The Journal of Sociology & Social Welfare

Volume 42
Issue 3 *September*

Article 3

2015

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Reframing New Frontiers for Indigenous Peoples

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This paper examines colonial and Indigenous perspectives on frontiers. The United States context is used to further focus on the historic impact of the frontier on Native Americans. This is followed by a discussion of how boundaries and frontiers might be reframed in more balanced ways that respect the sovereignty of Indigenous nations. Examples are presented from child welfare and casino gaming to illustrate contemporary interactions across boundaries.

Keywords: Indigenous, Native American, colonization, frontier

The word "frontier" can have different connotations, depending on your perspective. As the term is typically used in the mainstream vernacular, a frontier is a division between an older settled area and a newer, unexplored territory. It can be a borderlands; a division between the tamed and the wild; the civilized and the uncivilized. In the United States, there is a sense that the frontier is a place of excitement, where rules are not yet fully established. It is an untamed place, if only temporarily. Indeed, the settling of the frontier with its ever receding boundaries was seen as a duty and a key element of Manifest Destiny. Also known as the Wild West, the frontier was a place of violence where true men could test their mettle and ultimately emerge victorious.

Today, the word frontier is often still assumed to have exciting, positive connotations. It denotes being on the cutting edge and pushing forward toward new discoveries. But, if indeed there is a push forward, it is reasonable to question the implications of that momentum. If boundaries are changing, what might this mean for those on the other side of these boundaries?

In today's world, isolation is no longer typical for most Indigenous Peoples. Interactions between Indigenous and non-Indigenous Peoples are the norm rather than the exception. The question is, how can the boundaries or frontiers that we share be reframed so they are not steeped in dominance and oppression, but rather serve as a meeting place, poised to foster positive interactions?

This paper begins by examining colonial and Indigenous perspectives on frontiers. The United States context is used to further focus on the historic impact of the frontier on Native Americans. This is followed by a discussion of how boundaries and frontiers might be reframed in a more balanced way that respects the sovereignty of Indigenous nations with the guidance of key documents such as the United Nations Declaration on the Rights of Indigenous Peoples (United Nations, 2008) and the International Federation of Social Workers policy statement on Indigenous Peoples (International Federation of Social Workers, 2005). Examples are presented from child welfare and casino gaming to illustrate contemporary interactions across boundaries.

Colonial and Indigenous Perspectives on Frontiers

For Indigenous Peoples, a frontier typically meant the boundary shared with a colonial settler society. Often Indigenous People were removed from their traditional territories and relocated beyond the frontier, only to have these new territories subsequently overrun by settlers. Under these circumstances, a frontier has negative connotations of a powerful colonial force pushing into ever shrinking Indigenous territories. Indeed, the era in which the frontier was at the forefront of U.S. consciousness carries connotations of oppressive dominance, unethical dealings, and swindling Indigenous People out of their lands (Samson & Cassell, 2013). The lawlessness associated with frontier society, coupled with government-sanctioned expansion of colonial powers in the United States, came at a very high price for Native Americans. Indeed, a similar pattern can be found for colonial expansion around the world.

It is important to note that the negative aspects of frontiers are not a thing of the past. Indigenous Peoples continue

to face pressure from nations seeking oil, mineral wealth, and other natural resources, even in remote areas (Orta-Martinez & Finer, 2010). Indeed, border towns adjacent to Native American reservations in the United States continue to have a notorious reputation for violence.

It is clear that Indigenous populations have not disappeared in the face of colonization and expanding frontiers. It is also clear that settler societies are here to stay. In 1979, Chief Leon Shenandoah, Tadadaho (leader of the Haudenosaunee Confederacy) reflected on the persistence of non-Indigenous peoples in the Americas: "For some reason, the Creator has allowed you to stay. I don't know why. And I don't think you know why. But I do know that we will have to work it out together" (Venables, 2004, vol. 1, p. 2).

