americans face is the restoration of Native Americans to their core cultural values.

There are several types of racial discrimination identified in this research that exists in the United States and collectively this discrimination destroys the cultural fabric of the less dominate Native American ethnic group by the dominate white

community. The types of racial discrimination include overt, subtle, and institutional discrimination. Overt discrimination is well publicized and documented. For example, Susy Buchanan reports:

The Indians who've been attacked in the Four Corners region of New Mexico comprise a bitter and bloody roster of hundreds. In just the past decade, the victims have included Roy Castiano, a Navajo who in 1997 suffered a brain hemorrhage when he was beaten and kicked by four local men in Farmington. When police asked one of them, Blake Redding, why he and his cohorts had "rolled" Castiano, Redding replied, "Three-quarters of it was because he was Indian."

The next year, Donald Tsosie was beaten to death with a shovel and tossed into a ravine. Then in 2000, Betty Lee accepted a ride from a white stranger, and ended up dead on the side of the road, her skull crushed with a sledgehammer.

The men later convicted of the murders of Tsosie and Lee were part of a loosely affiliated gang of whites that went by the name KKK -- for "Krazy Kowboy Killers." (Buchanan, 2006)

Native Americans experience subtle or unconscious discrimination. The National Research Council (NRC) writes, "such subtle prejudice is often abetted by differential media portrayals of nonwhites versus whites, as well as de facto segregation in housing, education, and occupations" (NRC, 2007). Ward Churchill notes, "The handling of American Indians and American Indian subject matter within the context of commercial U.S. cinema is objectively racist at all levels, an observation which extends to television as well as film." (Churchill, 2003). For example, in the film *Geronimo* (1965) the 6'5", blue-eyed, Brooklyn native Chuck Connors portrayed the Mexican born, Chiricahua, Apache, Geronimo or Rock Hudson, a white born in Winnetka, Illinois, who played the role of the son of Cochise in *Taza, Son of Cochise* (1954).

As noted, I use racial discrimination theory to explain the lack of cultural competence Native Americans experience as an ethnic group by members of the white community. "Even as a national consensus has developed that explicit racial hostility is abhorrent, people may still hold prejudicial attitudes, stemming in part from past U.S. history of overt prejudice" (Blank, 2013). For example, racial discrimination and resultant cultural incompetence reaches all walks of life and professions; it has a negative effect in the delivery of justice toward people of color especially when they are sentenced to death in various capital crime cases (Holdman & Seeds, 2008). Cultural incompetence has a direct relationship between

law enforcement officers and people of color when policy practices such as racial profiling is inflicted on people of color (Ridgeway, 2007).

Institutional discrimination is “discriminatory treatment, unfair policies and inequitable opportunities and impacts, based on race, produced and perpetuated by institutions (schools, mass media, etc.). Individuals within institutions take on the power of the institution when they act in ways that advantage and disadvantage people, based on race” (Keith, 2004).

Both subtle and institutional discrimination is exhibited in the practice of racial profiling by law enforcement officers. Racial profiling is defined as “the targeting of individuals and groups by law enforcement officials ...” (Amnesty International, 2004). In an interview with a Native American, who maintains Native Americans are racially profiled, “we drive beater cars and live in lower class neighborhoods. Our neighborhoods get more police patrols and we get arrested more. I believe the cops go after us, if cops were level minded and assessed the situation they wouldn’t pull us over so many times.”³

The dynamics of racial discrimination and cultural incompetence was dramatically highlighted in the case study of the standoff between members of the American Indian Movement (AIM) and the Federal Bureau of Investigation (FBI) and other law enforcement jurisdictions. In this case, Clyde Bellecourt, Russell Means, and Eddie Benton Banai, founders of the American Indian Movement (AIM), along with Pedro Bissonette, director of the Oglala Sioux Civil Rights Organization (OSCRO) participated in the well know and publicized standoff between AIM and various law enforcement agencies at Wounded Knee, South Dakota in 1973.

The basis of this conflict was varied and complex. By most accounts there existed numerous undercurrents of dissatisfaction between the “traditional” Tribal members of the Oglala Sioux at Pine Ridge Indian Reservation including Ellen Moves Camp, who formed the Oglala Sioux Civil Rights Organization (OSCRO) and the Tribal government headed by Richard Wilson. Wilson was accused by the traditional Tribal members of corruption, cronyism, and maintaining his own police force know as the Guardians of the Oglala Nation (GOON). Ellen Moves Camp moved to recall Wilson from his office fueling further hostilities. Ultimately AIM occupied Wounded Knee to create media coverage of the conflict on the Pine Ridge Reservation.

The standoff resulted in an exacerbation of ill will between all parties involved but it did elevate the plight of Native Americans across the country. Sadly, once the conflict abated and the media coverage ended little changed. The murder rate on

³ This is the statement of an anonymous male Native American.

the Pine Ridge Reservation increased. Two FBI agents were killed in a 1975 shootout, and Leonard Peltier, was convicted of the murders. He remains in prison today.⁴ Lakota Society notes, "More than 60 opponents of the tribal government died violently during this period, including Pedro Bissonette, executive director of OSCRO. AIM representatives said many were unsolved murders, but in 2002 the FBI issued a report disputing this" (Lakota Society, 2013).

The Data

The United States Department of Justice (DOJ) arrest and incarceration rates demonstrate that both state-by-state and nationally Native Americans have the highest incarceration rate of any ethnic group. The Huffington Post reports, "The incarceration rate of Native Americans is 38% higher than the national rate. The U.S. Commission on Civil Rights attributes this higher rate to differential treatment by the criminal justice system, lack of access to adequate counsel and racial profiling...Law enforcement agents arrest American Indians and Alaskan Natives at twice the rate of the greater U.S. population for violent and property crimes. On average, American Indians receive longer sentences than non-Indians for crimes" (Bell, 2013).

