



## TEN STAGES OF AMERICAN INDIAN GENOCIDE

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### ABSTRACT

To better serve the American Indian population, it is essential for educators, including professionals in the helping fields, to understand how the United States federal government over the past 200 years used six different strategies to address “America’s Indian problem.” Using the Stanton’s Ten Stages of Genocide (2013), the authors explore American Indian holocaust and genocide and their impact on the behavioral health and well-being of Native people in Indian Country. The purpose of this manuscript is to expand and deepen the views of educators in such a way that influences and effects their professional practice with the American Indian populations they serve.

### Keywords

American Indian, Native American, Genocide

### RESUMEN

Para servir al pueblo Indio Americano mejor, es esencial que los educadores, incluyendo a los profesionales en los campos de servicio, entiendan que por los últimos doscientos años el gobierno federal de los Estados Unidos ha usado seis estrategias diferentes dirigiéndose al "problema Americano de los Indios." Los autores usan Las Diez Etapas de Genocidio de Staton, o Staton's Ten Stages of Genocide (2013), para explorar el holocausto y el genocidio de Indio americano y el impacto que ambos han tenido en la salud del comportamiento y el bienestar del pueblo Nativo en su tierra. El propósito del manuscrito es el expandir y profundizar el punto de vista de los educadores de modo que incluya y afecte su práctica profesional con la población Indio Americana que sirven.

### Palabras claves

Indio americano, nativo americano, genocidio

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## DIEZ ETAPAS DEL GENOCIDIO DEL INDIO AMERICANO

The term “genocide” did not exist prior to World War II. Raphael Lemkin, a Polish Jew refugee combined the Greek word for race or tribe “genos” with the Latin root for killing “-cide” creating a new word “genocide.” According to Lemkin (1944), he wanted to describe in a single word not only the “disintegration of the political and social institutions, of culture, language, national feelings, religion” but also “the economic existence of national groups, and the destruction of the personal security, liberty, health, dignity, and even the lives of the individuals belonging to such groups” (p. 79).

Whether or not American Indians experienced genocide is hotly contested. Anderson (2014) categorically declares, “[g]enocide did not occur in America” (p. 13), instead classifying what happened to Indians as “ethnic cleansing.” It is Anderson’s contention that because “many Indian tribes (indeed the vast majority) survived, along with their culture” (p. 11), it is impossible to claim that American Indians experienced any sort of genocide. In contrast, Wolfe (2006) maintains Indians were simply the unfortunate victims of “settler-colonial tendency” (p. 387), that is, “the primary motive for elimination is not race...but access to territory” (p. 388). Additionally, Wolfe argues that although settler-colonialism was a manifestation of genocide, it was not genocide itself. Conversely, Stannard (1992) reasoned that like European Jews, Native peoples died from “genocide campaign[s]” and, like European Jews, “died of exploitation and disease and malnutrition and neglect and in ‘countless other, terrible ways’” (p. 255).

The intent of this manuscript is to opine that American Indians were victims of genocide. Based on the six strategies used by U.S. federal government to address America’s “Indian problem,” the federal government created a bureaucratic, state-sponsored system to destroy the essential foundations of American Indian life. The authors assert that these strategies, in part, shaped and continue to impact contemporary Native peoples’ behavioral health and well-being.

### A Case for American Indian Genocide

In 1948, with the establishment of the United Nations’ Convention on the Prevention and Punishment of the Crime of Genocide (Genocide Convention), two new and distinct legal definitions were adopted – “crimes against humanity” and “genocide” (Sands, 2013). Approved verbatim by the International Criminal Court (Rome Statute, 1998), these terms and definitions were accepted as law via international treaty in 2002. Crimes against humanity, which includes ethnic cleansing, involves the massive killing of *individuals*, such as during the Yugoslav Wars in the 1990s, and is considered a lesser crime compared to genocide. Although every act of genocide is a crime against humanity, the converse is not true. Genocide emphasizes *group* identity and *group* membership and requires proof of special intent. In a lecture given by Sands (2013), he stated, “The mere act of killing, even in very great numbers is sufficient to give rise to the act of genocide [however] what you need is proof, proof of an intention to kill in whole or part.” According to Article II of the Genocide Convention:

Genocide means any of the following acts committed with intent to destroy, in whole or part, a national, ethnical, racial or religious group, such as:

- A. Killing members of the group;
- B. Causing serious bodily or mental harm to members of the group;
- C. Deliberately inflicting on the group the conditions of life calculated to bring about its physical destruction in whole or part;
- D. Imposing measures intended to prevent births within the group;
- E. Forcibly transferring children to another group.



Many of the methods and policy-driven actions used by the federal government clearly were done with the intent to bring about the destruction, both in whole and in part, of Native people (Brookings Institute, 1928; Fear-Segal, 2007; Jackson, 1993; Madley, 2009; Rutecki, 2010). Indians were killed not because they were a collection of individuals, which is what defines crimes against humanity or ethnic cleansing, but because they were members of a group, in this case, tribal communities. In *Axis Rule* (1944), Lemkin makes clear that the act of genocide does not require the physical elimination of an ethnic or religious group, as implied by Anderson (2014), only actions with the intent to destroy in whole or part that people. Lemkin argued that genocide happens when an ethnic group is divested of its cultural identity. As he made clear, “It takes centuries and sometimes thousands of years to create a natural culture, but genocide can destroy a culture instantly, like a fire can destroy a building in an hour” (Lemkin, as cited in Power, 2002).

The founder and president of Genocide Watch, Gregory Stanton, stated that genocide is not a single act nor is it linear. Instead, it happens in a series of stages. Based on his work on the Cambodian and Rwanda Genocides, in 1996 Stanton presented a paper to the U.S. State Department outlining the Eight Stages of Genocide, noting that genocides unfold in the same manner (this model has since expanded to ten stages). Shortly after completing this presentation, during the Darfur Genocide, he observed that the exact same pattern emerged (Stanton, 2008B).