The struggle to cultivate more positive relationships across boundaries or frontiers is intertwined with the struggle for decolonization. Unlike decades ago when European powers physically withdrew from territories they occupied in Asia and Africa, decolonization in the United States will not involve a physical withdrawal and rarely involves return of territory. Concrete steps such as return of land or other resources must be preceded by recognition of wrongdoing and an awareness of the continuing impact of colonization. Recognition and awareness inherent in decolonization are a prerequisite to redefining frontier boundaries so they are not steeped in dominance and oppression.

The frontier is much more than a physical place. The idea of frontier (and which side of the frontier you are on) is integrally connected to a sense of identity. Boundaries, such as a frontier, define who belongs where, and conversely, who does not belong or is out of place. Frontier relations "are a process whereby both the 'others's' otherness and the colonizer's own identity … are constructed" (Boccara, 2003, p. 60). Notions of class and racial hierarchies are also integral to the definitions of boundaries. We are defined in the context of the other. For example, an oppressor does not exist until someone is oppressed. Indigenous and colonizer become defined by their relationship to each other.

Spatial metaphors such as frontiers emphasize divisions, exclusion, and separation, rather than interaction and co-existence. These ideas dominated discourse on Aboriginal

Australians prior to the 1990s. Indigenous Australians have been marginalized as other rather than integrated within a sense of national identity (Howitt, 2001; Muller, 2014). The same can be said of Indigenous Peoples within other national contexts.

Boundaries are constantly redrawn as the frontier shifts and the wild or savage becomes tamed and subsumed within the colonizer. Removal, expulsion, or forced assimilation of Indigenous Peoples are key aspects of the success of frontiers within colonial contexts. For Indigenous Peoples, frontiers represent the threat of encroachment. If you can't maintain your boundary, you can't maintain your culture, and you cease to exist as distinct.

The frontier metaphor encompasses many elements of the colonial experience. It depicts the division between us and them. It represents a confrontation with an alien environment. Within this way of thinking, it is clear that Indigenous Peoples would always remain others and never be considered real Australians (Howitt, 2001), or depending on the national context, real Americans, New Zealanders, Canadians, etc. Many Indigenous People did not aspire to be integrated into a national identity associated with a settler society but preferred to remain distinct. Typically, however, Indigenous ideas about remaining distinct included conceptualizations of parity (i.e., interacting with the settler state on a government to government basis). On the other hand, settler conceptualizations of the other tended to be hierarchical, with those on the other side of the frontier being perceived as distinctly inferior (Muller, 2014). Indeed, across the frontier exists a place and a people that are alien, hostile, and in need of taming. Most notably, this divided way of thinking is not a relic of a distant past, but remains strong in contemporary thinking.

Often, colonizing powers have touted the idea that Indigenous lands were empty spaces waiting to be filled, while simultaneously pushing back or removing Indigenous inhabitants. This type of contradictory thinking has been labeled the "crowded wilderness" paradox (Venables, 2004, vol. 1). The belief that these spaces were waiting to be filled, (and that colonizers had a moral obligation to fill, tame, and properly use these lands), both facilitated and justified colonial expansion. Indeed, structural racism is intertwined with the

perception that vast tracts of land were empty (Howitt, 2001). In a related way of thinking, if spaces were not sufficiently empty, they should be emptied. There was a perceived need to clear the way for development (Howitt, 2001). Within this context, Indigenous Peoples were seen as impediments to development, according to Sandlos (2008):

> Ironically, when it was determined that some aspects of pre-colonial existence should be preserved such as natural landscapes, Indigenous Peoples who had once been perceived as an impediment to development (thus justifying removal) were now perceived as an impediment to the natural state of things. There is a long international history of local displacement due to the implementation of parks and nature preserves. During the zenith of European imperialism, for example, national parks were created in rich big-game regions such as southern Africa and South Asia in a manner that restricted local access to traditional hunting grounds. In North America, recent scholarship suggests that many characteristics of colonial conservation were associated with efforts to create national parks in the fading wilderness spaces of North America in the late nineteenth and early twentieth centuries, particularly in the western part of the continent. Throughout this period, Aboriginal hunters on both sides of the Canada–US border were routinely expelled from iconic landscapes such as Banff, Yellowstone, and the Grand Canyon National Parks, their former hunting territories turned to pleasuring grounds for middle- and upper-class tourists from the east. (p. 193)

