



This is an Open Access article distributed under the terms of the [Creative Commons Attribution-Non-Commercial-Share Alike License](https://creativecommons.org/licenses/by-nc-sa/4.0/), which permits unrestricted non-commercial use, distribution, and reproduction in any medium, provided the original work is properly cited. This license does not permit commercial exploitation or the creation of derivative works without specific permission.



Cultural Conflict and Crime: Violations of Native American Indian Cultural Values

Julie C. Abril¹

Eastern New Mexico University, USA

Abstract

This paper examines violations of Indian cultural values among two distinct cultural groups residing within one Native American Indian reservation. I explore the possibility that violations of Indian cultural values may contribute to conflict between these cultural groups. This study uses survey (n = 667) and interview (n = 85) data obtained from Indians and non-Indians residing within the same rural Indian reservation community to conclude that Indian cultural values are often violated when non-Indians ask certain questions based on stereotypes of Indians. Violations of Indian cultural values are often viewed as harmful to Indians. The fragile nature of Indian cultures continues to be threatened in ways that may not be amenable to federal legislative protections but may be protected by tribal law.

Key words: Native American Indians; cultural values; conflict; crime.

Introduction

It is well known that the history of Native American Indian (hereafter, Indian) and White race relations have been strained since first contact. Broken treaties, forced relocations, attendance at Indian schools, the reservation system, and other deleterious federal policies have negatively affected tribal groups for hundreds of years. Many of these historical policies have since been eliminated but the effects linger. One such effect is the social divide that remains between Indians and Whites. Negative attitudes held by non-Indians toward Indians are still common. Legislation exists to prevent some of the more deleterious behaviors against Indian cultures. Title – 25 Indians (United States Code), for example, is dedicated to laws designed for the protection of Indian cultures. The corresponding Code of Federal Regulations is designed to do the same. But legislation alone cannot prevent or respond to some of the more subtle offenses against Indians by Whites. Indian cultural values are one such area that is not legislatively protected to the fullest extent.

This paper explores the possibility that violations of Indian cultural values may contribute to conflict between two distinct cultural groups residing in the same rural tribal reservation community. An Indian cultural values survey questionnaire was used to compare Indian and non-Indian perceptions of violations of Indian cultural values. It is

¹ Assistant Professor, Sociology and Criminal Justice, Eastern New Mexico University, USA; Independent Contractor/Consultant; Executive Counselor (Term 2007 - 2009), Division of People of Color and Crime, American Society of Criminology. Email: julie.abril@yahoo.com

hypothesized that Indians in this tribal community perceive violations of Indian cultural values as more serious than the non-Indians living in the same area. Also this paper asserts that the Indians are also negatively affected by violations of their values whether they are in the form of law breaking or common comments based on the stereotype of what an “Indian should be.”

Data were collected during the Southern Ute Indian Community Safety Survey (SUICSS), a study of crime and violence on the Southern Ute Indian reservation located in southwest Colorado (USA). Survey and interview data are used to illustrate the seriousness of violations of a variety of pan-Indian cultural values to the Indians living in this community. The paper concludes that statements based on stereotypes of Indians, in addition to violations of Title 25 U.S.C. and C.F.R. provisions protecting Indians, are as harmful to them and their culture as were the former assimilationist policies. These offenses against Indian cultural values may not be legislatively protected through federal efforts but may be so through enforcement of tribal legislation.

Literature review

Perceptions of Crime Seriousness

Much work has been reported on perceptions of crime seriousness almost to the point where it is no longer in criminological vogue. The data have primarily focused on the perceptions of whites and blacks toward street-level (Meier and Short 1985), white collar (Hirshi and Gottfredson 1987), and other types of crime (Warr 1989). In a unique contribution by Abril (2007), she found that Indians and non-Indians hold significantly different views on perceptions of the seriousness of a variety of street level crimes and violations of Indian cultural values. No other work, however, was located that examined the views of violations of Indian cultural values among Indians; especially work comparing Indian views with those of non-Indians who live within the same rural Indian reservation community. Merelman (1994) suggested that racial conflict is the result of growing competition for cultural capital. In this paper, it is hypothesized that Indians will perceive violations of their cultural values significantly more serious than do non-Indians. Further it is hypothesized that competition for cultural capital (such as being able to claim attachment to Indian culture because it is now “cool” to “live with the Indians.” Because Indians are often perceived as part of the American cultural heritage) contributes to cultural conflict.

Cultural Values

Durkheim wrote that the values held most dear to a society would be codified (1933). Codified laws are the reflection of those values held dear to our society. Violations of laws in our complex modern society would result in punishment by agents of social control because the behavior threatens the equilibrium of all societies. There are multiple levels of protected coverage of values by federal, state, and local laws. Examples include statues prohibiting drug sales, possession and distribution, as well as prohibitions against various forms of homicide. Laws that provide for the protection of Indian cultures can then be perceived to be an expression of values held dear to our society as evidenced by enforcement of Title 25 - Indians (United States Code) and its corresponding Code of Federal Regulations (C.F.R.). Bain (1939) wrote that cultural integration naturally leads to social conflict. When these values are violated conflict will naturally arise. As

Durkheim (1933) wrote that everything is functional in society, the question that then arises is what is the function of racial and cultural conflict? This is further discussed in a later part of this report. In the interim, it is hypothesized that the conflicting paradigms are partially an effect of a group's spiritual and cultural identity upon which behavioral norms are based.

