# **Colonization Continued:**

# Historical and Modern Summary of Environmental Injustices Facing US Indigenous People and Possibilities for Collegiate Support

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#### **Land Acknowledgement**

The purpose of a land acknowledgement is to recognize that the land that is now known as the United States was violently stolen from indigenous people. At the time of Kentucky's statehood, over twenty indigenous nations had legal claim to the land. The following quotations are official land acknowledgement statements as posted by University of Kentucky departments:

#### **College of Education**

The University of Kentucky (UK) rests on the dispossessed lands of the Cherokee, Chickasaw, Osage, and Shawnee people. With recognition and respect, we live and work in these ancestral lands, as well as those of the Delaware, Mosopelea, Wyandot, and Yuchi people.

# **Center for Health Equity Transformation**

The Center for Health Equity Transformation (CHET), Lexington Kentucky, is located on the original homeland of diverse Native peoples who arrived over 10,000 years ago. The most recent among them were the Shawnee. Today, Kentucky is still home to over 25,000 Native people representing scores of tribal groups. CHET recognizes the injustices Native peoples have endured. Through this statement, we hope to begin the long process of healing.

# **College of Pharmacy**

We wish to remember and honor those who inhabited this Commonwealth before the arrival of the Europeans. Briefly occupying these lands were the Osage, Wyndott tribe, and Miami peoples. The Adena and Hopewell peoples, who are recognized by the naming of the time period in which they resided here, were here more permanently. Some of their mounds remain in the Lexington area, including at UK's Adena Park.

In more recent years, the Cherokee occupied southeast Kentucky, the Yuchi southwest Kentucky, the Chickasaw extreme western Kentucky and the Shawnee central Kentucky including what is now the city of Lexington. The Shawnee left when colonization pushed through the Appalachian Mountains. Lower Shawnee Town ceremonial grounds are still visible in Greenup County.

We honor the first inhabitants who were here, respect their culture, and acknowledge the presence of their descendants who are here today in all walks of life including fellow pharmacists and healthcare professionals.

This land acknowledgement page was included because it is important to consider the point of power and privilege this paper is written from. I included acknowledgements by the only departments with an official land acknowledgement easily accessible on university webpages to hold UK, as an institution, accountable for this lack of official recognition.

# Colonization Continued: Historical and Modern Summary of Environmental Injustices Facing US Indigenous People and Possibilities for Collegiate Support

The environmental justice movement confronts the disproportionate hardships faced by marginalized communities concerning substandard environmental exposures due to industrial processes, waste management, poor pollution control, and other harms. The idea of environmental justice has been around for years and as such has roots in white supremacy. Environmental concerns became prevalent in 1950's US when industrial pollution began impacting the white, middle class, American lifestyle, ultimately dumping the burden of waste and pollution management on predominately communities of color (Davoudi and Brooks, 2014, p. 2687). In the 1980's, a published study illuminated this discrepancy, and a new era of environmental justice began with the term environmental racism (Davoudi and Brooks, 2014, p. 2687). When Benjamin Chavis coined the term, he defined it as "racial discrimination in environmental policy-making and enforcement of regulations and laws, the deliberate targeting of communities of color for toxic waste facilities, the official sanctioning of the presence of life-threatening poisons and pollutants for communities of color, and the history of excluding people of color from leadership of the environmental movement" (Johansen, 2020). One group under the umbrella term 'people of color', is indigenous people with a deep-rooted history of suffering inflicted by western colonizers.

The term 'indigenous people' has evolved throughout history and is the current term referring to people who lived on the land now called the US, once called Turtle Island, prior to colonization. Europeans have inflicted environmental injustices on indigenous people since colonization. Land was stolen and genocide was justified. The attitude of entitlement extends to this day in actions made by the US government. Pipeline construction, oppression of cultural expression, land pollution, reservation districting, and required participation in the US law system are roles environmental injustice plays in the marginalization and forced assimilation of Indigenous people.

Social theory encompasses ideas which relate societal function and power to identities such as gender and race. Recently, experiences of individuals holding multiple marginalized social identities have been viewed through the lens of intersectionality. Intersectionality is not yet explicitly defined as a framework, concept, theory, etc., and the ambiguity welcomes interpretations which could either turn 'intersectionality' into a trivial buzzword or a powerful framework through which social injustices could be analyzed and addressed (Collins, 2019, p. 4). Painting the global climate crisis and issues facing indigenous people as intersectional allows an analysis historical power structures shaping the environmental injustices faced by indigenous people today. Social theory helps examine how oppressing cultural identity perpetuates these

power systems. Specifically, juxtaposing westernized cultural norms, court systems, and land ownership against the those of indigenous people creates a new understanding of environmental issues and what qualifies a just approach to finding solutions. This comparison was brilliantly described by Meissner in a work to be discussed later (2020, p.354). Viewing environmental racism within social theory is crucial to fully unroot, heal, and cultivate a new and equitable system.