An Examination of the Frontier within the Context of the United States

When Europeans first ventured to the Americas in 1492, the Indigenous population of what would become the United States (excluding Alaska) was estimated at 5-15 million people (Venables, 2004, vol. 1). The Haudenosaunee people of the Northeastern United States and Southeastern Canada tell a story of how their leaders contemplated how they should react to and interact with the newcomers. After significant reflection and discussion, it was determined that peaceful co-existence

was the best option. Any newcomers who chose to integrate into Indigenous societies would be welcome. Likewise, any Indigenous individuals who chose to live in settler communities according to settler values and customs could do so. It was clear, however, that these were distinct ways of life and a choice must be made. This understanding was commemorated in the Two Row Wampum belt, which depicts two parallel purple lines on a background of white—a symbol of peaceful co-existence.

By 1900, there were only 250,000 Indigenous people remaining in the continental United States (Venables, 2004, vol. 2). Clearly, peaceful co-existence with a frontier or boundary characterized by independence and mutual respect had not come to fruition. Instead, the United States developed policies of extermination, displacement, and removal of Indigenous Peoples.

Once U.S. colonial society became more powerful than Indigenous nations, military might was used to vanquish Indigenous Peoples through acts of conquest. Indeed, the prominent figure L. Frank Baum, who would later write the classic book "The Wizard of Oz," wrote in an 1890 newspaper editorial that "we cannot honestly regret their extermination" (Venables, 2004, vol. 2, p. 254), which was followed by an 1891 editorial that stated that the U.S. should "wipe these untamed and untameable creatures from the face of the earth" (Venables, 2004, vol. 2, p. 255). His sentiment was shared by many at the time. As the balance of power came to rest squarely in the hands of the colonial power, it became more financially viable to push back the frontier and contain Native Americans within reservation boundaries than to exterminate them. "Under the reservation system, peace could be had for the price of two days' Indian fighting. It was much cheaper to feed the Indians than to fight them, cheaper to kill a culture than a people" (Lazarus, 1991, p. 43).

Forcing Indigenous Peoples to relocate from their traditional territories (aka "removal") was carried out sporadically between 1815 and 1830. This became official U.S. policy with the federally-funded Indian Removal Act of 1830 (Venables, 2004, vol. 2). Most Indigenous Peoples east of the Mississippi river were forced to give up their homelands. In turn, those living in the west were forced to make way for the eastern

refugees.

According to Venables (2004), "Removal is a conscious policy decision formed by the interaction and negotiation of two peoples, one more powerful than the other" (vol. 2, p. 81). While initially removal was touted as a way of protecting Indigenous Peoples from continued encroachment, it became clear that reservation boundaries frequently did not offer the promised protection. For example, in 1851, the U.S. government signed a treaty with the Lakota guaranteeing retention of 60 million acres of territory. By the early 20th century, this was reduced to 8 million acres, following the discovery of gold in the Black Hills and uncontrolled encroachment by miners and other settlers (Lazarus, 1991). Encroachments and loss of territory have continued, as Indigenous Peoples have been removed from their territories to make way for dams, highways, and mineral exploitation. Currently in the United States, 98% of the land no longer directly belongs to Native nations (Venables, 2004, vol. 2).

Today the United States no longer has a stomach for extermination or blatant disenfranchisement, yet a substantial legacy of oppression persists. The United States was one of only four members of the United Nations that refused to sign the Declaration on the Rights of Indigenous Peoples. Given that Native Americans have not vanished, the United States is left with the question of how to interact with the Indigenous Peoples within its boundaries. While that interaction has often been negative in the past, there may be ways in which frontiers or boundaries can be redefined as meeting places for respectful negotiations and interactions, rather than settings of violence and oppression.