Marx and Engels (1848), however, argued that laws are enacted to protect the interests of the elite. It can thus be argued that laws protecting Indian cultures are a means by which the elite can control a minority political group. It is believed that laws such as those that regulate the federal acknowledgement of Indian tribes are not enacted to protect cultures but are a means to further isolate tribes until there are no longer any entities that are considered “domestic dependant nations” (Cherokee Nation vs. Georgia, 30 U.S. (1831)) residing within the boundaries of the United States. In effect, finally solving the “Indian problem” (Cornell 1990), i.e. the eradication of Indians, identified by the United States Calvary during early U.S. – Indian political relations. It is hypothesized that dominance and social power are products of membership in a power-based group, as Ridgeway and Diekema (1989) suggested.

Cultural Conflict Theory

In his testimony to Congress, Sellin (1938) discussed the idea that behaviors of the minority cultural groups will often be identified as deviant and criminal when viewed by the majority. This was evident in early federal policies that labeled America's indigenous people as “savages” (Blackmar 1892) and “wild Indians” (Stremlau 2005). Most of the early federal laws and policies governing the behaviors of Indians such as the prohibition of practicing Indian religious ceremonies have been eliminated. Intergenerational transmission of anti-Indian sentiment, in particular by those residing near Indian reservations continues to perpetuate the divide between Indians and non-Indians. Himes (1966) suggested that racial conflict is multi-functional. It is thus hypothesized that the conflict between the Indians and non-Indians serves purposes that may not be addressed by other acceptable means. In the search of previous work, it was unable to locate any empirical studies that examined this area from a tribal perspective.

Method

Data were collected during the Southern Ute Indian Community Safety Survey (SUICSS), a U.S. Department of Justice, Bureau of Justice Statistics-sponsored study of crime and violence occurring within the Southern Ute Indian reservation.² The SUICSS had three phases, (a) a survey questionnaire, (b) personal interviews, and (c) an examination of the Tribal Code. This was important to do because there is a need to understand this phenomenon from a variety of perspectives through (a) anonymous input from the entire community, (b) from face-to-face personal interviews, and, (c) for the tribal code to determine how the tribe responds to cultural conflict within the tribal jurisdiction.

A 72-item questionnaire was sent to 996 adult Southern Ute Indians and 1,100 adult non-Indians living within the reservation boundaries. Contact information for the

² Bureau of Justice Statistics. 2001, Criminal Victimization in Indian Country Solicitation, “*Southern Ute Indian Community Safety Survey*” (Award No. 2001-3277-CA-BJ). For a complete discussion of the methods used to gather these data see Abril, 2005 and 2004.

Southern Ute Indians came from the tribe's enrollment roster; whereas information for the non-Indians came from a randomized selection from the voter registration list of La Plata, the county surrounding the reservation. A total of 667 completed questionnaires were returned. Of those, 312 (46.7%) were from Indians and 355 (53.2%) from either Whites/Anglos or Hispanics. There were no self-identified African Americans or Asian Americans in this study. The Southern Ute Tribal Council approved and fully supported the study so that tribal seal appeared on all materials and advertisements.³ This was important because some tribal members may not have received notice of the endorsement and the study's approval but would be convinced that the tribal council had approved it if the official seal was used.

Structured personal interviews with 85 Indians living on the reservation were also conducted. Subject recruitment notices were placed on bulletin boards around the tribal community. Advertisements were placed in the tribal newspaper, *The Drum*, and aired on KSUT, their radio station. Of those who took part in the personal interviews most (79%, $n = 56$) were Southern Ute Indian. The Indians who participated in the structured personal interviews were self-selected Southern Utes and Other Indians. "Other Indians" denotes members of other Indian tribes who live on the Southern Ute reservation. Interviewees were paid \$50 for their cooperation. Personnel of the Southern Ute criminal justice system who were interviewed were not compensated since their participation fell within the realm of their employment duties. Open-ended questions were designed to provide additional in-depth information about social conditions as they related to cultural and spiritual practices. Interview data are used to make clear the survey information that was provided by the 312 Indians who participated in the survey. Because the information was collected separately the surveys and interviews could not be matched to any single individual.

There were a wide spectrum of interviewees who spanned the social strata of the tribal community including; elderly, young, working, unemployed, women and men, law-abiding, those who have had extensive involvement with the criminal justice system and those who have had none. The model subject was an employed Southern Ute Indian woman in her mid-40. Most interviews took place in a centrally located office provided by the tribal council. This had both positive and negative implications. On the positive side, the people would be assured of tribal council approval, as that was required in order to gain access to the interview area. On the negative side, while all interviews were confidential and most conducted in a private conference room with the door closed, some people may have felt their participation in the study would be reported to the council. Some individuals may have felt pressured to answer questions in a fashion that coincided with Southern Ute Indian tribal council policy. There was no way to determine if the validity of the data were compromised because of this except by asking the interviewees if it did. This question was not asked though, in hindsight, perhaps it should have been asked. Because interviews were conducted with Indians only data on the same matters from non-Indians were not collected.