Defining equity within environmental justice encompasses many rights from clean air to minimum quality of life. At the heart of the environmental movement is the core belief that every global citizen deserves an equal and good earthly experience. Here and in all issues of social injustice, equity is not only an idea, but an action taken to addresses discrepancies to achieve ultimate justice and equality.

Environmental injustice is an issue of power. Marginalized communities lack an influential voice in the private and public sector, allowing minimal control over what processes occur on or near their land. Companies can exploit land which has cheaper monetary value if EPA regulations are met or unenforced. Often, opposition has inadequate legal and public support, allowing continued exploitation. If power structures can dictate one's experience with nature, it presents questions of rights. Who deserves clean water or air? Peaceful sounds? Unpolluted nature? Who deserves environmental autonomy?

The question of 'who' within environmentalist work shifts a justice issue to a *social* justice issue. Areas harboring marginalized communities such as children, LGBT+ people, women, and people of color are often selected for exploitation and contain increased toxicity levels. People of lower socioeconomic status are subjected to higher rates of air pollution, leaving people, especially children, within these communities vulnerable to adverse health effects in the lungs, brains, and entire body (Mathiarasan and Hüls, 2021). Children in lower socioeconomic groups and marginalized ethnicities were statistically overrepresented in data collection of high NO<sub>2</sub> exposure in Texas, a result of vehicular air pollution (Chakraborty, 2022, p.7). Health disparities experienced by LGBT+ households (including a 23.8% higher risk for respiratory issues compared to heterosexual counterparts) could be attributed to environmental exposures (Collins et al. 2018). Women are especially vulnerable to chemical toxins due to cosmetic products (Zota and Shamasunder, 2017). Further, darker-skinned women face social pressures which idealize whiteness increasing susceptibility to the marketing of face lightening cream, hair relaxers, and fragranced feminine hygiene products, exposing them to environmental toxins, increasing their risk of developing mercury poisoning, cancer, and premature puberty (Zota and Shamasunder, 2017). Black and Latinx people residing in coastal and island communities experience disproportionate levels of harm and life alterations compared to white residents when facing the increase in coastal storms resulting from climate change (Shultz et al., 2020). Non-Hispanic black people and

immigrant Hispanics were exposed to more environmental toxins compared to non-Hispanic white people and US-born Hispanics in Miami (Grineski et al., 2017). These studies offer a glimpse of the adverse health effects resulting from the intersectionality between environmentalism and ageism, homophobia, sexism, and racism.

Considering environmental racism, indigenous people are 16.1% more likely than any other ethnic group to be diagnosed with diabetes and suffer the lowest cancer survival rate of any racial group in the US and these rates can be partially attributed to environmental contaminants compounded by poor health care delivery and poverty rates (Hoover et al., 2012). Tribal communities have underfunded environmental mitigation efforts and poor policy enforcement, allowing indigenous people immense suffering from environmental devastation (Hoover et al., 2012). For instance, tribal communities in South Dakota and New Mexico suffer high rates of poverty, infant mortality, and cancer attributed to toxicity exposure from air and groundwater contamination from uranium mining (Hoover et al., 2012).

New Mexican indigenous people also experience exploitation from the oil and gas industry. One current dispute lies in the Chaco canyon area. On November 15<sup>th</sup>, 2021, President Biden announced an intention to establish a 20-year drilling ban within a 10-mile radius around the historic national park, encompassing indigenous cultural landscapes (Rait and Williams, January 2022). Pueblo tribes considered this announcement a long-sought-for victory (Rait and Williams, 2022). A 90-day public comment period brought resistance from republican representatives advocating for domestic (rather than foreign) oil sourcing (Friedman, February 2022). Navajo leader Ervin Chavez, who owns local mineral rights, also opposed the ban since it would limit regional economic prosperity (Richardson, March 2022). This discourse led to the extension of the public comment period to May 6<sup>th</sup>, 2022 (Davis, March 2022). The ban decision is yet to come, hopefully preceded by a discussion of the health and culturally impacts on the Chaco canyon community should drilling be allowed.