The total U.S. Native American population is 5,220,579 or 1.7% (USCB, 2010).⁵ The U.S. Census Bureau reports the Native American population in Oregon at 53,203 or 1.3% of the State's population, and Marion County, Oregon at 7,883 or 2.5% of the County's total population (USCB, 2010). The most recent Federal data of national arrests indicated that 1.4% (186,120) of all arrests in 2010 were Native Americans (US DOJ, 2011).

A recent survey of the inmate population conducted at the Marion County, Oregon Sheriff's Office (Jail) by the Pacific Policy and Research Initiative focused on

⁴ Leonard Peltier was a member of AIM, who was living at the Pine Ridge Indian Reservation in South Dakota. Two armed FBI agents, Jack R. Coler and Ronald A. Williams, entered the reservation in pursuit of a young Native American, Joseph Stuntz, who allegedly committed a minor crime and a subsequent a gunfight occurred between law enforcement officers and members of the Tribe. The two FBI Agents and Stuntz were killed in the shootout.

⁵ The USCB explains the reported number of Native American includes Native American alone and combined. The USCB defines combined as "The concept "race alone or in combination," represents the maximum number of people who reported as that major race group, either alone or in combination with another race(s). The sum of the six individual "race alone or in combination" categories may add to more than the total population because people who reported more than one race were tallied in each race category."

a variety of variables related to prisoners confined in the Marion County Jail (PacPRI, 2011).⁶ From a total of approximately 520 prisoners, data was gathered from 467 prisoners resulting in an 89.81% participant response rate. The Jail study shows a number of important factors related to the incarceration of Native Americans, which is the primary focus of this article.

The data from this study shows the percentage of Native Americans incarcerated in the Jail is 11.1%, which includes 42 male and 10 female prisoners (See Table 1). If one were to expect an incarceration rate that proportionally reflects the population of Marion County as a whole the total Native Americans incarcerated in Jail should be approximately 12 in number. However, the incarceration rates of all ethnic groups incarcerated in the Jail do not reflect a proportional representation. For example, the percentage of Marion County's white population is estimated at 90% yet the percentage of whites in Jail is 56.8%. The percentage of Marion County's Hispanic population is estimated at 25.1% with a corresponding the percentage of Hispanics in Jail is 19.8%. The percentage of Marion County's Black population is estimated at 2.5% and the percentage of Blacks in Jail is 7.3%. This data demonstrates that the Native American and Black Jail population is over represented compared to all other ethnic groups based on the proportional population percentages of Marion County as a whole. Also, the Native American population is significantly over represented in Jail.

An analysis of the Native American specific data provides important clues as to how Native Americans comprise an over represented Jail population. In an analysis of the Native American specific demographics of the Jail population the data reveal that all Native Americans in Jail are under the age of 50. More than half of the male Native Americans in Jail are between 39 to 50 years old. For female Native Americans in Jail the highest percentage, sixty percent, (60%) are in the age group of 27 to 38 (See Table 2). Most of the Native American participants indicated they were single, while nearly 27 percent said they were married (See Table 3).

The vast majority of Native Americans in Jail have not earned a high school diploma. When compared to other racial/ethnic groups in the survey, Native Americans and Hispanics had the lowest rate of participants who had graduated from high school. Over 78 percent of Native American males and 80 percent of the females did not have a high school diploma (See Table 4). By comparison, approximately 64 percent of whites and 62 percent of blacks surveyed reported they did not finish high school. Over 50 percent of the Native American male

⁶ Pacific Policy and Research Initiative, LLC conducts research on criminal justice-related issues, which include courts, incarceration patterns, and issues related to veterans entangled in criminal justice.

prisoners said they stopped going to high school and went to work. Over 42 percent of the male and 25 percent of the female participants did not receive a high school diploma because they did not earn enough credits. Thirty percent of the females did not complete high school due to pregnancy (See Table 5).

Table 1 Total Inmate Population Marion County Jail

Race	Male	Female	Total
Native American	8.9% (42)	2.1% (10)	11.1% (52)
Black	6.2% (29)	1.1% (5)	7.3% (34)
Asian	1.7% (8)	0.2% (1)	1.9% (9)
Hispanic	18.1% (85)	1.7% (8)	19.8% (93)
White	48% (225)	8.7% (41)	56.8% (266)
Mixed Race	2.6% (12)	0.2% (1)	2.8% (13)
Total	85.8% (401)	14% (66)	100% 467

Table 2 Age

SEX	15-26	27-38	39-50	Total
Male	23.8% (10)	19.1% (8)	57.1% (24)	100% (42)
Female	20.0% (2)	60.0% (6)	20.0% (2)	100% (10)
Total	23.1% (12)	26.9% (14)	50.0% (26)	100% (52)

Table 3 Marital Status

SEX	Married	Single	Divorced	Separated	Partner/ Live Together	Total
Male	28.6% (12)	57.1% (24)	14.3% (6)	0	0	100% (42)
Female	20.0% (2)	50.0% (5)	10.0% (1)	10.0% (1)	10.0% (1)	100% (10)
Total	26.9% (14)	55.8% (29)	13.5% (7)	1.9% (1)	1.9% (1)	100% (52)

Table 4 High School Graduate

SEX	HIGH SCHOOL GRADUATE	NOT HIGH SCHOOL GRADUATE	TOTAL
Male	21.4% (9)	78.6% (33)	100% (42)
Female	20.0% (2)	80.0% (8)	100% (10)
Total	(11)	(41)	(52)

Table 5 Reason Not High School Graduate

SEX	Went to Work	Pregnant	Arrested	Not Enough Credits	Just Quit	Total
Male	51.5% (17)	0	3.0% (1)	42.4% (14)	3.0% (1)	100% (33)
Female	0	37.5% (3)	0	25.0% (2)	37.5% (3)	100% (8)
Total	41.5% (17)	7.3% (3)	2.4% (1)	39.0% (16)	9.8% (4)	100% (41)

Many who have been incarcerated are often confronted with the problem of finding and securing permanent residence after they are released from custody. Homelessness is often a factor associated with recidivism (Terry, 2003; Irwin and

Owen, 2004). Survey data reveal that 60 percent of the Native American female and nearly 43 percent of the male participants had been denied a place to live due to their criminal history (See Table 6). Over 70 percent of the Native American participants indicated they were homeless immediately prior to their most recent arrest (See Table 7). By comparison, over 64 percent of blacks, 34 percent of Hispanics, and 70 percent of whites surveyed reported being homeless just before their arrest. Over 80 percent of Native American prisoners said they had been homeless three or more times during their life (See Table 8).