³ In return for their cooperation, the Southern Ute Indian Tribal Council received two reports. The first report presented aggregated descriptive statistics. The second report provided culture-specific crime control policy recommendations for areas of concern that were identified during the larger study (Abril, 2004). For a complete discussion of the ethical protections used during the study, see Abril, 2005.

Measures

Ethnic identity was measured by self-reports and coded as a dichotomous variable. Anyone reporting a Native American Indian tribal affiliation was classified as Indian and coded as “1”. All others were classified as non-Indian and coded as “0”. Nine of the ten Indian cultural values used in this study reflect beliefs codified in statutes found in Title 25 – Indians (United States Code) and in cases decided by the United States Supreme Court. For instance, one cultural value used in this work, selling Indian burial objects, is a violation of the Native American Graves Protection and Repatriation Act of 1990 (NAGPRA) 25 U.S.C.A. §§ 3001-3013 (Supp. 1991). Another cultural value used here (respect of tribal elders) has a large anthropological literature that supports the claim that disrespect of tribal elders would be a violation of Indian cultural norms (Neumann et al 1991).

The ten Indian cultural values items were: (1) Non-Indians trespassing onto Indian ceremonial or Indian burial grounds (a potential violation of the American Indian Religious Freedom Act (AIRFA) Public Law No. 95-341); (2) Non-Indians buying Indian bones or other Indian cultural artifacts (violations of both NAGPRA, 25 U.S.C.A. §§ 3001-3013 (Supp. 1991) and the Indian Arts and Crafts Act, 18 U.S.C.A. §§ 1158-1159); (3) Non-Indians hunting or fishing on the reservation without a tribal permit (a possible violation of the ruling in *New Mexico vs. Mescalero Apache Tribe*, 462 U.S. 324); (4) Non-Indians taking natural resources such as plants, rocks, or other sacred items off the reservation (a violation of the Archaeological Resources Protection Act, 16 U.S.C.A. §§ 470aa-470ll (1988)) ; (5) Non-Indians practicing Indian spiritual ceremonies (a possible violation of the decision in *Lyng vs. Northwest Indian Cemetery Protective Association* 485 U.S. 439 and the American Indian Religious Freedom Act (AIRFA) Public Law No. 95-341); (6) Indians selling Indian bones and other Indian cultural artifacts (may be a violation of NAGPRA, 25 U.S.C.A. §§ 3001-3013 (Supp. 1991) if the Indian is not a member of the tribe holding jurisdiction over said reservation); (7) Indians not respecting tribal elders (Neumann et al 1991); (8) Indians taking natural resources such as plants, rocks, or other sacred items off the reservation (may be a violation of the Archaeological Resources Protection Act, 16 U.S.C.A. §§ 470aa-470ll (1988)); (9) Indians hunting or fishing on the reservation without a tribal permit (may be a violation of *New Mexico vs. Mescalero Apache Tribe*, 462 U.S. 324); (10) Indians stealing money from the tribe (for example, a casino employee taking money from the tribe’s casino or bank accounts (a possible violation of the Tribal Revenue Allocation Plans 25 C.F.R. Part 290). The scores for these values ranged from “0” to “50” with “50” indicating strong Indian cultural values. These Indian cultural values were later found to be reliable measures of some of the beliefs about cultural crime by most of the Indians in this study (Abril, 2007).

Analysis

Survey Data

The hypotheses for the survey data are thus:

- 1) that Indians will perceive violations of their cultural values as significantly more serious than do non-Indians; and,
- 2) that competition for cultural capital (such as being able to claim attachment to Indian culture because it is now “cool” to “live with the Indians” as Indians are often perceived

as part of the American cultural heritage) contributes to cultural conflict. It was important to use a triangulated method to test these hypotheses and answer the research question.

The surveys were separated into two groups: those were the respondent reported either an Indian or non-Indian ethnic identity. There were significant differences between the Indians and the non-Indians on virtually all relevant variables in this analysis ($p = .000$). The Indians were younger and had lower incomes than did the non-Indians ($p = .000$). Table 1 presents the descriptive statistics for this study.

Table 1
 Descriptive Statistics from the SUICSS ($N = 667$) (M and %)

Variable	Indian ($n=312$)	Non-Indian ($n=355$)	Sig.
Females	186 (60.0)	237 (67.3)	.000
Males	124 (40.0)	115 (32.7)	.000
Age	<40 (55.1)	>40 (71.2)	.000
Tribal Elders	51 (17.3)		
# of Children Under 12 in Household	1.0	.50	
Annual Household Income†	31,420	41,144	.000
Mean Years In Current Home	8	8	

†La Plata County, CO median annual household income is USD \$39,313.