According to Stanton, (2013), the ten stages of genocide can happen simultaneously and “all stages continue to operate throughout the process” (Stanton, 2013, p. 1). The ten stages are classification, symbolization, discrimination, dehumanization, polarization, organization, preparation, persecution, extermination, and denial. Two stages are universally human qualities, classification and symbolization, and unto themselves do not result in genocide. However, both are necessary to perpetrate genocide, especially when coupled with discrimination and dehumanization. The act of **classification** divides people into ‘us and them’ by “ethnicity, race, religion, or nationality” (p. 1), while **symbolization** is applying words or symbols to set them apart. Throughout U.S. history, the federal government characterized Native peoples as “them,” ethnically and racially inferior to European settlers. Viewed as injuns, savages, barbarians, vermin, devil-worshippers, redskins, squaws, murderers, etc. (symbolization), Native peoples were regarded as an obstacle to the U.S.’ growth, something to be eradicated (Brookings Institute, 1928; Madley, 2009; Starita, 2009; Zinn, 2005).

The third stage is **discrimination**. The “dominant group uses laws, custom, and political power to deny the rights to other groups,” including the denial of fundamental civil rights, liberties, and citizenship (Stanton, 2013, p. 1). American Indians have an almost 240-year history of laws and political powers used to deny their basic human rights, including the right to citizenship until 1924. Over the course of U.S. history, the federal government has broken, modified, or nullified more than 500 treaties with Native peoples (Oliff, 2011). Of all the treaties signed, not one remained honored as originally written.

**Dehumanization** is the first step toward genocide. It denies the humanity of the group, weakening the normal repulsion against murder. Dehumanization enables perpetrators to force a people to live in inhumane conditions – in overcrowded ghettos, without resources or potable water, and under starvation conditions – all the while condoning these actions. Dehumanization feeds into **polarization** creating a divide between the two groups through use of propaganda; basically, spreading an ideology that one group is superior to another and therefore more entitled,

while the other group is to blame for any shortfalls identified by the entitled group. Both stages are embodied in Native history (Brookings Institute, 1928).

According to Stanton (2013, p. 1), “genocides are always organized.” **Organization** necessitates leaders, supporters, and a chain of command. The participants in the genocide need assigned duties, weapons, and instructions, while hate speeches are required to fuel the violence and make the killings and mistreatments palatable. The organization is usually the government, but many times militia groups who, on the surface, seem to be acting of their own volition drive it. However, because the government fails to intervene or elects to turn a blind eye, there is a strong likelihood that the government secretly condones the violence (Stanton, 2013). In the case of California Indians, between 1846 and 1873, there were more than 300 systematic state-sponsored massacres and killings of Native peoples (Madley, 2009). In joint efforts with vigilantes, federal soldiers conducted sweeping killings throughout the state. No one – not the military, press, the California Supreme Court, or the U.S. Senate – did anything to halt the carnage. To finance the killings, the State of California sold bonds raising almost \$1.6 million to outfit voluntary militia and vigilantes against Indians. The federal government reimbursed most of these expenses (Madley, 2009). In the words of John Cohen (as cited in Smith, 1995), “A higher percentage of European Jews survived the Nazi Holocaust than California Indians survived the Gold Rush” (p. 2).

In **preparation**, euphemisms are used to cloak the intentions of the perpetrators (Stanton, 2013). Terms such “ethnic cleansing,” “purification,” or counter-terrorism” are used to refer to the targeted group. Armies are built, weapons purchased, and troops and militias are trained for the task. At the same time, fear is used to indoctrinate the populace with slogans such as, “if we don’t kill them, they will kill us” (Stanton, 2013, p. 2). Beginning almost immediately after the founding of this country, Indian lands were seized and Native peoples were forced onto increasingly smaller and smaller tracks of land. Between 1816 and 1850, the federal government exiled more than 100,000 Native peoples from 28 different tribes to west of the Mississippi (Nabokov, 1991). Herded during the worst traveling times, under conditions designed to inflict maximum hardship, many Indian men, women, and children starved and perished.

Persecution and extermination involve mass killings. **Persecution** is the genocide proper, while **extermination** involves state sponsored killings. Persecution segregates victims from the larger community, and their properties are expropriated. They are forced into ghettos, deported to concentration camps, confined to famine-stricken areas and starved, or in the case of Native peoples, forced onto reservations in geographically remote locations. Since White settlers regarded reservation lands as the least desirable, reservations were used to corral the Indians. However, even after rounding them up and restricting them to these areas, in short order, the U.S. government made efforts to disassemble the reservations in order to usurp still more lands (University of Oklahoma, n.d.).

Lastly, **denial** occurs during and always after the genocide (Stanton, 2013). In this stage, leaders deny, downplay, completely lie about events, or are complicit in the lies. Victims are blamed for what happened to them; deaths are attributed to unintended consequences such as famine, disease, self-defense, or a few rogue agents; and deliberate murder is denied. Today, textbooks throughout the country continue to ignore or minimize the brutal treatment of Native peoples, the mass killings and persecutions, the displacement, and the continued struggles in tribal communities (Zinn, 2005).



## **Addressing America's Indian Problem**

Over the past 227 years, the federal government used six different “strategies” to address America's “Indian problem” with varying degrees of fallout, some minor and others devastating. According to Pevar (2012), the six tactics were: (1) agreements between equals, (2) removal and reservations, (3) allotments and assimilation, (4) Indian reorganization, (5) termination, and (6) self-determination. In almost all of these policies acts of genocide were key elements.