Table 6 Denied Place to Live Due to Criminal History

SEX	Denied Place to Live	Never Denied Place to Live	Total
Male	42.9% (18)	57.1% (24)	100% (42)
Female	60.0% (6)	40.0% (4)	100% (10)
Total	46.2% (24)	53.8% (28)	100% (52)

Table 7 Homeless Immediately Prior to Most Recent Arrest

SEX	Homeless Prior	Not Homeless Prior	Total
Male	76.0% (19)	24.0% (6)	100% (25)
Female	50.0% (3)	50.0% (3)	100% (6)
Total	71.0% (22)	29.0% (9)	100% (31)

Table 8 Total Times Homeless

SEX	1 Time	2 Times	3 or More Times	Total
Male	8.0% (2)	8.0% (2)	84.0% (21)	100% (25)
Female	(0)	33.3% (2)	66.7% (4)	100% (6)
Total	6.5% (2)	12.9% (4)	80.6% (25)	100% (31)

Among the 31 participants who had experienced homelessness, all but one said that unemployment was a primary contributor to their homeless experiences. Over 50 percent of the Native American participants who had been homeless said that

substance abuse – including alcohol – contributed to their homeless experiences, while 12 (38.7%) participants attributed their homelessness to mental health issues. Over 61 percent (N=19) of the Native American participants said that previous jail or prison confinements, which often resulted in their being denied permanent residence after their release from confinement, contributed to their being homeless.

Employment, or the lack of employment, is another critical factor related to recidivism. When former prisoners are unable to secure gainful employment the more likely they will recidivate (Terry, 2003; Irwin and Owen, 2004). More than 47 percent of male and 40 percent of female Native American prisoners were unemployed at the time of their most recent arrest (See Table 9). Among the Native American males who were employed prior to their most recent arrest, 18 (81.8%) said they worked as laborers or in construction. Fifty percent of the Native American females who were employed prior to their recent arrest said they worked in the service sector. This unemployment rate increased significantly when participants were asked if they had a job to go to after their release from jail. Those participants who said they had a job to go to after release from incarceration indicated that a relative or long-term employer had assured them that they would have a job. Over 78 percent of the male and 80 percent of the female prisoners said they did not have a job waiting for them following their release (See Table 10). Over 78 percent of the male and 50 percent of the female prisoners said that at some point they had been denied employment because of their criminal history (See Table 11).

Table 9 Employed Prior to Recent Arrest

SEX	Employed	Not Employed	Total
Male	52.4% (22)	47.6% (20)	100% (42)
Female	60.0% (6)	40.0% (4)	100% (10)
Total	53.8%	46.2%	100%

	(28)	(24)	(52)
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Table 10 Have Job Waiting After Release From Jail

SEX	Job Waiting	No Job Waiting	Total
Male	21.4% (9)	78.6% (33)	100% (42)
Female	20.0% (2)	80.0% (8)	100% (10)
Total	21.2% (11)	78.8% (41)	100% (52)

Table 11 Denied Employment Due to Criminal History

SEX	Denied Employment	Never Denied Employment	Total
Male	78.6% (33)	21.4% (9)	100% (42)
Female	50.0% (5)	50.0% (5)	100% (10)
Total	73.1% (38)	26.9% (14)	100% (52)

More than 67 percent of all Native American participants said that they had been arrested as a juvenile, which includes 50 percent of the female and over 71 percent of the male participants (See Table 12). Nearly 68 percent of Native

American participants who said they had been arrested as a juvenile were first arrested at age 15 or younger (See Table 13) and 80 percent said their first juvenile arrest was for property offenses. Only three female participants said they were first arrested as a juvenile for person offenses.

Table 12 Ever Arrested as a Juvenile

SEX	Juvenile Arrest	No Juvenile Arrest	Total
Male	71.4% (30)	28.6% (12)	100% (42)
Female	50.0% (5)	50.0% (5)	100% (10)
Total	67.3% (35)	32.7% (17)	100% (52)

Table 13 Age First Arrested as a Juvenile

SEX	13 Years and under	14-15 Years of Age	16 Years of Age	17 Years of Age	Total
Male	23.33% (7)	43.33% (13)	33.33% (10)	(0)	100% (30)
Female	40% (2)	40% (2)	(0)	20% (1)	100% (5)
Total	25.71%	42.86%	28.57%	2.86%	100%

	(9)	(15)	(10)	(1)	(35)
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When asked questions about alcohol use, Native American prisoners reported the highest rate of participants who said they had problems with alcohol. Over 73 percent (N=38) of the Native American prisoners said they had a problem with alcohol. Over 54 percent of all Native American prisoners said they had first used alcohol at age 15 or younger (See Table 14). More than 73 percent of Native American male prisoners said they had participated in alcohol treatment, compared to 50 percent of the female prisoners who had attended alcohol treatment. Nearly all of the males (96.7%) who attended alcohol treatment successfully completed the program, compared to 60 percent of the female prisoners who attended alcohol treatment said they had successfully completed the program.