When asked face-to-face how the subjects felt about the ethnic mix in their neighborhood, the Indians reported varying views. Many Indians reported the ethnic mix was “fine” or “it’s cool” or “ok” or “It’s all right because it’s all Indian.” As one man surmised many others’ sentiments, “It don’t bother me because where I come from it’s just straight Indians ... there ain’t no whites.” Other Indians felt there was some social benefit for ethnic and cultural integration as reported by one woman, “when we have mixed ethnic communities, the kids tend to get along a lot better in life, even if you move off the reservation away from here because there’s all kinds of people out there.” Others commented, “... we were taught to adapt and to survive, to find a way to continue through this next generation” and “... it’s really kind of an interesting situation for a lot of us.”

Ambivalence was expressed by many people in comments such as “It can’t be changed. It’s just the way ... the way history has evolved us to this point in time ... we have some problems keeping our culture alive ... culturally, it really hurts us ...” or “It’s kind of discouraging ... how can you preserve your culture when you have non-Indians

coming in?” Many more people, however, felt dismayed at the ethnic mix and the associated changes in the tribal community. These changes are perceived to be the result of the increase of ethnic diversity in the rural area. Common comments included, “... it bothers me ... the fact that others ... non-Indians ... are moving in on us.” Finally, there were many other Indians who felt hurt or angry at the infusion of others’ cultures into their tribal community. When asked if an interviewee liked the different cultures in his neighborhood, he responded, “It’s the only thing I don’t like.”

Several Indians reported the infusion of other races into the tribal community has had long-term negative repercussions. One woman reported, “I think we’re all dying out. I’m a full-blood. My oldest daughter is a full-blood. She’s Ute Mountain and Southern Ute. My parents have grandkids who are white, black, a couple of them are Navajos and a couple are Omahas.” Another woman reported,

The problem with us today is that we are mixed, some Mexican or Spanish or other Indians, other bloods. I think it’s wrong. My cousin is half Navajo and half Ute but he doesn’t follow the Ute ways, instead he follows the Navajo ways. Be who you are. Be Ute. We come from a very special place. We come from this reservation, this area, the mountains. Our beliefs should be strong and stay strong. The kids want to be Black or they want to be Spanish. I tell my sister that it’s ok, but you got to remember that you are an Indian. You’re Southern Ute, that’s who you are. Nothing should ever change that.

One man told me, “In the next five years there’s not going to be an Indian that’s as dark as me. They’re gonna be cut with Mexican, White or Black. The Southern Ute tribe has survived ... the Capote and Mauche Bands have survived for so long without outside agitation now we got it all over the place. We’re losing our identity because of it.” Finally, one older woman spoke of the effects of non-Indian culture on her own identity and life, “I realize that I’m an Indian. Every day is a hard day. It’s a hard life to be an Indian because you have to try to fit into two worlds ... the way you think, the way you pray, the way you try to raise your kids.”

When asked under the anonymity of the survey, responses from the Indians tended to change. This is where much of the underlying sentiments about the Indians and non-Indians were expressed. Each survey respondent was requested to write in what they disliked about their neighborhood. Many responded, “mostly all the white people,” “too many neighbors (whites) moving into the area,” “too many from other cultures,” and “white guys.” Others reported they disliked the “non-Indian neighbors who think they are better than us and they try to abuse our lands.” Racial tensions and discrimination were cited by many Indians. Some reported they disliked the “discrimination against tribal people” and “there’s a lot of prejudice and discrimination going on underneath the surface, under the cover ... from white people ... it’s (discrimination) kind of got more out in the open than it used to be ... it still goes on, you can’t say it doesn’t.”

Discriminatory attitudes were evident from the notations made by the non-Indians in the survey who responded to the item that requested they write what they disliked about their neighborhood. Comments such as “trashy Indians,” “laziness, lack of pride by the Indians,” “their lack of community pride,” “people not working,” “high rate of alcohol and drug use,” “neighbors are thoughtless and irresponsible,” and “all the kids are thieves” were common. “Racial prejudices against whites by Indians” because “they (Indians) only socialize with their family” are two examples of how “the tribe is trying to

segregate the community.” To exemplify this sentiment, one non-Indian wrote, “I don’t think there should be any differences in Native American laws and those for everyone else.” Finally, one non-Indian woman wrote she disliked, “the violence, drug, racism, and lack of family values,” while another pointedly wrote “they (the Indians) just don’t share the same values.” Indeed, the Indians do not share the same cultural values as the non-Indians as will be shown in the following analysis of the survey data.

Indians and Non-Indians: Conflicting Cultural Values

The analyses of the cultural values items as they relate to the differences between the Indians and non-Indians are presented. The conflict between the Indians and non-Indians serves purposes that may not be addressed by other acceptable means (Himes, 1966). The hypothesis is that there would be differences in views of Indian cultural values between the Indians and non-Indians who live within the same reservation are supported. Indian cultural values were measured by the ten items described above. The responses were separated into three categories; (a) “Not Serious” or “A Little Serious” were combined into “Not Serious;” (b) “Serious” or “Very Serious” were combined into “Serious; and (c) “Neither Serious or Not Serious” were stood on their own.