### **Agreements Between Equals 1787 to 1828**

When the federal government signed treaties with tribes, it recognized tribes as independent sovereign nations, similar to signing a treaty with any other nation in the world. Treaties are solemn agreements between sovereign nations and reflect good faith bargaining and nation-to-nation diplomacy. According to the U.S. Constitution (1787), “All treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby.” Between 1787 and 1828, the United States government and tribal nations interacted as equals.

Treaties contained language regarding the possession of lands and the boundaries of the property. In return for the land, the federal government promised to protect the tribe(s), punish U.S. citizens for crimes against Indians, and stated that no U.S. citizen could settle on Indian lands. Most importantly, it pledged perpetual peace and friendship (Jackson, 1993). In Article III of the 1787 Northwest Ordinance drafted by Thomas Jefferson, Congress' promise to tribes was, “The utmost good faith shall always be observed toward the Indians, their lands and property shall never be taken from them without their consent; and, in their property rights and liberty, they never shall be invaded or disturbed.” This promise was short-lived.

Beginning in 1787, the federal government became increasingly more aggressive in its dealing with tribal nations. No longer fearing or needing Native tribes as allies as they had during the Revolutionary War, by 1790, the new government attempted to evict the Muscogee from their lands in Alabama and Georgia. In the early 1800s, against the strenuous objections of the Creek and Cherokee of Georgia, Thomas Jefferson committed resources for their future removal (Nabokov, 1991). In Congress, Jefferson proposed that Indians settle onto small plots of land to farm, encouraging them to trade with Whites, incur debt, and then pay the debt with land. Although the Chickasaw had fought for America during the Revolutionary War and signed a treaty guaranteeing their lands, huge sections of Chickasaw lands were put up for sale (Zinn, 2005). In direct violation of treaty agreements, Andrew Jackson encouraged White squatters to move onto Indian lands. When the Indians protested, the U.S. government claimed it was unable to remove the squatters and that the best way to resolve the dispute was to give up the land or be wiped out. In a series of treaties signed between 1814 and 1824, three-quarters of Alabama and Florida, one-third of Tennessee, one-fifth of Georgia and Mississippi, and swaths of Kentucky and North Carolina were seized (Zinn, 2005).

In 1817, the General Crimes Act passed, and the federal government began to assert jurisdiction over crimes in Indian Country (Cohen, 2005), which covered crimes against Indians or by Indians against non-Indians. That same year, the federal government began coerced voluntary removal of the Cherokee. In 1823, in *Johnson v. M'Intosh*, the rights of Indians were weakened when the United States Supreme Court ruled that while Indians had the right to occupy the land, the exclusive right to settle, possess, and govern the lands belonged to the finders or “discoverers” of the land – the White Europeans (Kades, 2001).

Using Stanton's Ten Stages of Genocide – during this period between “equals” – the federal government constantly used various forms of dishonesty and manipulation to violate treaty agreements, to evict tribe after tribe from ancestral lands, and to legitimize land grabs with rulings such as *Johnson v. M'Intosh* (discrimination, persecution, and dehumanization). At the recommendation of Arthur St. Clair, then governor of the United States Northwest Territory (in present day Ohio, Indiana, Illinois, Michigan, and parts of Wisconsin and Minnesota), the new government implemented the practice/policy of “first maddening the Indians into war, and then falling upon them with exterminating punishment” (Jackson, 1993, p. 40) (denial). During this time, White squatters were encouraged to annex Native lands (persecution); while the federal government initiated plans to systematically evict Native people from the lands they occupied (organization).

### **Removal and Reservations 1828 to 1887**

In 1828, Andrew Jackson was elected seventh president of the United States. In 1829, gold was discovered in the Cherokee Territory, and by 1830 the Indian Removal Act was passed. Although the Cherokee challenged the Removal Act in the U.S. Supreme Court – and won (*Worcester vs Georgia*, 1832), Jackson arrogantly defied the Court's decision ordering their removal. On a freezing November day in 1838, 7,000 U.S. troops arrived in Cherokee Territory where they dragged men, women, and children at gunpoint from their homes with only the clothes on their backs. Forbidden from returning for blankets, extra clothing, or household goods, their homes were burned down, cattle and hogs killed, property stolen, and land distributed to White settlers by lottery (Burnett, 1890; Sequoyah Research Center, n.d.; Zinn, 2005). Herded into makeshift stockades with deplorable sanitation, scarce or contaminated water, and insufficient food, the Cherokee were then quick-marched 800 miles to Oklahoma. On the journey, about 4,000 Cherokees died – one-quarter of their population (Nabokov, 1991). Adding to the tragedy, some walked without shoes, many of the elderly carried heavy burden baskets on their backs, while some were shot and killed by the U.S. Army, their bodies abandoned on the roadside (Burnett, 1890; Sequoyah Research Center, n.d.). The Cherokee remember this tragedy as the Trail of Tears, but there were forty (40) other such removals, including the forced marches of the Navajo, Potawatomi, Seminole, Muscogee, and Choctaw. In each, Native people died from exposure, hunger, brutality, and disease.

During the removal and reservation period, a new type of treaty was instituted – the removal treaty. Native leaders were pressured into signing these treaties with promises, bribes, threats, fraud, coercion, and, if nothing else worked, forced removal. In a period of 25 years, the Potawatomi signed 28 different treaties; in each, the federal government demanded and took more land (University of Oklahoma, n.d.).

Throughout this 59-year period, Native peoples were fighting for their lives. There were countless campaigns, massacres, and skirmishes restricting Indians to reservations (D. Brown, 2007). Forbidden from leaving the reservation without written permission, reservations became virtual prisons, forcing Indians to become completely dependent on the federal government (D. Brown, 2007). Exacerbating the situation, responsibility for the management of the reservations was entrusted to the U.S. Army. The same men who fought in the Indian Wars, who lost friends or brothers in battles, were charged with overseeing reservation life (Nabokov, 1991). Food supplies promised by treaties failed to arrive as scheduled, and quantities were insufficient to feed the people or grossly inadequate because the meat was rancid or flour weevil-infested. During this time, intermediaries creamed off the top with impunity. Hunger and malnutrition



were rampant. Shelter and sanitation were woefully inadequate, and health care was almost non-existent while diseases such as tuberculosis, measles, influenza, and typhus were endemic (Brown, 2007; Burnett, 1890; Nabokov, 1991; Sequoyah Research Center, n.d.).