Table 14 Age First Used Alcohol

SEX	15 Years and under	16-18 Years of Age	19-21 Years of Age	Never	Total
Male	54.76% (23)	40.48% (17)	(0)	4.76% (2)	100% (42)
Female	50% (5)	30% (3)	20% (2)	(0)	100% (10)
Total	53.84% (28)	38.46% (20)	3.84% (2)	3.84% (2)	3.84% (2)

Three categories of drug use were addressed in this study. These areas are methamphetamine, heroin, and other illegal drugs (e.g., marijuana, cocaine, etc.). About 77 percent of Native American prisoner participants said they had used methamphetamine, which includes 71 percent of the Native American males and 100 percent of Native American females. Fifty percent of the Native American participants who said they used methamphetamine were over 21 years of age

when they first used methamphetamine (See Table 15). Over 43 percent of the males and 40 percent of the females said they had a methamphetamine problem immediately prior to their most recent arrest, and 55 percent said they had participated in a methamphetamine treatment program. Over 77 percent of those who participated in methamphetamine programs said the program had been successful. About 33 percent of the participants said their methamphetamine involvement was related to their current incarceration.

Table 15 Age First Use Methamphetamine

SEX	16-18 Years of Age	19-21 Years of Age	Over 21	Total
Male	14.28% (6)	4.76% (2)	59.52% (25)	100% (42)
Female	30% (5)	(0)	10% (1)	100% (10)
Total	21.15% (11)	3.84% (2)	50.0% (26)	100% (52)

All Native American male and female prisoners said they had used some type of illegal drugs (excluding methamphetamine and heroin), and 25 percent said they first used illegal drugs at age 15 or younger (See Table 16). Over 23 percent of these participants said that illegal drug involvement was related to their current incarceration. About 29 percent of all Native Americans said that their involvement with illegal drugs (excluding methamphetamine and heroin) was related to their current incarceration.

Table 16 Age First Use of Illegal Drugs

SEX	15 Years and under	16-18 Years of Age	19-21 Years of Age	Over 21	Total
Male	21.42% (9)	14.28% (6)	4.76% (2)	59.52% (25)	100% (42)
Female	50% (4)	30% (5)	(0)	10% (1)	100% (10)
Total	25% (13)	21.15% (11)	3.84% (2)	50.0% (26)	100% (52)

Nearly 29 percent of all Native American prisoner participants said they had used heroin, compared to 27 percent of white prisoner participants who also said they had used heroin. Among the nearly 29 percent of male and 30 percent of female Native Americans who said they had used heroin, over 26 percent said that heroin was related to their current incarceration.

Over 7 percent of the Native American males and 30 percent of the females said they had some type of disability – all of these participants said their disability was related to mental health. Over 19 percent of the Native American participants said they had received a mental health diagnosis, which includes about 10 percent of the male and 60 percent of the female prisoners. These participants indicated that depression was the most prevalent diagnosis. Sixty percent of those participants who said they had been diagnosed with a mental health issue attributed their mental health condition as a contributor to their current incarceration. Several participants indicated they were unable to purchase prescribed medication, while others said their drug prescriptions had expired and they were unable to get the prescriptions refilled. Several participants said that their inability to get prescription drugs resulted in their use of illegal substances.

Over 65 percent of the Native American participants said they had children, and 50 percent of those participants said their children had the same biological parents. About 50 percent of the parents said their children had either emotional or behavioral problems. Over 29 percent of the Native American parents who participated in the survey said their children were present at the time of their arrest. Over 17 percent of the parents said they had been served with a no-contact order prohibiting contact with their children. Over 76 percent of the parents said their children had visited them while parent was in jail.

More than 23 percent of the Native American participants said they had been in a foster home at some point while they were growing up. Nearly 39 percent said they had been neglected as a child and about 35 percent said they had been physically abused as a child. Nearly 27 percent of Native American participants said they had experienced some form of sexual abuse (See Table 17).

Table 17 Sexual Abuse Experiences

SEX	Experienced Sexual Abuse	No Sex Abuse Experiences	Total
Male	19.05% (8)	80.95% (34)	100% (42)
Female	60% (6)	40% (4)	100% (10)
Total	26.92% (14)	73.08% (38)	100% (52)

Over 61 percent of the Native American participants were serving jail sentences at the time the survey was administered, which includes over 64 percent of the male and 50 percent of the female Native American participants (See Table 18). Many were serving jail sentences for multiple misdemeanor offenses. Over 28 percent were serving sentences for DUI, 25 percent for misdemeanor drug charges, over 43 percent for misdemeanor property offenses, and about 19 percent for

misdeemeanor person offenses. Over 15 percent of the Native American participants said this was the first time they were in jail, over 30 percent said they had been in jail 2-5 times, and over 11 percent said they had been in jail 6-9 times. Over 42 percent said they had been in jail 10 or more times (See Table 19). Nearly 29 percent of the participants said they had been in jail 1 time during the past 12 months. Over 36 percent said they had been in jail 2-3 times, and about 35 percent had been in jail during the past 12 months. Over 51 percent of Native American participants had served time in prison (See Table 20).

Table 18 Waiting for Court Appearance/Serving Jail Sentence

SEX	Waiting for Court	Serving Jail Sentence	Total
Male	35.71% (15)	64.29% (27)	100% (42)
Female	50% (5)	50% (5)	100% (10)
Total	38.46% (20)	61.54% (32)	100% (52)

Table 19 Total Times in Jail

SEX	First Time	2-5 times	6-9 Times	10 or More Times	Total
Male	11.90% (5)	30.95% (13)	7.14% (3)	50.00% (21)	100% (42)
Female	30% (3)	30% (3)	30% (3)	10% (1)	100% (10)

Total	15.38% (8)	30.77% (16)	11.54% (6)	42.31% (22)	100% (52)
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Table 20 Ever Served Time in Prison

SEX	Served Prison Time	Never in Prison	Total
Male	57.14% (24)	42.86% (18)	100% (42)
Female	30% (3)	70% (7)	100% (10)
Total	51.92% (27)	48.08% (25)	100% (52)

What Can Be Done?