Non-Indians Trespassing Onto Indian Ceremonial or Indian Burial Grounds

Overall, most (70.5%) people in this study felt that non-Indians trespassing onto sacred Indian grounds is a serious violation of an Indian cultural value. There were differences between the groups; 82.4% of the Indians felt it was serious, whereas 59.9% of the non-Indians felt this way. About 11% of the Indians felt it was not serious, whereas 22.8% of the non-Indians felt this way. There were significant differences between the two groups ($\chi^2 = 39.766, p < .001, \phi = .247$), which means that the results reported here are probably reflective of actual differences between the sentiments of Indians and non-Indians who participated in this study.

Non-Indians Buying Indian Bones or Other Indian Artifacts

Most (71%) people in this study felt that non-Indians buying Indian bones and other cultural artifacts is a serious an Indian cultural value. There were differences between the groups; 81.8% of the Indians felt it was serious, whereas only 61.6% of the non-Indians felt this way. Only 9.8% of the Indians felt it was not serious, whereas 20.1% of the non-Indians felt this way. There were significant differences between the two groups ($\chi^2 = 32.269, p < .001, \phi = .222$).

Non-Indians Hunting or Fishing on the Reservation without a Tribal Permit

Most (70.8%) people in this study felt that non-Indians hunting or fishing on the reservation without a tribal permit is a serious violation of an Indian cultural value. There were differences between the groups; 85.6% of the Indians felt it was serious, whereas only 57.8% of the non-Indians felt this way. Only 8.5% of the Indians felt it was not serious, whereas 24.4% of the non-Indians felt this way. There were significant differences between the two groups ($\chi^2 = 61.152, p < .001, \phi = .306$).

Non-Indians Taking Natural Resources Such as Plants, Rocks, or other Sacred Items off of the Reservation

Most (72.4%) people in this study felt that non-Indians taking a natural resource out of the reservation is a serious violation of an Indian cultural value. There were differences between the groups; 72.4% of the Indians felt it was serious, whereas only 60.5% of the non-Indians felt this way. Only 17.3% of the Indians felt it was not serious, whereas 24.8% of the non-Indians felt this way. There were significant differences between the two groups ($\chi^2 = 52.329, p < .001, \phi = .283$).

Non-Indians Practicing Indian Spiritual Ceremonies

There was disagreement between the Indians and non-Indians regarding the seriousness of non-Indians practicing Indian spiritual ceremonies. Most (68.1%) of the Indians felt that non-Indians who practice Indian spiritual ceremonies are committing a serious violation of an Indian cultural value, whereas only 33.8% of the non-Indians felt this way. Only 13.4% of the Indians felt it was not serious, whereas 32.1% of the non-Indians felt this way. There were significant differences between the two groups ($\chi^2 = 77.410, p < .001, \phi = .344$).

Indians Selling Indian Bones or Other Indian Cultural Artifacts for Personal Gain

Most (74.1%) people in this study felt Indians selling Indian bones and other Indian cultural artifacts for personal gain is a serious violation of an Indian cultural value. There was disagreement between the groups; 81.6% of both the Indians and 67.2% of the non-Indians felt it was serious. About 10% of the Indians felt it was not serious, whereas 17.5% of the non-Indians felt this way. There were significant differences between the two groups ($\chi^2 = 17.261, p < .001, \phi = .164$).

Indians Not Respecting Tribal Elders

Most (79.4%) people in this study felt that Indians who do not respect tribal elders are committing a serious violation of an Indian cultural value. There were differences between the groups; 86.7% of the Indians felt it was serious, whereas only 72.6% of the non-Indians felt this way. Only 6.8% of the Indians felt it was not serious, whereas 12.3% of the non-Indians felt this way. There were significant differences between the two groups ($\chi^2 = 19.767, p < .001, \phi = .176$).

Indians Taking Natural Resources Such As Plants, Rocks, or other Sacred Items off of the Reservation

Most (62.4%) people in this study felt that Indians taking natural resources off the reservation is a serious violation of an Indian cultural value. There were differences between the groups; 55.7% of the non-Indians and 68.3% of the Indians felt it was serious. Only 16.3% of the Indians felt it was not serious, whereas 22.9% of the non-Indians felt this way. There were significant differences between the two groups ($\chi^2 = 13.353, p < .01, \phi = .145$).

Indians Hunting or Fishing on the Reservation without a Tribal Permit

There was disagreement between the Indians and non-Indians in this study regarding the seriousness of Indians hunting or fishing on the reservation without a tribal

permit. About half (54.7%) of the Indians felt that Indians hunting or fishing on the reservation without a tribal permit is a serious violation of an Indian cultural value, whereas only 44.9% of the non-Indians felt this way. Both Indians and non-Indians (28% of Indians and 28.3% of non-Indians) felt it was not serious. There were significant differences between the two groups ($\chi^2 = 9.658, p < .01, \eta^2 = .123$).

Indians Stealing Money from the Tribe

Most (88.8%) people in this study felt that Indians stealing money from The Tribe is a serious violation of Indian cultural values. There were significant differences between the groups; 92.2% of the Indians felt it was serious, whereas 85.5% of the non-Indians felt this way. Only 3.9% of the Indians felt it was not serious, whereas 7.2% of the non-Indians felt this way ($\chi^2 = 7.110, p < .05, \eta^2 = .105$).

