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**Testimony of Urban Indian Advisor
Expert Mechanism on the Rights of Indigenous Peoples
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The U.S. Census Bureau identifies 5.2 million people as American Indian or Alaskan Native in the U.S. There are over 600 areas identified as statistical areas controlled by American Indians, or Alaskan Natives, including reservations, off-reservation and trust land. 75% of Native Americans live outside of "Indian Areas," and that 75% are defined as urban Indians.

The issues of Indigenous people living in the cities have yet to be addressed. Location should not be a determining factor on the rights that accrue to Indigenous People, because they are Indigenous. Indigenous rights are inherent rights, regardless of where we live.

Native Americans lose many of their rights they are entitled to through their tribes when they leave their reservations. Benefits fail to follow Native people into the cities, even though they are enrolled members of a tribe.

Urban Indian organizations presented a document to the 2009 Presidential Transition team out-lining actions that could be taken to involve Urban Indians in the process of transiting to a new federal administration in the U.S. There was no response to the document and there is no seat at the table. We are the most marginalized people in the U.S. Indigenous people are invisible in the cities.

The U.S. Government's various departments set-aside millions of dollars each year for Indian specific programs. If those funds are not used by the tribes for whatever reason, they are returned to the federal government, ignoring all the needs of Indigenous Peoples in the cities. As an example: many eligible tribes did not submit housing plans to the Department of Housing and Urban Development (HUD), and over 151 million dollars have been returned un-used and unspent over a period of five years; meanwhile dismal housing conditions and over-crowding persist in the cities for Indigenous Peoples.

Substandard housing is estimated in some communities at 60%, adding to the human suffering. In the Detroit area, a high percentage of Native people have had their water turned off because they cannot afford to pay for the water.

Substandard housing has been an issue for years. The U.S. Commission on Civil Rights has documented poor housing conditions as early as 1961. Adding to the housing problem is the discrimination in homeless assistance. This past March, Urban Indian organizations met with HUD officials in Washington, D.C. to complain about the lack of homeless assistance for Native people. Funds designated for homeless assistance do not reach Indian people because the places where Indians go for help are not receiving homeless funding. Indian people are reluctant to go to mainstream agencies for help, for fear their children will be taken away, as well as their historical distrust of the government.

Native organizations asking for help for the homeless have been met with hostility and discrimination. Housing officials know that no one is going to enforce laws requiring them to provide

equal access. There is no penalty for violating the rights of Indian people. Figures from the Department of Housing and Urban Development indicated that only 25 Native families received homeless assistance in the Detroit area, even though the area has the largest number of American Indians in the State of Michigan. One in every four Native Americans lives in poverty, but yet only 25 received help, with a population according to the U.S. Census of 40,000 in the Metropolitan area of Detroit.

The Snyder Act of 1921 authorized US Government aid for the benefit, care and assistance of Indians throughout the United States. No mention was made of geography as a condition of that aid.

American Indians continue to be at the bottom of every social economic indicator in America. Provisions of the Declaration on the Rights of Indigenous People should be the document that drives human rights, equity and inclusion.

The Department of Health and Human Services receives the largest budget appropriation for Native American Specific Programs. It funds the Indian Health Services, yet while many of those programs are specific to Native Americans, they are now open to anyone that walks in. Particularly if, for example, the agencies become Federally Qualified Health Centers, who must serve all persons who have Medicaid or no health insurance, regardless of race. In spite of Indian Preference Laws, funds no longer go specifically to American Indians just because "Indian" is in the title, further reducing per capita spending on health care to the group that receives less funding per capita than any other group for which the federal government has health care responsibilities, including prisoners, veterans, Medicare or

Medicaid. The Health care needs have never been met, because they are seriously underfunded.

American Indians gave up 96% of their land which formed the present day United States of America. In return, obligations were made. Those obligations have never been met.

Improvements are also needed in Indian education. Report after report, year after year, failures in Indian Education have been documented. Only 13% of American Indians have a college education.

Congressional committees, government watchdogs, investigative journalists, and academics have all detailed the failures. Education is described as abysmal, yet where is the will to make it better? The Federal Government has not upheld its legal and moral obligation to provide sufficient funding for Native American education at any level.