To be clear, oppression is not just a historical phenomenon. For example, the federal government has assumed a trust responsibility that includes provision of healthcare and education but has never fully met these obligations. Reliance on discretionary funding for this mandate compounds health disparities (Schneider, 2005; Westmoreland & Watson, 2006). Indeed, the federal government spends twice as much on Medicaid beneficiaries and federal prisoners than for Native Americans receiving health care through the Indian Health Service (Keohane, 2006). In addition to funding disparities,

the quality of healthcare provided to Native people is questionable. Between 1970-1976, the Indian Health Service and contractors associated with them performed sterilizations and coerced abortions on 25-50% of Native women of child bearing age, actions that fall within the United Nations (UN) definition of genocidal practices (Rutecki, 2011).

Likewise, treaties and the federal trust responsibility have led to federal obligations for provision of education to Native Americans (Raffle, 2007). Yet, tribal schools are chronically underfunded and were subject to additional cuts as the federal sequester went into effect in 2013. Since reservations have no taxable land, up to 60% of tribal school funding comes from the federal government (Layton, 2013). During times of financial austerity, such as the 2013 sequester, Native students are among the first and most heavily hit, experiencing federal cuts months before other classrooms are targeted (Mitchell, 2013).

Stereotyping, microaggressions and violence also impact the life circumstances of contemporary Native Americans. For example, anti-Indian violence is common in the context of Native rights claims (Perry, 2002). When the Anishinaabe of northern Wisconsin asserted their right to traditional fishing practices in the 1980s and 1990s, they were met with protests and threats of violence, including bumper stickers and posters with slogans such as "Spear an Indian, Save a Fish" (Perry & Robyn, 2005). Physical and social boundaries are maintained by violence and threats that remind Native people to stay in their place (Perry, 2009).

Extensive police brutality continues against Native Americans (Perry, 2002). The U.S. Commission on Civil Rights attributes disproportionately high incarceration rates to racial profiling, differential treatment in the criminal justice system, and lack of access to adequate legal counsel (Death Penalty Information Center, 2012). Incarcerated Native Americans often experience abuse for trying to maintain cultural practices such as keeping hair long and braided, wearing headbands, listening to Native American music, and speaking Indigenous languages (Death Penalty Information Center, 2012).

Racist attitudes are condoned and promulgated by government officials such as Michael Bloomberg, former Mayor of New York City. In 2010, he urged the governor of New York State to "Get yourself a cowboy hat and a shotgun" to confront

the Seneca Nation of Indians about a controversial taxation issue (Williams, 2010). "The fact that a prominent elected official sees nothing wrong with using this type of hate speech speaks to a continuing social climate in which some people find vigilantism and advocating for violence against Native Americans to be acceptable" (Weaver, 2014, p. 159).

Lack of awareness about contemporary Native Americans perpetuates stereotyping and a failure to recognize the on-going impacts of colonization. Across all states, 87% of references to Native Americans in elementary and secondary school curricula portray Native people prior to 1900 (Landry, 2014). Until there is widespread recognition of Native Americans as contemporary peoples, there will be no recognition of the need for decolonization or cultivating positive relationships across contemporary frontiers.

Reaching for Other Possibilities

In the United States and Canada there is a permanent occupation of Indigenous territories by non-Indigenous Peoples. While nations in Africa and Asia enjoy a post-colonial status, that is not likely to ever be the case in North America. "These heirs of conquest will never return to their ancestors' homelands, and the First Nations will be forever surrounded" (Venables, 2004, vol. 1, p. x).

Moving forward in a positive way necessitates decolonization—a way to change the current dynamic between Indigenous and non-Indigenous Peoples occupying the same territory. This process, while necessary, is fraught with challenges. First, there must be recognition of the impact of colonization, combined with a will on the part of the colonizer to give up dominance and share power. This is no small task.