Combined Indian Cultural Values: Indians vs. Non-Indians

To determine if there were significant differences in mean scores between the Indians and non-Indians on the combined Indian cultural values scale, a *t*-test was conducted. The results of the *t*-test indicated that there were significant differences in mean scores between the Indians and the non-Indians on the combined Indian cultural values scale ($p < .05$). This means that the Indians and the non-Indians differed on their views of Indian cultural values. The Indians reported a higher mean score. That is, the Indians reported stronger Indian cultural values than did the non-Indians. Seven subjects were excluded from the analysis because they failed to mark at least 8 of the individual Indian cultural values items that make-up the entire Indian cultural values scale. Table 2 presents the results of this analysis.

Table 2
 Group Statistics for Combined Indian Cultural Values ($N = 667$)

Variable	<i>n</i>	<i>M</i>	<i>SD</i>	Sig.
Combined Indian Cultural Values				
INDIAN	312	41.18	8.714	.003
NON-INDIAN	355	34.31	9.628	

In the second analysis, *t*-tests were used to determine the significance of the differences between the groups on each cultural value. All variables were significantly different ($p < .05$). Table 3 presents the results of this analysis.

Table 3

Mean Scores for Indian Cultural Values (N = 667)

	Indian (n = 312)	Non-Indian (n = 355)	Sig.
Non-Indians trespassing onto ceremonial or burial grounds	4.20	3.51	.000
Non-Indians buying Indian bones or cultural artifacts	4.26	3.60	.000
Non-Indians hunting or fishing without a tribal permit	4.32	3.40	.000
Non-Indians taking natural resources off the reservation	4.31	3.42	.000
Non-Indians practicing Indian spiritual ceremonies	4.01	2.90	.000
Indians selling Indian bones or other cultural artifacts	4.26	3.73	.000
Indians not respecting tribal elders	4.38	3.88	.000
Indians taking natural resources off the reservation	3.91	3.38	.000
Indians hunting or fishing without a tribal permit	3.40	3.15	.000
Indians stealing money from the tribe	4.67	4.36	.000

Intrusion into Indian cultural affairs or taking culturally-relevant items from the reservation lends some support to the hypothesis that non-Indians perceive Indians as belonging to “everybody.” This might be so because Indians are often considered to be part of America’s cultural heritage. It is not uncommon for non-Indians to refer to Indian people as America’s “national treasure” as if a group of human beings can be deconstructed into an object to value for whatever reason is socially constructed at the time.

Interview data

“Thems’ fightn’ words”: Common Questions and Statements Made by Non-Indians to Indians

In his work on face-to-face behavior Goffman (1967, p. 5-12) wrote that people will often negotiate “face” in social circumstances. He defined face as “an image of approved social attributes” and a “pattern of verbal ... acts ... by which he expresses his view of the situation and through this his evaluation of the participants, especially himself.” The following analysis of comments made by non-Indians toward Indians suggests that non-Indians may be trying to save their cultural face in light of the social circumstances that they are in a geographical area where the cultural norms and values of the Indians conflict with their own. More important, they may feel threatened by the changes in society that have allowed Indian cultural norms and laws to take precedence

over theirs in areas under tribal authority. Ten interview items asked the Indian subjects how they felt when non-Indians asked different questions based on stereotypes of Indians.

A somewhat complicated research question was developed to guide the analysis of the interview data. The research question reflects three different areas. First, borrowing from Bain's (1939) thesis, are the conflicting paradigms partially an artifact of the groups' spirituality upon which behavioral norms often are based? Second, is dominance and social power a product of membership in a group? Third, as Himes (1966) identified the functions of racial conflict what purpose then does the conflict between the Indians and non-Indians serve? Looking to the data on questions non-Indians typically ask Indians, the research questions are easily answered.

"How much Indian are you?"

A common question often asked of Indians by non-Indians is "How much Indian are you?" referring to the blood quantum standard of federal policy long ago abandoned. During the interviews, 75% ($n = 30$) of those responding, felt positively about this question. Common sentiments included, "I am proud to be what I am," "I'm proud of my Native American culture," and, "It doesn't bother me." A smaller percentage (25% or $n = 10$) were offended by this question. These subjects felt the following feelings when they were asked this question, saying they felt "like shit," "it makes me mad," "I don't think it's anybody's business," and "...very offended because I am Native." Other subjects reported odd encounters with people asking them this question. One such subject reported, "I get mistaken for being Hispanic, not Native American or Indian, it's always Hispanic. They start talking Spanish to me, and I'm like, you need to talk to me in English. I don't speak Spanish. (I tell them) If you want to talk to me speak English." Finally, one woman said of an encounter on the East coast, "There was a time when I was back east and someone said to me, "Well, how do you like our country?" For the question "How do you like OUR country?", the remaining interviewees ($n = 31$ or 43.7%) had no response or feelings about this often asked question. "I don't feel nothin' 'bout that" and "indifferent" were common responses. It should be noted that only a slight majority (50.7% or $n = 36$) reported having been asked this question, others reported never having been asked such by a non-Indian (49.3% or $n = 35$).