The goal of the federal government was to make it impossible for Indians to live on the plains. At the urging of General Philip Sheridan, hunters were encouraged to fan out across the country to kill the buffalo, in order to “destroy the Indians’ commissary” (as cited in Smits, 1994, p. 317). Between 1872 and 1874, more than 3,500,000 buffalo were killed and left to rot (Nabokov, 1991; Smits, 1994). According to Sides (2007), for Native people living between 1860 and 1890 this “was an incredible era of violence, greed, [and] audacity...” (p. xxiii). In the battles of Sand Creek and Wounded Knee, for example, mounted howitzers or Hotchkiss guns were used to slaughter women, children, and old men indiscriminately, even as they huddled under white flags. During the winter of 1868, in the Battle of Washita against Black Kettle, more than 100 Southern Cheyenne noncombatants – the elderly, women, children, and people with disabilities – were massacred along with almost 700 of their horses and ponies (Fox, 1993). In the winter of 1883-84, more than 600 Blackfoot were allowed to starve to death because the buffalo, their main food source during the winter months, was virtually extinct by intentional means (Nabokov, 1991).

As bad as treaty agreements were, their absence was even worse. In California, Natives were without treaties. Therefore, they were without land, protection, or rights like other citizens. With the discovery of gold, fortune hunters staked claims on Indian lands, depleted traditional food sources, and let loose a reign of terror devastating the lives of California Indians. In 11 months, three federal commissioners negotiated 18 treaties ending Indian claims to almost all of California west of the Sierra Nevada (Madley, 2009). The treaty signers were not chiefs and translators were not always available. Remarkably, the U.S. Senate concealed the 18 California treaties for 50 years. When finally made public in 1905, the tribes sued for compensation in 1928. It took until 1944 for the case to be decided; the court awarded \$5,025,000 for all their losses, but payment was delayed until the early 1970s (Madley, 2009).

In 1850, California passed the Act for the Government and Protection of Indians, legalizing the forced adoption and sale of Indian children as well as the involuntary servitude of Indian men and women (Johnson-Dodd, 2002). As many as 10,000 Indians may have been indentured or sold between 1850 and 1863. Population losses were huge. In 1848, it was estimated that there were 150,000 Indians in California. By 1900, in less than 52 years, there were 15,377 – a 90% decline (Madley, 2009). Disease, malnutrition, labor exploitation, homicide, and migration were major contributors to this demise.

There is considerable agreement by a number of scholars to support the belief that American Indians experienced genocide (Adams, 1995; Anderson, 2014; Harjo, 2004; Hoxie, 2001; Stannard, 1992). During the federal government’s second strategy of removal and reservations, there was clear “intent to destroy, in whole or in part” Indian people. Native peoples were killed, serious bodily and mental harm were inflicted, and conditions were deliberately calculated to bring about their physical destruction. To the list of crimes of genocide against Native peoples “forcibly transferring children to another group” can be added. And, if we consider that those children forcibly adopted or sold were prevented from procreating with tribal members, we can also add “imposing measures intended to prevent births within the group” to this list.



With regard to the Ten Stages of Genocide (Stanton, 2013), for more than 100 years, Native peoples were not considered human beings under the law (dehumanization). As non-persons, at the whim of the federal government, Indians were rounded up, herded like cattle, and forced into different and untenable regions of the country without due process, as evidenced by the 40 different Trails of Tears previously mentioned. It was not until 1879, in Omaha, Nebraska, in the case of *United States ex rel Bear v. Crook*, when Chief Standing Bear of the Ponca Tribe sued for a writ of habeas corpus, were Native people recognized under the law as persons with the same legal rights as Whites (Starita, 2009).

During this time, “America’s creation story” began taking shape (Sides, 2007, p. xvii). Integrated into the American psyche were beliefs about the hardworking, industrious settlers and homesteaders versus the savage, bloodthirsty Indians (polarization). The federal military focus was to round up and corral Indian peoples on reservations (organization), while the government’s intents were cloaked in euphemisms, such as protecting Native peoples from homesteaders (preparation). Native lands were expropriated and Native peoples were placed on reservations segregating them from non-Indians (persecution). Because the U.S. military and local militias did not see Indians as fully human, there were incredibly high murder rates (extermination).

### **Allotment and Assimilation 1887-1934**

Allotment and assimilation were about “civilizing” Native peoples. Rather than isolating them, so the argument went, Indians needed to adapt and integrate White American values. Some in Congress argued that reservations were the greatest obstacle to assimilation, and that Native practices such as communal property and potlatches (or gift giving), which were antithetical to the American values of self-reliance and individualism, would continue unabated if reservations remained intact (Nabokov, 1991). It was further argued that the food, housing, and healthcare rationing system established by treaty obligation had failed because it created Indian dependency on the federal government. In 1887, the General Allotment Act (the Dawes Act) was passed to introduce private property ownership to “aid” Indians in becoming civilized (Hoxie, 2001).