American Indians in the U.S. today, are twice as likely to suffer from food insecurities and hunger than the general population, according to the government's own reports, yet Food Stamp Programs are being trimmed back across the country from the federal programs.

The Department of the Interior's Bureau of Indian Affairs serves 25% of Indian people. Urban Indian agencies serving the other 75% have no contact with the BIA, yet it was the BIA that established relocation policies, moving Indians to urban areas in the late 1950s and early 1960s. Half of the Indian population in the U.S. was relocated into the cities. The U.S. Government then began the policy of Terminating the Tribes special relationship to the Federal Government, as well as

Terminating Reservations in an attempt to assimilate Native Americans. Urban Indians today are the close decendents of those people who were relocated into the cities. The experiment failed, we have not assimilated.

The United States has failed to comply with Treaty Rights and the Duty to consult with Indigenous People. Consultation has only been done with Tribal officials, while Indigenous People in the cities are ignored. Little, if any, consultation is done with the majority of American Indians living in the cities.

The U.S. Department of Health and Human Services conducted a survey of Urban Indian Centers in 2014. Findings suggested that low-income urban American Indians present with an array of social service needs, from basics, (food, shelter, clothing, to assistance with identification birth certificates, tribal enrollment cards, and health services including mental health, substance abuse and domestic violence.) It was also noted that urban Indians expressed the need to be connected to their heritage as primary.

The study found that in spite of great and wide ranging needs, urban American Indians often may not seek services or supports, because of distrust of government or an unwillingness to engage with government agencies. Many are unclear as to how the U.S. mainstream system works. The study stated that Urban Indian Centers play a critical role by serving as a safe and trusted place. For Urban Indians the study supports other data that finds urban Indians have higher rates of poverty, unemployment and homelessness, compared to the general population.

The Westat Study on urban issues found that the needs of low-income urban American Indians are not unlike the needs of other

low-income groups. But respondents also noted that the historical circumstances that contribute to the populations' distress are unique to American Indians, including genocide, children taken away by the States, placement on reservations, involuntary placement of children in government financed Boarding Schools, the termination of Tribes and forced relocations into the cities, etc. These issues have created external stress on the Native population for over 300 years.

Government agencies are quick to point out "what they do" for the Tribes when Urban Indian Centers point to institutional discrimination. Few State agencies even bother to look at the demographics of the Native population in their states. Many State and Federal Agencies believe that Urban Indian Centers can work in collaboration with mainstream providers, which is not the case. History has shown "collaboration" for American Indians means discrimination, denial of equal protection, sanctioned disparities, hostility and miscommunication. Self determination requires that American Indians meet the standard described in the Declaration on the Rights of Indigenous Peoples.

The U.S. Government's policy of Federal Recognition is arbitrary and it denies the rights of, and limits protections to, thousands of American Indians; it is also a form of cultural genocide.

"Federal Recognition" is much like the Doctrine of Discovery. It has no legal foundation. The concept of Federal Recognition came about in the U.S. in 1969 when the Bureau of Indian Affairs employees created a list of tribes they deemed "Recognized." They stated that these tribes would be the ones recognized by the Federal Government. With over 600 Tribes, the BIA employees missed listing some tribes. There was no set criteria at its

inception to determine which Tribes made the list. There was no process for inclusion if your tribe did not appear on the list and there was no opportunity to appeal. In case after case, the U.S. Federal Courts have determined that there are many ways in which tribes have been recognized and can be recognized. As a result, there has been no one, consistent definition.

The U.S. Government is setting up categories of American Indians. Federally recognized, State recognized, State Historic Tribes and Urban Indians, etc. The U.S. 9th Circuit Court determined "The failure of the Federal Government to recognize a particular group of Indigenous People as a Tribe cannot deprive that group of vested treaty rights."

As Indigenous People our ancestors signed the treaties, our parents and grandparents were legally required to attend the Government's financed Boarding Schools, our families were owed trust fund accounts, because we are Indigenous. Yet an outside agency can tell you, you are or are not an Indian.

Indigenous People in the cities have an overwhelming sense of marginalization and invisibility, due to the small size of Native populations compared to other racial/ethnic groups. Urban Indians feel the small numbers have led to neglect and discrimination when it comes to city programs, services and funding. In summary, Urban Indigenous Peoples are denied rights they are entitled to, simply because they are living off reservation.