Social problems pose surmountable challenges to Native Americans. Tribal members must strive to overcome cultural incompetency by combating racial discrimination through government policies, legal actions, education, and training programs. These efforts arguably have continued to be ineffective. However, viable and achievable options exist. These include restoring tribal core cultural competencies among the Native American communities and increasing educational and training programs with the goal of further enhancing Native American self-esteem.

There is optimism for Native Americans through the restoration of tribal core cultural competencies. OPB states, "Many Native leaders believe that the solutions for the diseases that are threatening tribal culture will have to come through strengthening that same culture" (OPB, 2013). A viable and achievable option for Native Americans to combat racial discrimination, arrest, and incarceration is initiating programs intended to restore and practice their core cultural competencies. One example is the effort of Chicago's American Indian Center (AIC).

The AIC is an urban-based organization that focuses on assisting urban Indians to reconnect with their culture and reenter Native American society. Thomas Hayden notes, "For many Native Americans, reconnecting with their communities and ancient cultures is at the root of renewed strength and success" (Hayden, 2013, page 2).

A second example is Wells Technology, Inc. based in Bemidji, Minnesota. Andrew Wells III, President and CEO, of the company is a member of the Red Lake Ojibwa Tribe and still maintains his family farm on the Red Lake Reservation. To serve the Native American people of Northern Minnesota, the Wells Technology facility was located between the three reservations of Red Lake, Leech Lake, and White Earth.

As business grew Wells Technology needed to add new jobs. However, these new jobs required industrial skills that the local Native American people did not have. Therefore, in 2006, Mr. Wells began using profits to invest in the Native American people by creating Wells Academy, a 501c3 non-profit school for industrial training. This is an apprentice program which respects Native American cultural values while providing marketable technical skills and achieves a 92% retention rate.

Oregon's Confederated Tribes of Warm Springs presents a case of tribal restorative initiatives that has resulted improving the tribe's social environment. The Confederated Tribes of Warm Springs, assumed administrative responsibilities of tribal affairs from the Bureau of Indian Affairs beginning in the 1970s and declared their national sovereignty on June 25, 1992. Since that time the Tribe has invested in a variety of business ventures, natural resource development, agriculture, and, the establishment of a gambling casino. Proceeds from these ventures were dedicated to education and healthcare projects and the purchase thousands of acres of new land (Confederated Tribes of Warm Springs, 2013).

The demographics of the Warm Springs Tribe are not unlike other tribes in America. The Tribe faces challenges including high crime, alcohol and drug abuse, high unemployment rates, and low high school graduation rates. Although, as the Warm Springs crime rate is slowly declining, the crime rate for tribal communities is still high for a population of 5,000. Alcohol, assault, homicide, and theft crimes persist in being the highest in the state. According to U.S. Attorney Craig Gabriel, "The reservation, with a population of a little more than 5,000, suffers the highest per capita crime rates in violent and nonviolent crimes in Oregon" (Denson, 2012).

To address these challenges the Warm Springs Tribal leadership initiated a Healthy Nations Program in 1993. This initiative had two phases and 13 identified goals to be achieved. Among these 13 goals was the Community Gardening Project

that fostered tribal cultural values of community ownership and sharing. The Tribe's leaders and supporters used long-house meetings and other community gatherings to garner community support for the Project. Also, citizen involvement in the Project served to empower the citizens and more importantly participation was alcohol and drug free which served as a first step to break the cycle alcohol and drug abuse. Several other activities resulted in a number of successes including the Mothers' Day Rodeo, the Huckleberry Festival, the annual Halloween Party, and the Youth Development Program all of which occurred without alcohol and drug use.

Conclusion

The loss of tribal core cultural competencies, U.S. Government policies including forced assimilation and self-determination policies, the reservation system, forced attendance at boarding schools, and a number of other issues that are a part of Native American life have resulted in social disparity for many Native Americans. Native Americans will never have their traditional lands returned to them. They will never get to live the lives of their ancestors. This is the reality of the modern world. What can be done is to bring power back to oneself. Native Americans can restore their sense of self-esteem by reaching back and claiming their culture for "personal sovereignty" in a postcolonial world. High self-esteem is a viable combatant to the destructive nature of racial discrimination and the consequent dynamics of cultural incompetence.

This article contends Native Americans must restore their cultural values to reassert their sense of freedom by initiating programs that re-establish their core cultural competencies. Robert Yazzie notes, " We must exercise internal sovereignty, which is nothing more then taking control of our personal lives, our families, our clans, and our communities...I cannot beg for political power, because I will not get it" (Yazzie, 2011).

References

- American Bar Association (ABA). (2011). *Building Community Trust: Improving Cross-cultural Communication in the Criminal Justice System*. Washington, DC: American Bar Association.
- American Indian Services (AIS). (2011). Indian School: Stories of Survival. Retrieved from: <http://ezproxy.wou.edu:2120/PortalViewVideo.aspx?xtid=50410>

- Arya, N. & Rolnick, A. (2008). *A Tangled Web of Justice: American Indian and Alaska Native Youth in Federal, State, and Tribal Justice Systems*. Washington, D.C.: Campaign for Youth Justice.
- Bell, J. (2013). Mass Incarceration: A Destroyer of People of Color and Their Communities. Huffington Post. Retrieved from: http://www.huffingtonpost.com/jamaal-bell/mass-incarceration-a-dest_b_578854.html
- Bear, C. (2008). American Indian Boarding Schools Haunt Many. National Public Radio. Retrieved from: <http://www.npr.org/templates/story/story.php?storyId=16516865>.
- Blank, R. M., Dabady, M., & Citro, C. (2013). *Measuring Racial Discrimination: Panel on Methods for Assessing Discrimination*. Washington, D.C.: The National Academies Press.
- Bobo, L. & Fox, C. (2003). Race, Racism, and Discrimination: Bridging Problems, Methods, and Theory in Social Psychological Research, *Social Psychology Quarterly*, Vol. 66, No. 4, Special Issue: Race, Racism, and Discrimination (Dec., 2003).
- Bopp, J., et. al. (1984). *The Sacred Tree*. Twin Lakes, Wisconsin: Lotus Light Publications.
- Braga, A., & Weisburd, D. (2010). *Policing Problem Places: Crime Hot Spots and Effects Prevention*. New York: Oxford University Press.
- Braga, A. (2003). Systematic Review of the Effects of Hot Spots Policing on Crime. *Campbell Systematic Review* 1-9. Harvard University.
- Buchanan, S. (2006). Violence Against American Indians is a Pervasive Problem. Intelligence Report, Winter 2006, Issue Number: 124. Retrieved from <http://www.splcenter.org/get-informed/intelligence-report/browse-all-issues/2006/winter/indian-blood>
- Buck, P. Retrieved from http://thinkexist.com/quotation/one_faces_the_future_with_ones_past/218451.html
- Bureau of Indian Education (BIE). (2013). Overview. Department of the Interior, Indian Affairs. Retrieved from: <http://www.bia.gov/WhatWeDo/ServiceOverview/IndianEducation/>
- Carver, M. (2013). NYPD officers say they had stop-and-frisk quotas - CNN.com. *CNN.com – Breaking News, U.S., World, Weather, Entertainment & Video*