More accurately, the Dawes Act gave the government power to break up reservations. According to the law, after each head of family received 160 acres, each single person received their 80 acres, and each orphan younger than 18 years had their 40 acres placed in trust, the “surplus” was to be sold to non-Indians (Nabokov, 1991). For Iowa Indians, after their lands were distributed, 90% or about 207,000 acres were available for White homesteaders. For the Cheyenne and Arapaho, their surplus land amounted to 81% of their original holdings (Nabokov, 1991). From 1887 to 1934, Indian landholdings fell from 138 million to 48 million acres – a two-thirds loss of the Native land base (Hoxie, 2001); this rendered some tribes totally landless (Nabokov, 1991). Even after lands were allotted, Indians were not “fully entitled” to possess the lands. The law required proof of “competence,” which translated to being assimilated and self-supporting, in other words farming the land (Steinberg, 2013, p. 218). For Native people who continued to honor their traditions, their lands were held in trust by the federal government, and they were unable to manage them as they saw fit.

In 1903, Kiowa Chief Lone Wolf sued to resist allotment of his reservation (*Lone Wolf v. Hitchcock*), arguing that allotment violated the 1867 Medicine Lodge Creek Treaty guaranteeing tribes peace and federal protection from White settlers in return for the Indians’ relocation onto reservations. The lawsuit backfired. The Supreme Court ruled that Congress had the power to violate Indian treaties, and therefore Indian consent was not needed (Oyez Project, 2014).





The primary tool for assimilation was the boarding school. In 1879, under the authority of the U.S. government, Indian-fighter Captain Richard Pratt established the first Indian school in Carlisle, Pennsylvania, with the expressed mission of cultural erasure (Fear-Segal, 2007). Believing Indian culture was inferior to that of White-Europeans, Pratt advocated the federal government “kill the Indian, and save the man.” To prevent the children from being raised in their culture, Pratt proposed removing them from their families and tribal communities to sever the parent-child relationship (Adams, 1995; Fear-Segal, 2007). Against strong parental protests, military soldiers rounded up the children and shipped them to government boarding schools or Christian mission schools. Fearing the children would “return to the blanket,” an “outing system” was created. Rather than allow children to return home during school holidays and summer vacations, they were placed in European-American homes, to work as domestic help and farm hands (Brookings Institute, 1928). Some children would not see their parents for as many as seven years; others died and never returned home (Adams, 1995; Fear-Segal, 2007).

Once in school, children were stripped of their clothing and belongings, which oftentimes were destroyed. Their hair was cut, they were given Christian names, then forced into Christianity. The children marched to a military cadence from their dorms to the dining hall for meals and to and from classes (Adams, 1995; Fear-Segal, 2007). Military discipline, as well as the use of solitary confinement was used to punish the children, while physical, emotional, and sexual abuses were common. Children were frequently beaten severely with whips and fists, handcuffed, locked in closets, placed on reduced rations, and adolescent girls were stripped from the waist up and whipped (Adam, 1995; Johansen, 2000; Pember, 2007). Hunger and malnutrition were widespread, and diseases such as trachoma, which when left untreated causes blindness, were endemic (Brooking Institute, 1928). The children were prevented from engaging in their own religious practices or speaking their tribal languages, and offenders were punished harshly. For some, the treatment was so bad they ran away. But when caught they were taken back to the schools, even against the objections of their parents. Not surprisingly, the schools were supported in part by student labor. For half the school day, children worked as farm field hands, as laborers making harnesses and whips, in the bakery, or washing, ironing, and mending the clothes, performing general housekeeping tasks, and cooking (Brooking Institute, 1928).

In 1884, for those living in reservation communities, “civilization” regulations were passed by Congress, making it an offense for Native peoples to practice Indian religions. For the crime of participating in ceremonies such as the Sun Dance or conducting ceremonial dances, even in their own communities, or for giving away belongings (potlatch), Indians could be tried in court and jailed. These regulations remained in effect until 1936 (Harjo, 2004).

The federal government’s attempts to “civilize” Native peoples were clearly acts of genocide. The intent was to end Native peoples’ cultural, religious, and national identity. “Forcibly transferring [Native] children to another group” plainly meets the definition of genocide according to the UN’s Genocide Convention. From an historical perspective, remember that in 1498, during the time of the Spanish Inquisition, the Catholic Church did a very similar thing: it forced Jews to denounce Judaism, become Catholic or risk death or banishment from Spain. In the boarding schools, this was perpetrated against young children.

All of Stanton’s Ten Stages of Genocide (2013) were clearly in full operation during the allotment and assimilation period. Federal laws were passed and political power was used to break up reservation lands, and Native children were taken away from their parents (persecution and discrimination). They were forced onto lands that were subpar and unsuitable for farming or

ranching (dehumanization), while traditional practices such as living with extended family were forbidden. With regard to the boarding schools, children were rounded up, forced into overcrowded, segregated educational systems, inadequately fed, and overworked, while every effort was made to erase all traces of their Native culture (classification and dehumanization). Denied visitations with their parents and extended family, the children were constantly under attack by the teachers and administrators who severely punished them for speaking their language or for trying to maintain their cultural practices (organization). The systematic stripping away of Indian culture (extermination) was the federal government's stated mission during this time-period, all the while the traumas being inflicted were consistently denied (denial).

### **Indian Reorganization 1928 to 1953**

By 1928, Indians had been U.S. citizens for four years; Congress was forced to confer citizenship on Native peoples because of their outstanding service during World War I. Even though they were not United States citizens, Indians were the first to volunteer for military service with 12,000 enlisting for the Army and Navy. Aiding the U.S. war efforts, Choctaw and Comanche soldiers used their native languages (Viola, 2008) – the languages they were forbidden and punished for speaking in the boarding schools – to pass secrets during battles against the German military. On the home front, tribal communities rallied together to raise \$25 million in war bonds while 10,000 Native people volunteered for the Red Cross (Viola, 2008).