Ideas of co-existence challenge legacies of colonial exploitation. It is incumbent upon the colonizer to both recognize that Indigenous Peoples persist and to take responsibility for the legacy of exploitation. While this is a long and arduous process, there has been some progress in moving toward dialogue in Australia (Howitt, 2001). Indeed, the discourse on decolonization in Australia focuses on internal processes, beginning with recognition of how colonization has shaped contemporary realities. Muller, an Aboriginal scholar and social worker,

proposes six stages of decolonization: (1) rediscovery and re-covery; (2) mourning; (3) healing and forgiveness: reclaiming well-being and harmony; (4) dreaming: and the dreaming (a phase of strengthening and valuing Indigenous philosophy and knowledge); (5) commitment (to societal change); and (6) action: decolonizing knowledge (2014). While some of these phases may ultimately lead to greater political and economic autonomy, the Australian discourse on decolonization empha-sizes the importance of internal processes—thinking differ-ently before being able to strive for other changes (L. Muller, personal communication, November 19 & 20, 2014).

> The legacies of colonial acts are inequitable power relations, diversion of resources to non-local private gain, alienation, pauperization, and a range of health, environmental and economic concerns within the affected communities … Reconcilliation, coexistence and sustainable local outcomes require decolonization of the relationships that underpin the 'frontier relations' that so deeply characterize relations within and between these interests. At wider scales, such decolonization opens the possibilities of co-existence in terms of the troubling questions of how to accommodate traditional law and custom as a legitimate authority in indigenous domains, how to recognize indigenous diversity rather than privileging a government-authorised and authenticated version of "Aboriginal," how to constitute national sovereignty without submerging or denying indigenous sovereignties, and how to build citizenship communities that do not require the overthrow of indigenous responsibilities. (Howitt, 2001, p. 242)

This process, described in the Australian context, is one that must be implemented in other contexts where colonizer and colonized continue to occupy the same territory. As part of the decolonization process, settler societies must grapple with the contested recognition of Native title (Howitt, 2001). When land was seized through unscrupulous processes or simply occupied by settlers without any attempts to deal with Indigenous occupants, contemporary questions arise of just where the boundary between Indigenous and non-Indigenous territories should rightfully be. For example, in Canada the

majority of the land within the province of British Columbia is under dispute (Wilkes, Corrigall-Brown, & Myers, 2010).

A move toward decolonization requires a different way of thinking about frontiers and boundaries. The Australian context provides one possible roadmap for moving in this direction.

> The ecological and permacultural concept of 'edges' provides an alternative way of thinking and speaking about these issues. It might enable us to shift away from the spatial shallowness and 'wedge politics' of One Nation toward a more complex, constructive and inclusive 'edge politics' that grapples with ambivalence, uncertainty, change, overlap, and interaction in ways that dislodge the old-style colonial metaphors of empty spaces, and frontier heroics. In other words, I want to shift Australians' geographical imaginings away from the oppositional zoning of 'frontiers' and the categorical separateness of 'borders' to a liminal, multidimensional, real-world idea of edges as places with a more solid and changeable engagement with complexity. (Howitt, 2001, p. 234)

While historically (and in some contemporary contexts such as land claims) a frontier is a place of conflict, it need not be that way. In more neutral terms, a frontier can be a zone of interaction—a meeting place. The challenge in the United States and in other settler societies is to find ways to negotiate boundaries between Indigenous and non-Indigenous societies without the dominance central to colonization. The idea of a new frontier can be framed as an opportunity for positive interaction that supports the social and economic development of Indigenous Peoples within a context that respects sovereignty, social justice, and human rights. As we craft the new frontier, we can look to the United Nations Declaration on the Rights of Indigenous Peoples (United Nations, 2008) and the International Federation of Social Workers policy statement on Indigenous Peoples (International Federation of Social Workers, 2005) for guidance.