The Oil and gas industry plagues other indigenous communities within the US including wildlife reserves significant to Alaskan natives. Here, 19.3 million acres in northeastern Alaska with great cultural and ecological richness have been defended by native Gwich'in and Iñupiat people for years (Johnson, 2021). In 1972, 44 million acres were returned to indigenous ownership and in 1980, President Carter extended the protection, renamed it the Arctic National Wildlife Refuge, and passed an act requiring congressional authorization for land development. In 1987, President Reagan encouraged coastal plain drilling exploration which the G.W. Bush administration pursued in 2002-2003, only to be blocked by the senate. Throughout these events, the Gwich'in people advocated for land preservation, publishing an official review in 2018 about

the effects of potential operations on the arctic region. The Trump administration proposed the land for an oil extraction project lease despite all major US banks refusing investment, the outcry of human rights violations, and advocacy of wildlife protection (Johnson, 2021). In 2019, Gwich'in leaders across the US were joined by faith leaders, scientists, and veterans to oppose the leasing of the land, leading to fifteen states and two social justice organizations suing the trump administration (Johnson, 2021). This action and continued protest led to the withdraw of some but not all the land from the plan. The Gwich'in Steering Committee and Tribal Governments sought a temporary restraining order to prohibit Trump from approving leases on coastal land but was denied by an Alaskan judge arguing outdated justification. On the last day of the Trump administration, they issued official leases and attempted to pass legislation requiring banks to finance the oil, gas, and assault weapon projects. On President Biden's first day, he placed a temporary moratorium on all actions related to the Coastal Plain Oil and Gas Leasing Program. The Gwich'in people are continuing the fight for the discontinuation of the leasing program as well as a ban of oil and gas drilling in this territory to this day.

Off the mainland, Pacific Islanders are faced with the direct and urgent consequences of climate change. The state of Hawaii, home to many indigenous people, is one of these islands as well as inhabited US territories such as Guam, American Samoa, and the Northern Mariana Islands which do not hold statehood but are US-claimed for political, defensive, and resource (oil, gas, and mineral) interests. The 2022 IPCC Special Report highlighted the increased risk of pacific islanders to ecosystem disruption, food and job insecurity, disease vulnerability, and loss of cultural identity and dignity (due to inevitable relocation) due to climate change (IPCC, 2022). The report states the high likelihood that climate change resulting from a 1.5°C increase in global temperature could leave many pacific islands uninhabitable by 2030 and completely submerged by 2100, however this analysis does not acknowledge the findings of Pacific authors or the resilience of these communities (germane, 2020). Regardless, Pacific Islanders are highly threatened by climate change despite playing a minimal role in the anthropogenic cause. The media and US government neglects to acknowledge pacific islander's need for environmental assistance. The US profits off these territories and offers little in return, an environmental betrayal towards pacific islanders.

These case studies exemplify industrial and political exploitation allowable under federal and state laws comprised of distinct rules which vary between tribal and non-tribal land (Hoover et al, 2012). Structural inequalities built within US legislation are founded on a history of tribal exploitation.

#### History

Western powers founded a relationship with indigenous people on violence and assimilation, well known by the nature of colonization. However, the establishment of the colonies as sovereign states did not erase this attitude with treaties. Citizenship bringing legal rights and recognition of personhood at the expense of assimilation was weighed against cultural separation at the expense of land robbery, an environmental injustice in the form of food and resource insecurity.

Once the US entered World War I, the question of citizenship complexified for indigenous people. Although some Native American men volunteered as US allies, many other Native American men were illegally drafted to fight for a country which did not legally recognize their personhood (Cobb, p. 9-11). Shortly after, war veterans and later all Native Americans were "gifted" citizenship which was begrudgingly received in light of assimilation efforts and injustices including bans on ceremonial practices, inequitable leases, and legislation which favored non-Indians in land disputes (Cobb, p. 9-11). One of these included the enforcement of the Religious Crimes Code of 1883 which explicitly banned ceremonies including rainmaking, a history brilliantly compared with the western practice of damming and other environmental exploitations by Shelbi Meissner.

Native activism was expanded once President Wilson placed emphasis on self-determination following World War I, a concept which would fuel a fire with which to burn the concept of assimilation.

Between 1934 to 1954, the theft of land from indigenous people continued through local and federal disputes and cultural oppression thrived with missionary actions outlawing dances and ceremonies, supported by the establishment of institutions such as Indian police forces (Cobb, p. 55-57). Once poorly managed land disputes, catalyzed by the Great Depression, attracted public attention, the Indian Reorganization Act of 1934 was passed to reform laws, enabling Native self-governance, land reconsolidation, economic development, and cultural pluralism (Cobb, p. 55-57).