In 1928, the 800-page Meriam Report (Brooking Institute, 1928), which was requested by the Secretary of the Interior and authorized by the Institute for Government Research, submitted its findings to Congress detailing conditions on reservations. The avalanche of facts made clear that the Dawes Act had been a dismal failure. The report detailed the Indians' poor health status both on and off the reservations, noting that the single most important contributor to the problem was the inadequate food supply (Brooking Institute, 1928). The report also described the dire poverty, in particular noting the extremely low levels of earned income and that the allotted lands were largely unsuitable for farming or agriculture making it almost impossible to "wrest a reasonable living" (Brooking Institute, 1928, p. xx). The Meriam Report was particularly critical of the Indian boarding schools, finding that the children were overworked, provided inadequate nutrition, deficient health care, and a grossly inadequate education.

Armed with this document, a new initiative was launched – the 1934 Indian Reorganization Act (IRA) [Wheeler-Howard Act]. Many of the reform recommendations in the Meriam Report were included in the Act. Not surprisingly, the proposed Act met with strong objections from Christians and conservative legislators who feared Indians would revert "back to the blanket" (Nabokov, 1991). Nevertheless, four years after the Meriam Report was issued, the final legislation was passed and allotments were halted. IRA gave tribes greater control over their reservations, increasing tribal self-determination and responsibility. The Act also allowed for the voluntary merging of lands, established a credit fund for economic development in Indian Country, and allowed the Bureau of Indian Affairs (BIA) to use "Indian preference" to hire staff. Tribes willing to abandon their traditional forms of governance and create an American-style governance system were now able to elect their own tribal councils and engage in limited self-governance, albeit, under the watchful supervision of the BIA (Deloria, 2002). This policy was abruptly halted with the onset of WWII. Still, the federal government took an additional 500,000 acres of Indian land for military use (Cohen, 2005).



## **Termination and Relocation 1953 to 1968**

The federal policies during this time were termination and relocation. According to Wilkinson (2005), Congress wanted to return to the earlier federal policies emphasizing assimilation and detribalization to eliminate the health, economic, and educational benefits, along with general federal programs and protections. Additionally, state and county governments wanted to expand their tax bases by adding Indian lands to their tax rolls (Ulrich, 2013). Reflecting the period of the Cold War, some congressional representatives equated tribally owned property with communism, which they found completely un-American.

“Termination” involved changing the status of tribes from sovereign nations to private citizens, with taxable land holdings and assets that could be confiscated for lack of payment. Although the tribes strenuously objected, the federal government terminated 109 tribes (Ulrich, 2013). First terminated were the two most “successful” tribes – the Klamath of Oregon and the Menominee of Wisconsin. Termination was disastrous for tribal sovereignty, autonomy, economic welfare, and tribal cultures (Wilkinson, 2005) and devastated the health and education of tribal members. Abruptly ended were basic services such as policing, firefighting, healthcare, and educational programs. The Menominee tribal health clinic and hospital closed because they failed to meet state standards and the county lacked the financial resources necessary to make the required improvements (Ulrich, 2013). Consequently, when a tuberculosis epidemic struck, appropriate care was unavailable and 25% of the population was affected (Wilkinson, 2005).

Academic achievement was severely impacted. In 1966, the Menominee Tribe’s performance on the Iowa Test for Basic Skills measured to 13% for third-graders and 17% for sixth-graders compared to 82% and 60%, respectively, for non-Menominee children, while the dropout rate after the ninth grade rose to 75% (Harkins, 1970). Exacerbating the problems was the geographic isolation of both tribes. The high poverty rates, lack of economic resources and opportunities eventually forced tribal members from both the Klamath and Menominee Tribes onto the public assistance rolls (Ulrich, 2013).

Termination also created a loss of personal identity. As Ulrich (2013) recounts in her interview with Ada Deer, a Menominee Tribal member who would later become the commissioner of Indian Affairs:

I remember one gentleman telling me he was mystified – one day he’s an Indian; the next day he’s not. In my estimation termination was a deep psychic blow to the individual and the tribe. We are still overcoming some of the damage...It just gave them a blow to the stomach (p. 24).

The other policy, “relocation,” was used to lure Indians from their tribal communities to work in the big cities. Encouraged to leave their families and the social support systems on the reservations, the federal programs provided minimal support beyond the one-way ticket and financial aid until the first paycheck (Cohen, 2005). Services available to Indian peoples on the reservation were completely absent in the urban relocation areas. For many, relocation was dislocation. Many suffered from isolation, loneliness, alcoholism, depression, police harassment, high unemployment, and crime. However, the urban Indian populations grew. In 1940, only 8% of American Indians lived in cities compared to 56.5% of the general population; in 1970 it was 45% and today it is approximately 88% (DHHS, 2010).

During this same time, Indian children routinely were removed from their families. In a 1969 study conducted by the Association of American Indian Affairs and reported in a U.S. Senate hearing in 1974, it was estimated that 25-35% (about 29,000) of all Indian children were

separated from their families and tribal communities to be placed with non-Indian adoptive and foster families (U.S. Senate Hearing, 1974). Complicit in this problem was the Bureau of Indian Affairs (BIA), who in partnership with the Child Welfare League of America (CWLA), established the Indian Adoption Program for the purpose of removing the children. Following the example of the CWLA, many state child welfare departments created similar programs. When compared to non-Indian children, the rate of placement in foster care or adoption was nearly 16 times higher than all other groups combined (U.S. Senate Hearing, 1974).

During this same period, in 1953, in order to push Indians into mainstream America, Congress passed PL 83-280 transferring legal authority for law enforcement and civil legal matters from the federal government to state governments (Ulrich, 2013). The law was made mandatory in California, Nebraska, Minnesota, Oregon, Wisconsin, and later Alaska when it became a state, although there were a few reservations that were exempt from the law (Cohen, 2005). In time, nine other states were extended full or partial jurisdiction over Indian lands in their state (Cohen, 2005). This lessened the federal government's special relationship with tribal governments, and created major obstacles for tribes in P.L. 83-280 states trying to develop their own tribal criminal justice systems (Cohen, 2005; Tribal Court Clearinghouse, 2014).