Seeking Guidance from Key Documents

The United Nations and the International Federation of Social Workers (IFSW) have each issued declarations or policy statements on the rights of Indigenous Peoples (International Federation of Social Workers, 2005; United Nations, 2008). These documents affirm key principles that can foster positive interactions between settler societies and Indigenous groups. The UN and IFSW documents espouse the same principles and priorities, with the IFWS document being briefer and more tailored toward social workers, while the UN document has a broader focus. The two documents, however, share a significant amount of common language. The IFSW document, while approved three years earlier, relied heavily on a draft version of the UN document circulated in 1994. Summarizing from these two documents, key concepts that guide respectful cross-border interactions are as follows:

> - Indigenous Peoples are equal to all other peoples, yet retain a right to be distinct, consider themselves different, and be respected as such.
> - Doctrines that advocate the superiority of settler societies are racist, scientifically false, legally invalid, morally condemnable, and socially unjust.
> - Colonization has prevented Indigenous societies from development activities in accordance with their own needs and interests. Conversely, respect for Indigenous ways enables and promotes development.
> - Indigenous Peoples should be able to exercise control over development that affects them and their territories.
> - The right of self-determination is fundamentally important.
> - Indigenous issues are grounded within larger principles of human rights.
> - The recognition of rights in both the UN and IFSW documents is intended to promote harmonious and cooperative relationships with states based on justice, human rights, non-discrimination, and good faith.

Examples of Contemporary Boundary Negotiation

The United States context provides both positive and negative examples of how settler societies interact with Indigenous

Peoples around issues of self-determination and development. The following examples illustrate how Indigenous and non-Indigenous Peoples are negotiating boundaries around child welfare and casino gaming operations.

Child Welfare

Child welfare is a venue where competing interests often collide. Indigenous Peoples have a vested interest in maintaining their sovereignty and the integrity of their remaining territories. They also have an interest in the well-being of their own citizens and a right to self determination. The United States has determined that it has a vested interest in maintaining the safety of children within its borders, including Indigenous children residing within the boundaries of federally recognized Indian reservations. Under these competing interests, agents acting under the authority of the United States often unilaterally cross into Indigenous territories without permission and often without the knowledge of Indigenous authorities. Under U.S. federal law, any local law enforcement or child protective services agency that receives a report of alleged child abuse on a reservation is authorized and compelled to immediately initiate an investigation and take steps to ensure the well-being of the children involved, including removal if deemed necessary (25 USC chapter 34, 2012). While Native American tribes can assert jurisdiction over their tribal members in cases involving foster care or adoption under the Indian Child Welfare Act (1978, 25 U.S.C. § 1901-1963), this does not apply to child abuse investigations.

Since time immemorial, Indigenous societies have had their own helping systems and ways of managing crises. Many of these systems persist today. For example, in some Indigenous tribes of the Northeastern United States and Southeastern Canada, Clan Mothers, typically mature women responsible for the well-being of members of extended family groups, are available to respond to various family and community problems, including situations where a child may be at risk. Often, however, such ways of intervening in a crisis are not recognized by mainstream authorities such as Child Protective Service (CPS) agencies.

Typically, in the case of a child abuse investigation, CPS workers cross onto a reservation, acting unilaterally. This

can be perceived by Indigenous people as yet another invasion where borders are not respected by the dominant colonial power. Although CPS is vested with the legal authority to cross onto reservation territories to investigate child abuse allegations, as the old saying goes, "might does not make right." Indeed, such heavy handed tactics further negative perceptions and relationships between Indigenous and non-Indigenous Peoples.

Some local CPS authorities have made a point of finding ways to respect the integrity of Indigenous territories and Peoples while fulfilling their mandate to protect children. Indeed, some tribes and counties have proactively worked to develop agreements that guide child abuse investigations. Coordinated or joint services may be developed between local and tribal authorities and outlined in memorandums of understanding. In the case of at least one Northeastern county, CPS officials have partnered with Indigenous Clan Mothers. When a CPS call is received that requires an investigation on the reservation, social service workers are accompanied by a Clan Mother when they cross onto tribal territory. The social service worker and Clan Mother partner to enhance the well-being of Indigenous children and families.