US entry into World War II allowed new relationship growth between Indigenous people and the US as many Native American men and women contributed greatly to the war effort, developing healthier relationships between reservations and cities (Cobb, p. 55-57). Like other Americans, Indigenous people expected postwar America to thrive off World War II victory in terms of land compensation and social acceptance (Cobb, p. 55-57). Unfortunately, postwar prosperity catalyzed dam construction, causing irreparable environmental and cultural damage. For instance, the construction of the Dalles Dam in 1957 completely flooded a valued cultural fishing site which the local indigenous communities had thrived off since times immemorial.

The civil rights era introduced new spaces for dialogue concerning race disparities in the US. Indigenous youth vocalized issues facing Native Americans in congruence with other marginalized communities. However, most white liberals failed to recognize the differences between the black and indigenous experiences. A push began to abolish reservations and convert them to municipalities, a juristic forced assimilation proposal that was wildly opposed by indigenous people. These anti-sovereign actions included House Concurrent Resolution 108, Public Law 280, and legislation which severed government relations with nearly one hundred Native American tribes and bands. The rhetoric of equality and freedom was used to portray good intentions meanwhile completely ignoring the voices of indigenous people who have continually sought for sovereignty as a separate Nation (Cobb, p. 97-99).

The vocabulary Indigenous activists strategically developed as a response to terminationists reflected independence from global governance, a strategy legendarily attributed to Vine Deloria Jr. (Cobb, p. 153-156). Indigenous activists fought for a seat on the UN council but were repeatedly denied despite the UN's claim of human rights and decolonization activism (Cobb, p. 153-156). Through aggressive lobbying, the UN eventually established an initiative entitled Working Group on Indigenous Populations within the UN's Subcommittee the Promotion and Protection of Human Rights, resulting in the Draft Declaration on the Rights of Indigenous Peoples in 1993 (Cobb, p. 153-156). Throughout this time, the Native agenda included addressing historically broken treaties, discrimination, police violence, fishing rights, and self-determination. These resistances culminated in the termination of the terminationist movement and legislations followed by the Indian Self-Determination and Education Assistance Act (1975), the Indian Child Welfare Act (1978), the American Indian Religious Freedom Act (1978), the Indian Gaming Regulatory Act (1988), the Native American Graves Protection and Repatriation Act (1990), and the Indian Self-Governance Act (1994). Though these compromises were comprised of victories, they were not all satisfactory and many oppressive actions were still enacted including the denied congressional recognition of tribal courts (Cobb, p. 153-156).

During the Obama administration, the US issued an official Apology Resolution to Hawaii and later congressional apologies were issued from the Bureau of Indian Affairs in 2010 (Cobb, p. 203-205). The US reversed its opposition to UN Declaration on the Rights of Indigenous Peoples and passed supportive legislations including the American Indian Trust Fund Management Reform Act, Native American Housing Assistance and Self-Determination Act, Tribal Law and Order Act, and Violence Against Women Act (Cobb, p. 203-205). But still, the Supreme Court ruled on multiple cases against the interests of

Indigenous people including Seminole Tribe v. Florida (1996), Nevada v. Hicks (2004), Carcieri v. Salazar (2009) and Adoptive Couple v. Baby Girl (2013).

As the pressures of climate change increased in the 21st century, indigenous people pushed for economic development with resource management and clean energy through organizations such as the Indian Country Renewable Energy Consortium, the Intertribal Council on Utility Policy, and federal and states partnerships. The Peoples Climate March in New York City preceding the UN climate summit of 2014 had a massive turnout of Indigenous people advocating for environmental action. The Indigenous community has faced many environmental injustices beginning with land robbery without compensation which continues with congressional decisions which fail to recognize Native Nation sovereignty and subject land reservations to environmental pollution.

#### **Overcoming Injustice**

There is no way to fully heal the wounds the US government has inflicted upon Indigenous people including genocide, cultural violence and suppression, belittlement, fetishization, and an array of other crimes violating basic human rights and compassion. No number of monetary reparations could equal the atrocities inflicted upon Indigenous people. There must unwavering progress from here.

The absolute bare minimum would be the consideration and recognition of indigenous voices in the face of legal land disputes. This is an especially prominent approach when considering environmental injustice. The US government should have no authority to lease land that has been settled with Native American ownership for any purpose whatsoever, including the exploitation of resources such as oil and gas. Historically, these treaties have been broken. Repetitively. The only decent way to continue is for the US government to refrain from the compulsion to break any more promises made to Native American people.

Further, all influential players involved in the environmental injustices facing indigenous people including the oil and gas industry, the US government, indigenous people, and all US citizens, must negotiate and agree upon retributions. This could include monetary payments for stolen land, welfare programs developed and maintained by indigenous communities, environmental agreement, dam removals, and any other solutions developed by indigenous leaders.