Efforts to destroy Native people "in whole or part" continued unabated during the termination and relocation strategies (UN Crimes of Genocide, 1948). Throughout the termination process, intentional efforts were made to create conditions that would bring about the destruction of Native peoples. Although tribes fought to halt termination, and both Indian and non-Indian advocates provided overwhelming evidence clearly demonstrating that tribes lacked the infrastructure, financial resources, or the educational background to undertake the initiative, the termination process was pushed forward (Wilkinson, 2005). For many tribal members termination created both bodily and mental harm. Health care services were unavailable and many suffered from untreated epidemics. For 109 tribal nations, termination struck at the very heart of self-identity and feelings of self-worth, which proved emotionally and spiritually debilitating. Once again, Native children were transferred from their families and tribal communities to non-Indian families across the country, and these "impos[ed] measures [were] intended to prevent births within the group" (UN Crimes of Genocide, 1948).

Stanton's Stages of Genocide (2013) remain in full play. Initially, the federal government did not label the process "termination," instead using euphemisms (preparation) such as "freedom" for the Indians, "liberation" for the tribes, "relinquishment of supervision," "emancipation," etc., to strip tribal nations of their sovereignty, trust rights, and lands (persecution). Because of termination, tribes were forced to the brink of economic and social disaster (dehumanization), leaving more Native people poverty stricken and dependent. This was a congressional initiative (organization). Although clear evidence was provided from various agencies and businesses predicting the ruin of tribal communities and peoples, Congress elected to turn a blind eye. When, as predicted, tribes and Native people started to lose lands, to suffer from increased health problems, and lower academic achievement, congressional leaders downplayed the events or blamed Native people and tribal governments for the fallout (denial).

### **Self-Determination 1968 to Today**

In a special message to the Congress in 1968, President Lyndon B. Johnson criticized the federal government's failed relations with Indian tribes. In particular, he bemoaned the "tragic plight" confronting tribal communities: the extreme poverty, poor housing conditions, an unemployment rate of 40%, a high school dropout rate of 50%, a lifespan rate of 44 years, and



health statistics that rivaled any developing country. Johnson proposed discontinuing federal threats to terminate tribes requesting emphasis be placed on Indian self-determination and the promotion of federal-tribal partnerships so that tribes could better meet the needs of their communities. Johnson further proposed coordinating federal agency services in Indian Country to enable tribal leaders' greater participation in the development and administration of community projects (Champagne, 2009). This laid the groundwork for Public Law 93-638, which President Richard Nixon signed into law in 1975. P.L. 93-638 – The Indian Self Determination and Education Assistance Act allowed tribes to govern themselves with assurance that the federal government would protect their property rights, natural resources, and (like any other state in the union) assist them with education, health care, and economic opportunity. After almost two centuries of broken federal laws, this was a clear break with past federal policies. The intent according to Nixon was to “strengthen the Indian’s sense of autonomy without threatening his sense of community” (1970, p. 2). Tribes would now have authority to contract directly with the federal government to secure grants to operate programs serving their tribal members and other eligible persons. The Act would give them greater control over the welfare of their communities, enabling them to manage their own health care facilities, natural resources, environmental programs, law enforcement agencies, and educational and childcare programs.

But what was missing? Although Indians got the right to vote in 1924, it was not until 1968 that they could vote in New Mexico and Arizona state elections. Religious freedom, which all Americans assume is their First Amendment right was not granted to American Indians until 1978, and amended in 1994 to include the use of peyote in the Native American Church. So dire was the loss of Indian children from their families and tribal communities that in 1978 Congress passed the Indian Child Welfare Act to stop the hemorrhage. Moreover, in 1990, at the insistence of the tribes, Congress passed the Native American Graves Protection and Repatriation Act (NAGPRA), requiring federal agencies and those institutions receiving federal monies to return Indian remains, cultural items, and funerary and sacred objects to the respective tribes. For Native American tribes across the country, NAGPRA provided a means of cultural survival.

### **American Indian Behavioral Health and Well-being**

Conditions for Native people have improved markedly compared to the statistics reported in President Johnson’s 1968 speech to Congress. The courts have upheld tribal hunting and fishing rights, and cultural and language revitalization is at the heart of most tribal communities. However, the behavioral health and wellbeing of Native people is the poorest in the country, while the rate of violence perpetrated against Native peoples continues.

In a three-year period, from 1973 to 1976, Indian Health Service (I.H.S.) sterilized 3,406 Native women without consent. According to Rutecki (2010), “Per capita, this figure would be equivalent to the sterilization of 452,000 non-Native American women” (p. 2). Actually, the statistics are likely far worse than reported. For the Albuquerque I.H.S., sterilization procedures were outsourced to non-Indian facilities, therefore, they were not recorded in the I.H.S.’s database. In Navajoland, from 1972 to 1978, there was a 130% increase in the rate of abortions, from 34 to 77 per 1000 deliveries. During this same period, sterilization procedures increased from 15.1% to 30.7% (Temkin-Greener, Kunitz, Broudy, & Haffner, 1981).

The rate of physical violence against American Indians and Alaska Natives (AIAN) is scandalous. In 1999, the U.S. Department of Justice reported violence against American Indians was more than twice the rate of the entire nation: 124/1,000 for AIANs compared to 50/1,000 for

non-Indians. For AIAN women, the statistics are much worse. In 2000, Tjaden and Thoennes reported that 61% of Native women (or 3 out of 5) had been assaulted in their lifetime, compared to 52% for African American, 51% for White, and 50% for Asian American women. In 2009, Amnesty International reported 1 in 3 AIAN women is raped in her lifetime; noting non-Native men perpetrate 86% of the rapes and assaults, and very few are prosecuted. The rates of intimate partner violence (IPV) are equally appalling. The Center for Disease Control and Prevention [CDC] (2008) reports 39% of AIANs will experience IPV in their lifetime. In truth, because Native women tend not to report rape or IPV, the statistics are far less appalling than the reality.