This example illustrates how Indigenous and non-Indigenous Peoples can proactively develop ways to negotiate boundaries and further positive responses where both sides can fulfill their mandates and foster the well-being of Indigenous children. Child welfare is often a highly contentious issue, and clearly the non-Indigenous authorities are vested with a significant amount of power under these circumstances. It would be easy to continue to replicate patterns of dominance where the border/frontier is crossed in a unilateral manner that denies any power or self-determination for Indigenous Peoples. Instead, however, the model described above promotes a respectful partnership that strives toward the mutually held goal of child safety.

Clan Mothers are vested in legitimacy of Indigenous traditional systems, not Western ways of governing or resolving problems. Recognition of their roles within Indigenous communities is an acknowledgement that Indigenous priorities and ways of doing things have value. The partnership described above is a notable example of people vested in authority from

the dominant society going far beyond their legal mandates to work across boundaries in engaging and respectful ways.

This example illustrates how attitudes and behaviors have changed, even in the absence of legal mandates. In reflecting on the priorities outlined in the guiding documents above, it is clear that this example promotes Indigenous self-determination. While the process is still initiated by non-Indigenous entities, outreach to Clan Mothers to fulfill their traditional role and partner with and escort CPS agents onto tribal territories minimizes the sense that, once more, the frontier is being breached. This promotes respect for traditional ways of handling crises and minimizes the sense that the outside way of handling this situation is superior. Indeed, this is a prime example of promoting harmonious relationships across the frontier, based on good faith.

This model of respectful engagement across frontiers can be replicated in other regions and other contexts. While not all Native Nations have Clan Mothers with responsibility for the well-being for the people, all do have some form of traditional helping systems. Child protective service workers in various regions can become familiar with Indigenous mechanisms for assisting tribal members and can proactively reach out to them to develop culturally appropriate ways of conducting investigations. This type of proactive outreach can also be applied in a variety of settings in addition to child welfare.

Casinos

Some Native American tribes have developed bingo and casino gaming operations as a form of economic development. While many U.S. states do not permit casino gaming, this is deemed legally permissible on Indian reservations within those states because Native American nations retain some aspects of sovereignty and in most cases do not fall under the authority of state laws. As more tribes developed gaming operations in the 1980s, states protested their lack of control over and revenue from gaming, and the United States moved to develop federal regulations. This resulted in the 1988 passage of the Indian Gaming Regulatory Act (National Indian Gaming Commission, 2013).

Under this Act, Indigenous nations must enter into compacts with states in order to initiate casino (class III) gaming

operations. Compacts may have provisions extending criminal and civil laws of the state and require that payments be made to states and/or localities. All compacts are subject to approval by the Secretary of the Interior (National Indian Gaming Commission, 2013). In practice, compacts have often led to significant and permanent cessions of sovereignty associated with accepting state jurisdiction. On the other hand, negotiation of a compact could, at least in theory, codify basic principles that result in fair sharing of power and resources.

The issues raised by casino gaming present interesting questions regarding the balance of power between states, the federal government, and Native American nations. On one hand, tribes can assert power by developing gaming operations in states where casinos would not otherwise be allowed. On the other hand, Federal regulation of gaming impinges on Indigenous sovereignty in ways that have long-term implications for sovereignty. Scholars and observers have a variety of opinions on who benefits most from these arrangements.