"You don't look like an Indian."

Interviewees were less upset when asked how they feel about the statement, "You don't look like an Indian." Of those responding, a slight majority ($n = 18$ or 25.4%) had a negative response including, "it makes me kind of embarrassed," "I'd be offended because I think I look like an Indian," and "they are ignorant, I know who I am." There were 15 (21.1%) people who had a positive response to this statement such as "it's kind of funny" and "it doesn't bother me" were common responses. The remaining 33 (46.5%) people had no response to this item. Most (66.2% or $n = 47$) Indians reported not being asked this question, whereas 33.8% ($n = 24$) reported they had been asked this question by a non-Indian.

"Where are the ancient burial grounds?"

Interview participants were very upset when asked how they would feel if a non-Indian asked about the location of the tribes' ancient burial grounds. Of those responding, 63.4% ($n = 45$) felt negative about this type of question with responses including the

following, “they don’t need to know,” “that would make me mad,” and “I wouldn’t tell them anything about that because that’s more sacred to us.” One man said, “I don’t believe we should have to disclose this type of information to non-tribal members or non-Native Americans.” Only 4 (5.6%) subjects who reported a positive sentiment said something similar to, “It doesn’t bother me.” There were 22 (31.0%) respondents who had no opinion. Most (90.1% or $n = 64$) Indians had not been asked this question, whereas 9.9% ($n = 7$) had been asked.

“We need a “real” Indian.”

Interview subjects overwhelmingly reported that they would be upset if asked to participate in a spiritual ceremony by a non-Indian so that they (the non-Indian) could have a “real” Indian involved. Of those responding to this item, 63.4% ($n = 45$) reported a negative response to this request. Such responses included, “They’re probably trying to find out more about the spiritual ceremonies” and another added, “they don’t need to know” while yet another said, “They have no business with the spiritual stuff,” and “It’s our religion not theirs” because, as another said, “A white person’s got no reason to be in that! ... the white people, they’ve got their own God ... they should not barge in on other people’s beliefs ...” stated one subject while another said, “When Native Americans have ceremonies, it’s for Native Americans!” There were no positive responses from the Indians about this item. Most (97.2% or $n = 69$) reported they had not been asked this question, whereas only 2.8% ($n = 2$) had been asked this by a non-Indian.

“May we take your picture?”

A common request by non-Indians is to take a picture of a “real” Indian. Most ($n = 52$ or 73.2%) interviewees reported never having been asked this question by a non-Indian. Another 26.8% ($n = 19$) reporting having been asked. Of those who had been asked, 56.3% ($n = 40$) felt negative about it. Such responses from the Indians who were asked and felt negative included, “I don’t like my picture taken,” “I think it’s in bad taste that they ask,” and “It’s offending.” Only 8.5% ($n = 6$) felt the opposite. One woman reported to me that she has had her picture taken to educate non-Indians because “The people from out east do not know that we do not live in tee pees anymore. We don’t paint our faces. We don’t wear our traditional clothes everyday.” Twenty-five (35.2%) people gave no response to this item.

“May I have/buy your cultural artifacts?”

Most (90.1% or $n = 64$) people reported they had not been asked this question, whereas 9.9% ($n = 7$) reported they had been asked for their cultural artifacts by a non-Indian. Of those reporting their sentiments about this type of question, most (81.7% or $n = 58$) felt negatively. Feelings ranged from “I would feel offended because of their ignorance,” “we strongly believe in our religion that you are not supposed to disturb the Spirits (that reside in the artifacts),” “I’d feel offended because they’re mine. They belong to me. It’s like giving your Native identity away,” and “I’d feel offended because it isn’t part of their culture. To Native Americans, things have a lot of meanings to them ... people shouldn’t have them unless they know the meanings.” A little over 18% ($n = 13$) had no response or nor spoke of their feelings regarding being asked this question by non-Indians. There were no positive responses to this question.

“All Indians have alcohol and gambling problems.”

One of the most common stereotypical statements made about Indians involves alcohol abuse and gambling. When the Indians were asked how they feel about these types of statements, the vast majority felt negatively. A large majority (90.1% or $n = 64$) reported feeling negative about this statement. Common reactions during the interviews with Indians included, “not all Native Americans are that way,” “it’s offensive to hear those things,” “it makes me feel very low,” and “it angers me.” Only 5.6% ($n = 4$) felt positive, making such statements as “I don’t think it’s offensive.” Only 4.2% ($n = 3$) were ambivalent about this type of query. An overwhelming majority (94.4% or $n = 67$) of Indians reported having heard this stereotypical statement, whereas only 5.6% ($n = 4$) had not heard these types of statements.