- News. Retrieved June 5, 2013, from <http://www.cnn.com/2013/03/22/justice/new-york-stop-and-frisk-trial>.
- Chamard, S. (2006). *The History of Crime Mapping and Its Use by American Police Departments*. University of Alaska Anchorage. Alaska Justice Forum.
- Churchill, W. (2003). Images of Native Americans in US Cinema. Retrieved from: <http://tvmultiversity.blogspot.com/2011/02/stereotypes-of-native-americans-in-us.html>
- Churchill, W. & Zinn, H. (1995). *From a Native Son: Selected Essays on Indigenism*. Cambridge, MA. South End Press.
- Confederated Tribes of Warm Springs Reservation: Healthy Nations Program. December 1993 – May 2000. (2013). Retrieved from: <http://www.iser.uaa.alaska.edu/Publications/healthynatns/warmsprings.pdf>
- Confederated Tribes of Warm Springs. (2013). Tribal Government and Self-Determination, retrieved from: http://www.warmsprings.com/warmsprings/Tribal_Community/History_Culture/
- Crane-Murdoch, S. (2013). On Indian Land, Criminals Can Get Away With Almost Anything. *The Atlantic*. Retrieved from: <http://www.theatlantic.com/national/archive/2013/02/on-indian-land-criminals-can-get-away-with-almost-anything/273391/>
- Cross, T., Bazron, B., Dennis, K., & Isaacs, M., (1989). *Towards A Culturally Competent System of Care, Volume I*. Washington, DC: Georgetown University Child Development Center, CASSP Technical Assistance Center.
- Dakota-Lakota-Nakota Human Rights Advocacy Coalition. (2010). Chief Gall. Retrieved August 10, 2010, from http://www.dlncoalition.org/dln_nation/chief_gall.htm.
- Diamond, D. & Weiss, D. (2009). Community Policing: Looking to Tomorrow. Retrieved from <http://cops.usdoj.gov/RIC/ResourceDetail.aspx?RID=520>
- Diamond, D. & Weiss, D. (2009) Advancing Community Policing Through Community Governance: A Framework Document. Retrieved from http://www.cops.usdoj.gov/files/RIC/Publications/e050919202-AdvCommunityPolicing_final.pdf
- Durie, T. E., (2007). The Study of Maori Offending. Based upon an address to the New Zealand Parole Board Conference. Te Papa, Wellington.

- Eastman, C. A. (2013). Legends of America. Retrieved August 10, 2013, from <http://www.legendsofamerica.com/na-gall2.html>.
- Eckert, A. W. (2001). *The Frontiersmen, A Narrative*. Ashland, Kentucky: Jesse Stuart Foundation.
- Famega, C., Hinkle, J.C., Ready, J. & Weisburd, D. (2011). The Possible Backfire Effects of Hot Spots Policing: An Experimental Assessment of Impacts on Legitimacy, Fear, and Collective Efficiency. *Journal of Experimental Criminology*. 7.4: 297-320.
- Denson, B. (2012). Child Abuse Intervention Center -- second of its kind on tribal lands -- opens on Warm Springs reservation. *The Oregonian*. Retrieved from: http://www.oregonlive.com/pacific-northwest-news/index.ssf/2012/11/child_abuse_intervention_cente.html.
- Fuller, A. (2012). In the Shadow of Wounded Knee. *National Geographic*. 222.2: 30-67.
- Gall, New Perspectives on the West. *PBS*. (2010). Retrieved from <http://www.pbs.org/weta/thewest/>.
- Glick, B. (2006). Cultural Competency Standards for Programs Serving Victims of Domestic Violence and Sexual Assault and Other Crimes in Oregon. Oregon Department of Justice. Retrieved from: http://www.doj.state.or.us/victims/pdf/cultural_competency_standards.pdf.
- Grant, J. & Brown, T. (2003). American Indian and Alaskan Native Resource Manual. National Alliance on Mental Illness (NAMI). Retrieved from: <http://www.nami.org/>.
- Hartney, C. & Vuong, L. (2009). Created Equal: Racial and Ethnic Disparities in the US Criminal Justice System. *National Council on Crime and Delinquency*.
- Hayden, T. (2004). A Modern Life: After decades of discrimination, poverty, and despair, American Indians can finally look toward a better future. U.S. News and World Report. Retrieved from <http://www.angelfire.com/ca6/senaawest/culture/amodernlife.htm>.
- Holdman, S. & Seeds, C. (2008). Cultural Competency in Capital Mitigation. *Hofstra Law Review*. Retrieved from: http://law.hofstra.edu/pdf/Academics/Journals/LawReview/lrv_issues_v36n03_CC2-Holdman.pdf
- Hoelzer, G. (2011). Common Patrol Areas: Hot Spots Policing. *ProQuest Criminal Justice*, 59.2: 32-34.