The development of casino gaming is an exercise of tribes' right to self-determination. In some cases, tribes have also been able to buy back land in their traditional territories as part of developing gaming operations. For some tribes (although certainly not all) gaming has become a lucrative means of economic development that has led to significant financial gain for tribes with few other economic resources. It is questionable, however, that this form of economic development falls within the intent expressed by the UN and IFSW when they spoke of development within the needs and interest of Indigenous Peoples. Casino gaming has been a very contentious and divisive issue for many Indigenous Peoples, with some opposing it on the grounds it violates some traditional religious practices that use games of chance within a ceremonial context. Other Indigenous Peoples have opposed gaming because of its potential links to addiction and criminal elements; both are significant problems in some Indigenous communities. Still others object because the process of obtaining a compact is perceived as one which erodes sovereignty.

In contemporary times, Native American tribes are perceived to be "domestic dependent nations" under the protection of the U.S. federal government. This paternalism,

enshrined in U.S. law, is what requires federal approval of state-tribal compacts. Federal regulation is designed to shield Native Americans from corruption and the bad-faith dealings common along the historical frontier. While federal oversight of tribal affairs is of long standing, compacts authorize a level of state involvement that is largely unprecedented and could be interpreted as a major cession of sovereignty and self-determination that can never be recovered. States, on the other hand, may have significant incentives for negotiating compacts that authorize casino gaming. For example, in Connecticut, the state receives 20% of gambling proceeds from Indian casinos (Knopff, 2011).

The federal paternalism inherent in the process of negotiating compacts is a clear illustration of continuing oppression. No longer recognized as fully sovereign, Native American tribes are subject to a level of federal oversight that goes far beyond that experienced by any other group in the United States. Indeed, the U.S. federal government continues to manage the assets of many Native American tribes and individuals under a variety of circumstances including land leases and mineral rights. A lawsuit revealed that billions of dollars that the U.S. Federal Government was required to hold in trust is unaccounted for or has been mismanaged (Vezzola, 2010).

While ostensibly some tribes choose to develop gaming operations to promote economic development and self-sufficiency, there is the lingering question of whether they have traded away self-determination in the long-term for short-sighted opportunity. From another perspective, some believe that while, on the surface, states may protest against casino gaming and claim to take the moral high ground, their economic interests are served by Native American gaming operations. In other words, tribal casinos allow the state to benefit economically while protesting on moral grounds, thus keeping their own hands clean. In this sense, Indigenous Peoples may be perceived to be exploited—doing the dirty work for non-Indigenous benefit.

This example illustrates the complicated nature of contemporary frontiers and interactions between Indigenous and non-Indigenous Peoples and their governments. While casino gaming may support the UN and IFWS principles of economic

development and self-determination (particularly in the short-term), the need for tribal-state compacts ultimately diminishes self-determination. Many observers on both sides of the frontier would also question whether this has promoted harmonious relationships based on justice. Casino gaming is a contentious issue, both for Indigenous and non-Indigenous Peoples. While this is not a positive example of interactions, unfortunately it remains more typical of contemporary Indigenous–non-Indigenous interactions than the example cited earlier.

Conclusion

There is a long standing history of negative interactions between Indigenous and non-Indigenous peoples across the frontier that served as a permeable boundary between them. Dominance and oppression often characterized these interactions. In many ways negative elements linger, as towns that border reservations are often known for violence and racism. The United States has refused to sign the United Nations Declaration on the Rights of Indigenous Peoples, thus making their commitment to the development of more positive relationships with Indigenous Peoples within their borders questionable.

However, there are glimmers of hope. The child welfare example noted above demonstrates a model of cooperation across borders. The UN and IFSW documents present guiding principles for those interested in developing better relationships based on respect and justice. Other settler societies, such as Australia, appear to be willing to begin the dialogue and grapple with the difficult issues of what decolonization might mean for territories where the settlers and Indigenous Peoples remain within the boundaries of the colonial nation state. While we can anticipate that this will be a long, arduous task fraught with difficulties, countries such as Australia are to be commended for their willingness (however ambivalent) to begin to grapple with these issues in a way that the United States has yet to initiate. This can serve as a model for the United States to examine what it might mean to find ways to pursue a more positive new frontier with Indigenous Peoples.

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