The prevalence of poverty, unemployment, homelessness, and child removal remains abysmal. According to the 2010 Census, the poverty rate for AIANs is 28.4% compared to 15.3% for all other races, while the median income is \$35,062 compared to \$50,000 for all races. However, in 2012, the Census reported, for AIAN families with children less than 18 years of age, 36.5% live in poverty (39% on reservations) compared to 22.2% of the entire United States population. With regard to foster care, although children of color are overrepresented in this population, Native children – who are only 1.2% of the general child population – represent 2.6% of the children in foster care (National Council of Juvenile & Family Court Judges [NCJFCJ], 2011). In Minnesota, the statistics are much grimmer. About 11.6% of Native children are in foster care compared to 1.5% of the entire child population (NCJFCJ, 2011). While the homelessness rate for all persons is 1 in 445 persons or 0.22%, for AIANs it is 1 in 89 persons or 1.13% (U.S. Census, 2010). In addition, as appalling as these statistics might be, the rate of incarceration for those states with large Native populations is 38% greater than the national rate (Bell, 2014). For example, in Montana, American Indians are 6% of the population, but represent more than 20% of the incarcerated population; in South Dakota, where they are only 8.9% of the population, Native youth represent 38% of the juvenile offenders, 29% of the adult incarcerated population, and 35% of the women jailed population (Desjardins & Lacey-Bordeaux, 2012).

Indians are also overrepresented in the unemployment lines. In 2010, when the nation's unemployment rate hovered at 7.7%, for AIANs the overall rate was 15.2%, although there were regional differences. In the Midwest, the unemployment rate averaged 19.3%, in Alaska it was 21.3%, and on the Pine Ridge Reservation, it locked in at 85% (U.S. Census, 2010).

There is a significant body of research demonstrating a relationship between poverty and mental illness. Not surprisingly Native communities and families are plagued with major mental health problems. The 2012 DHHS National Mental Health and Substance Abuse Survey found that when compared to all other ethnic groups the overall mental health picture for Native peoples was grim. For example, the percentage of adults 18 or older suffering from mental illness was 28.3% for AIAN compared to 13.9% for Asian Americans, 16.3% Hispanics, 18.6% Blacks, and 20.7% Whites, respectively. The proportion of AIAN identified with severe mental illness was 8.5% compared to 2.0% Asian Americans, 3.4% Blacks, and 4.2% Whites. While the rates for major depression was 10% for AIAN compared to 3.2% among Asians, 6.3% among Blacks, 7.0% for Hispanics, and 7.1% for Whites. Interestingly, a study conducted by Costello, Erkanli, Copeland, and Angold (2010), found that for the youngest Cherokee children whose family received an annual income supplement, there were significantly fewer psychiatric disorders, including alcohol and cannabis use and/or dependence.

Finally, no one in Indian Country is unaffected by alcoholism or suicide. In a 2013 study comparing American Indian student use of alcohol to the national average, 18.3% of eighth graders compared to 7.1%, reported binge drinking. This is extremely concerning given that the





death rate from cirrhosis is 368% greater than the national average (I.H.S, 2014). As for suicide, for young AIAN adults ages 15 to 34, the rate of suicide is 2.5 times higher than the general population (CDC, 2013); 31/100,000 AIAN young adults compared to 12.2/100,000 committed suicide. Native youth ages 15-24 are the most at-risk for suicide, with a rate 3.5 times greater than the national average; suicide is the second leading cause of death among Native youth (CDC, 2013). And, although the Indian Child Welfare Act is supposed to protect Indian children from adoption by non-Indians, in 2012 the law continued to be violated (DHHS, 2012).

### **Conclusion**

Genocide is the destruction of a people. Given contemporary examples of genocide, it is easy to believe that it takes place within a short, defined period of time. However, according to Lemkin (1948), the architect of the United Nations' Convention on the Prevention and Punishment of the Crime of Genocide and the creator of the word genocide, "...genocide does not necessarily mean the immediate destruction of a nation.... rather to signify a coordinated plan.... with the aim of annihilating the groups themselves" (p. 79). For almost 200 years under U.S. federal governance, there was a concerted effort to erase Native peoples from the American landscape. Tribal communities were exposed to extraordinary levels of violence and ever-increasing levels of alienation, exclusion, and marginalization by the federal government.

According to Lemkin (1948), there are two phases to genocide, destruction and imposition. Destruction is the annihilation of a people, which includes their political, social, and economic institutions; their culture, language, religion, and their sense of individual security, freedoms, physical and emotional health, and dignity. The second, imposition is the act of imposing the oppressor's national values and beliefs on the oppressed. Both have been the practices of the United States federal government in its relations with Indian tribes and peoples.

Lemkin (1946) stated that "[w]hoever, while participating in a conspiracy to destroy a national, racial or religious group, undertakes an attack against life, liberty or property of members of such groups is guilty of the crime of genocide" (p. 230). It would seem, given American history, that genocide accurately portrays U.S. federal policies. More importantly, American Indian genocide continues in this country. Stanton (2008B) states, "Denial is actually a continuation of the genocide, because it is a continuing attempt to destroy the victim group psychologically and culturally..." (p. 3). Certainly, this is the experience of Indian peoples.

Although it is impossible to accurately gauge the implications of the traumatic events that befell American Indians under the governance of the United States, what is clear is that the massacres and near annihilation of Native peoples have not been admitted nor have amends been made. Like the victims of genocide everywhere, Native peoples want the crimes against them acknowledged – this is essential for healing.



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