- Hurtado, P. (2013). NYC Police Stop-and-Frisk Ruling Delayed as Judge Removed. *Bloomberg*. Retrieved from: <http://www.bloomberg.com/news/2013-10-31/new-york-police-stop-and-frisk-ruling-stayed-by-court.html>.
- Indiana History Part Two. Northern Indiana, Center for History. (2010). Retrieved from http://www.centerforhistory.org/indiana_history_main2.html.
- Irwin, J. and Owen, B. (2004). *The Warehouse Prison: Disposal of the New Dangerous Class*. New York: Oxford University Press USA.
- Jablonski, N. (2012). The struggle to overcome racism. *New Scientist*. Vol. 215 Issue 2880.
- Johnson, C. Y. (2009). Breakthrough on 'broken windows'. *Boston Globe*. Retrieved from: http://www.dcvb-nc.com/cr/Broken_Windows-Lowell02-08-09.pdf
- Johnson, F. W. (2000). *Life of Sitting Bull: History of the Indian War of 1890-91*. Scituate, MA: Digital Scanning, Incorporated.
- Jones, B. (2002). *Sacred Self, Sacred Relationships: Healing the World for Seven Generations*. Center City, MN: Hazelden Publishing.
- Jones, B. & Jones, G. (2000). *The Healing Drum*. Center City, MN : Hazelden Publishing.
- Kroeber, A. Louis. (1939). *Cultural and Natural Areas of Native North America*, Berkeley CA: University of California Press.
- Lakota Society. (2013). Retrieved from <http://1onewolf.com/lakota/society0.htm>.
- Larson, R. W. (2007). *Gall: Lakota War Chief*. Norman, OK: University of Oklahoma Press.
- Larson, R. W. (2008). A Victor in Defeat: Chief Gall's Life on the Standing Rock Reservation. *Prologue Magazine*. V.40. No.3.
- Leahy, T. & Wilson, R. (2008). *Historical Dictionary of Native American Movements*. Lanham, Maryland: Scarecrow Press, Inc.
- Lochner, L. & Moretti, E. (2002). The Effect of Education on Crime: Evidence from Prison Inmates, Arrests, and Self-Reports. On-Line Working Paper Series, California Center for Population Research, UCLA. Pages 1-51. Retrieved from <http://escholarship.org/uc/item/4mf8k11n>.
- Macartney, S., Bishaw, A., & Fontenot, K. (2013). Poverty Rates for Selected Detailed Race and Hispanic Groups by State and Place: 2007–2011. United States

- Census Bureau. Retrieved from:
<http://www.census.gov/prod/2013pubs/acsbr11-17.pdf>.
- Mankiller, W. & Wallis, M. (1993). *Mankiller: A Chief and Her People*. New York, NY: St. Martin's Griffin.
- Menna, W. (2009). The Broken Windows Crime Theory. Retrieved from:
<http://www.helium.com/items/1398654-evaluating-broken-windows-theory-of-crime>.
- Messerschmidt, J.W. (1986). *The Trial of Leonard Pelitier*. Boston: South End Press.
- Mingst, K. & Arreguin-Toft, I. (2011). *Essentials of International Relations*. New York: W.W. Norton.
- Minnesota History Center. 2013. Retrieved from <http://libguides.mnhs.org/aim>.
- Modern Cherokees' first female chief, Wilma Mankiller, excelled over hardship. (2010). The Washington Post. Retrieved from www.potomac-coral.org/pdfs/WashingtonPost_Mankiller_Obituary.pdf.
- National Research Council. (2007). *Beyond Bias and Barriers: Fulfilling the Potential of Women in Academic Science and Engineering*. Washington, DC: The National Academies Press.
- National Native American Law Enforcement Association. (2002). *Tribal Lands Homeland Security Report*. Memphis, TN. NNALEA 10th Annual Training Conference.
- NIH. (2012). How Effective is Drug Addiction Treatment? *Principles of Drug Addiction Treatment: A Research-Based Guide (Third Edition)*. Retrieved from: <http://www.drugabuse.gov/publications/principles-drug-addiction-treatment-research-based-guide-third-edition/frequently-asked-questions/how-effective-drug-addiction-treatment>.
- NYPD Mission. (2003). Retrieved from
<<http://www.nyc.gov/html/nypd/html/administration/mission.shtml>>.
- Oregon Public Broadcasting (OPB). (2013). *Indian Country Diaries: Preserving Families*. Retrieved from:
<http://www.pbs.org/indiancountry/challenges/families.html>.
- Our Mother Tongues: Discover America's First Languages. (2013). Retrieved from
<http://ourmothertongues.org/aboutproject.aspx> on August 10. To listen to 12 various Native American languages go to:
<http://ourmothertongues.org/Voices.aspx>