These may sound like extremist ideals, but they are long overdue solutions to problems the US government has allowed to compound for centuries. There is value in these efforts. They are urgent considering the climate crisis. Indigenous people have no reason to trust the US government, and that is why it is the responsibility of we the people to hold our elected official accountable.

#### **University Student Involvement**

Every US citizen has a civic duty to advocate for each other. This is a primary way for university students to confront issues facing indigenous people, including environmental injustice. The NAACP's Environmental and Climate Justice Program and The Equitable and Just National Climate Platform are to resources students can look to for self-education and to offer support (Patnaik et al., 2020). The National Resource Defense Council leads many efforts related to the enforcement of the Clean Air Act and EPA pollution regulations (Patnaik et al., 2020). However, these organizations broadly address environmental racism, not exclusively environmental injustices facing indigenous people. The National Congress of American Indians and College Fund are two organizations students can look to considering issues facing indigenous people. Currently, these organizations are advocating for the Violence Against Women Act reauthorization bill (HR 1620) to reaffirm Tribal Women jurisdiction to prosecute non-Tribal aggressors of sexual violence and assault (American Indian College Fund, 2022).

### Making a Difference on Campus

Currently, the four-year graduation rate of Indigenous students in US institutions is only 23%, and the six-year graduation rate is 41% (Scott, 2019). Historically, higher education of Indigenous people has been a means of assimilation where many face racist discrimination not made illegal until 1978 (Scott, 2019). Indigenous students have still been blamed for university failure, had police confrontation for touring colleges, and been restricted from graduating while wearing cultural clothing (Scott, 2019). Promoting inclusion on campus is a University responsibility students must demand by requiring land acknowledgements, facilitating meaningful relationships between universities and indigenous communities, allowing traditional clothing wear, evaluating diversity competency, holding listening sessions to acknowledge racism incidents experienced by indigenous students, celebrating Indigenous Peoples Day rather than Columbus Day, removing racist mascots, murals, or paraphernalia, establishing physical spaces for indigenous people on campus, and creating an action plan to ensure faculty competency (Scott, 2019). It is also crucial to urge universities to prioritize financial support for indigenous students and advocate for legislation supporting the needs of Tribal College and Universities (American Indian Higher Education Consortium, 2022).

# **Actions for University of Kentucky Students**

In the 2020-2021 academic year, the University of Kentucky (UK) had 29,986 undergraduate and graduate students, only 52 were Native American people and 15 were pacific islanders (Univstats, 2022). These numbers are shocking, but understandable given the lack of programming and inclusion on UK

campus. The four faculty members who make-up the study of indigenous people at UK are all white people and have no current classes on the subject. The website page is up as a side note on the Appalachian studies website. There have only been two programming events acknowledging indigenous people since 2017, and only one of those events was hosted by an organization run by students of color, the MLK center. UK has not even done the bare minimum of posting an official land acknowledgment on the university website, instead the responsibility fell on individual departments, and only three have followed through.

Considering this, it is crucial UK began prioritizing the respect and inclusion of indigenous students. Primarily, all students must demand UK to release and publicize a land acknowledgement that is visible and accessible. Currently, UK campus does not acknowledge either Columbus or Indigenous Peoples Day as academic holidays, but the UK federal credit union acknowledges Columbus Day and not indigenous people's day. Advocating for the acknowledgement of Indigenous Peoples Day as an academic holiday, much like MLK day, is one way to better university relations with the indigenous community. The University website lists a commencement dress code which does not mention the allowance of cultural dress, so students must insist the university verbalize the acceptance of cultural pluralism during the commencement ceremony. Student must ensure that emphasis is placed on addressing the historical relationship the University maintains with the Indigenous community during inclusion training to ensure faculty and student cultural competency. Lastly, student should encourage the university to hold hearings to address concerns indigenous people have with UK.

Students can hold themselves and each other accountable by advocating and maintaining inclusive behavior and relationships. This could include students organizing documentary screenings in the Gatton theatre promoted by indigenous people addressing issues facing their community, including environmental injustices. For instance, there are documentaries addressing the effect dam construction projects have had on indigenous communities which could be beneficial for student competency.

One program on campus, Alternative Service Breaks, had planned a service trip pre-COVID which partnered with an indigenous organization. Maintaining service and advocacy-oriented relationships with organizations could be one active way students could be involved in issues facing indigenous people. These issues could address environmental or social injustices.

#### **Action Assessment Plan**

Evaluating the efforts conducted by students and UK faculty annually is crucial to continue to improve and assess the quality with which UK maintains relations with indigenous people and advocates for

environmental justice. One option for assessment is the release of surveys to students, faculty, and community partners to hear ways the university was able to support people and ways they could improve.

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