- Pacific Policy and Research Initiative (PacPRI). (2005). Marion County Jail Report. Pacific Policy and Research Initiative. This report is a product of a survey, administered by the Pacific Policy and Research Initiative, submitted to the Marion County Sheriff's Office. July, 2005.
- Pacific Policy and Research Initiative (PacPRI). (2007). Marion County Jail Report. This report is a product of a survey, administered by the Pacific Policy and Research Initiative, submitted to the Marion County Sheriff's Office July, 2007.
- Pacific Policy and Research Initiative (PacPRI). (2011). Marion County Jail Report. Pacific Policy and Research Initiative. This report is a product of a survey, administered by the Pacific Policy and Research Initiative, submitted to the Marion County Sheriff's Office December, 2011.
- Pager, D. & Shepherd, H. (2008). *The Sociology of Discrimination: Racial Discrimination in Employment, Housing, Credit, and Consumer Markets*. Retrieved from: https://www.princeton.edu/~pager/annualreview_discrimination.pdf
- Perry, S. (2004). *American Indians and Crime: A BJS Statistical Profile, 1992-2002*. U.S. Department of Justice, Office of Justice Programs. Retrieved from: http://www.justice.gov/otj/pdf/american_indians_and_crime.pdf
- Positive Indian Parenting Manual: A Reference Manual in Support of Minnesota Indian Parents and Families*. (2001). Roseville, MN. Office of Indian Education, Minnesota Department of Education.
- Public Broadcasting System. Fixing juvie justice. Retrieved from <http://restorativeworks.net/2013/08/video-fixing-juvie-justice-on-pbs/>
- Quince, K., Maori and the criminal justice system in New Zealand. in Tolmie, J. & Brookbanks, W., ed., *Criminal Justice in New Zealand*. (2007). Retrieved from <http://www.law.auckland.ac.nz/webdav/site/law/shared/about/centres%20and%20associations/te-tai-haruru/documents/Maori%20chapter.pdf>
- Raphael, S. (1998). Identifying the Effect of Unemployment on Crime. eScholarship, the University of California. 1-38. Retrieved from <http://escholarship.org/uc/item/5hb4h56g>.
- Red Horse, J.G. (1980). Family Structure and Value Orientation in American Indians. *Social Casework: The Journal of Contemporary Social Work*.
- Ridgeway, G. (2007). Analysis of Racial Disparities in the New York Police Department's Stop, Question, and Frisk Practices. *Rand*. A Rand Infrastructure, Safety, and Environment Program. Retrieved from

- http://www.nyc.gov/html/nypd/downloads/pdf/public_information/TR534_FI_NALCompiled.pdf.
- Scott, D. M. (2013). *The Religious Origins of Manifest Destiny*. Divining America, TeacherServe©. National Humanities Center. Retrieved from: <http://nationalhumanitiescenter.org/tserve/nineteen/nkeyinfo/mandestiny.htm>
- Sioux Chief Gall*. Retrieved from <http://www.historynet.com/sioux-chief-gall.htm>.
- Smith, A. (2007). Soul Wound: The Legacy of Native American Schools. *Amnesty International Magazine*. Retrieved from: <http://www.amnestyusa.org/node/87342>.
- Snowowl. Chief Gall: Lakota Hunkpapa Sioux, Native Leaders Past & Present. Retrieved <http://www.snowowl.com/nativeleaders/gall.html>.
- New York Civil Liberties Union, American Civil Liberties Union of New York State. (2013). Stop-and-Frisk Data. Retrieved from <http://www.nyclu.org/content/stop-and-frisk-data>.
- Sugden, J. (1997). *Tecumseh, A Life*. New York. NY: Henry Holt and Company.
- Taylor, B., Koper, C.S., & Woods, D. J. (2001). A Randomized Controlled Trial of Different Policing Strategies at Hot Spots of Violent Crime. *Journal of Experimental Criminology*. 7.2.
- Tecumseh. *Ohio History Central*. Retrieved from <http://www.ohiohistorycentral.org/entry.php?rec=373&nm=Tecumseh>.
- Tecumseh's War. *The Patriot Files*. Retrieved from <http://www.patriotfiles.com/>.
- Townsend, M. (2012). Stop and search 'racial profiling' by police on the increase, claims study. *The guardian/The Observer*. Retrieved from: <http://www.theguardian.com/law/2012/jan/14/stop-search-racial-profiling-police>.
- TUCCIIPD. (2013). Temple University Collaborative on Community Inclusion of Individuals with Psychiatric Disabilities. Retrieved from: http://tucollaborative.org/pdfs/Toolkits_Monographs_Guidebooks/community_inclusion/Cultural_Competence_in_MH.pdf
- Terry, C.M. (2003). *Overcoming Prison and Addiction*. Belmont, CA: Wadsworth Publishing.

- Timeline: The City's Use of Stop-And-Frisk - WNYC. *WNYC News*. (2012). Retrieved from <http://www.wnyc.org/articles/wnyc-news/2012/may/29/timeline-citys-use-stop-and-frisk/>.
- The Cherokee Word for Water: Feature Film Project*. Retrieved from <http://www.wilmamankiller.com/film.html>.
- USCB (2012). U.S. Census Bureau, Statistical Abstract of the United States. Retrieved from: <http://www.census.gov/2012census/>.
- Walker, S. & Katz, C. M. (1983). *The Police in America: An Introduction*. 6th ed. New York, NY: McGraw-Hill, Inc.
- Wahl, G. (2013). Mario Balotelli has a talent that's every bit as electric as his hair. *Sports Illustrated*.
- Wells, E. L., & Falcone, D.N. (2008). Rural crime and policing in American Indian Communities. *Southern Rural Sociology*. 23(2). pp. 199-225.
- Welsh, W.N., Harris, P. W. (2013). *Criminal Justice Policy & Planning 4th Edition*. Wyman Street, Waltham, Massachusetts: Anderson Publishing.
- White, R. (1999). *The Middle Ground: Indians, empires, and republics in the Great Lakes region 1650 to 1815*. Cambridge, MA: Cambridge University Press.
- Williams, T. (2012). Higher Crime, Fewer Charges on Indian Land. *The New York Times*. Retrieved from: <http://www.nytimes.com/2012/02/21/us/on-indian-reservations-higher-crime-and-fewer-prosecutions.html>
- Wilma Mankiller: former Principal Chief of the Cherokee Nation*. (2013) Retrieved from <http://www.powersource.com/gallery/people/wilma.html>.
- Wilkinson, C.F. (2000). *Indian Tribes as Sovereign Governments: A Sourcebook on Federal-Tribal History, Law, & Policy*. Oakland, CA : AIRI Press.
- Wittstock, L. W. (2013). I'm Not Your Indian Any More: Over 40 years of American Indian Movement history featured in exhibit. *Twin Cities Daily Planet*. Retrieved from <http://www.tcdailyplanet.net/>.
- Yazzie, R. (2011). Indigenous Peoples and Postcolonial Colonialism, in Battiste, Marie, edition, *Reclaiming Indigenous Voice and Vision*. UBC Press.

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