Discussion and Theoretical Implications

The actions and statements are perceived by Indians as verbal attacks not unlike racial epithets. These types of bias motivated verbal attacks could be explained by ignorance of modern Indian culture, biases against Indians (especially in areas where gaming is becoming prominent), or simply because of insensitive inquisitiveness by non-Indians. No matter how one desires to explain this phenomenon it does not detract from the reality that these attacks may have deleterious residual effects on individual Indians and, possibly, the entire tribal group. Therefore, it is reasonable to conclude that Indians perceive violations of their values as more serious and detrimental to their cultural identity.

Dominance and Leverage

Ridgeway and Diekema (1998:79) wrote that “structural conditions of a society encourage people to intervene against others who claim status by dominant behavior.” Disruptions of the cultural practices of the Indians are blatant displays of dominant behavior by non-Indians. The tribal council will invoke its sovereign rights to exclude non-Indians who disturb their cultural affairs (personal communication, 2007). Tribal members will also act in concert to provide a barrier that separates the tribe from those non-Indians who attempt to influence the cultural norms of its members. Social solidarity and community cohesion among the Indians in face of pseudo-dominant behaviors (such as discriminatory attitudes and perceptions of the now minority group members – non-Indians towards the now majority group – Indians), is a uniquely well-suited response by the Indians to the types of cultural attacks made on them by non-Indians. It is well-suited for this purpose because it fulfills a number of socially required functions. First, pseudo-dominant behaviors (such as “put downs” and insults against Indians) reinforce the ethnic identity of those victimized by such behaviors. As will be discussed later, reinforcement of ethnic identity can only benefit the victims of this type of cultural violence. Second, the tribe can use its sovereign powers to leverage Congress and the President to take action against those violators by changing the type of reservation from its current checker-board nature to that of a fully enclosed one. Doing so would also eliminate many other social problems unrelated to cultural attacks by non-Indians. Finally, because “joint status hierarchies are a collective product of group membership”, the tribe acting as one force is becomes more powerful than the collective product of numerous yet unrelated individuals

(Ridgeway & Diekema, 1989:79; Lewis, 2002). Again, this reinforces the collective identity of the Indians. Thus, a type of super-dominance with an associated amount of power leverage is developed among the tribe.

Artifacts of Dominance

While seen as an artifact of dominance, leverage to change social conditions that are a result of cultural attacks described earlier is more powerful than the pure production of what Lukes (1972) would define as the first dimension of power, i.e., use of formal social control mechanisms such as the federal government to respond to conflict (Lewis, 2002). Others may argue, however, that Lukes' (1972) second dimension of power better describes the type of leverage that remains with those who ultimately have the power, the Indian people. What does this do for the Indians who are under constant cultural attack?

Functions of Racial & Ethnic Conflict

Similar to Durkheim's (1933) ideas of the inherent functionality of social phenomena, Himes (1966:1) wrote that "conflict between the races serves four functions; 1) alters the social structure; 2) extends social communication; 3) enhances social solidarity; and, 4) facilitates personal identity." Each function provides a good framework for understanding the affect cultural conflict has on the tribe as a whole and the members as individuals. Before the conflict, the Indians were a semi-structured society based primarily on band identifications (e.g., Mauche and Capota Bands of Ute Indians) and second on a pan-Ute identity. As the conflict intensifies, as a result of movement of more non-Indians into the reservation area, the tribe naturally bands together psychologically to meet this growing threat to their culture and identity. Second, in order to band together psychologically, the tribal members talk among themselves to discuss this problem and what should be done about it thus enhancing social solidarity in the process. Finally, more communication about the cultural threats and harm to the tribe may help the individual Indian to re-certify their own cultural and ethnic identities.

Protective Factors of Ethnic and Cultural Identity

In her study of Native American Indian identity and violent victimization, Abril (2007) found that the more one identifies as a Native American Indian the more violent victimization they will report. She cited examples where individuals were attacked because they chose to express their Indian identity. Using the original work Clark (1954) that showed that stereotypes have negative effects on the development of children's self-identities, Abril (2007a) suggested that long-held stereotypes may be responsible for promoting conflict between these groups. Some may argue that the influx of non-Indians into this tribal society may be causing a form of social disorganization and thus contributing to conflict between these groups. However, solidarity of identity, historical interconnectedness, and social cohesion amongst these Indians are likely major prophylactics to social disorganization. Mossakowski (2003:318) found that ethnic identity "buffers the stress" of conflict due to discrimination (as was reported earlier) and is a healthy coping mechanism for protecting mental health. She found that those with strong ethnic pride (such as those in this study who scored high on ethnic identity and cultural values) reduces ones susceptibility to depressive symptoms among members of ethnic groups. Indeed, social solidarity in pan-Indian identity, as identified by Abril (2003 & 2007b) in her study of imprisoned Indian women, acts as a promoter of enhanced self-

esteem. It can then be inferred that attempts to denigrate Indians via comments and violations of Indian values are a means to save one's non-Indian 'cultural face' in the path of social change where the once majority (non-Indians who have entered the tribal area) are now the minority. Mossakowski (2003:318) suggested that these types of findings have implications for "social-psychological theories on race and ethnicity. Indeed, the purpose of research into the social phenomena occurring in Indian Country is to aid in the development of theoretical perspectives of social facts within and between ethnic and cultural subgroups residing around the globe.

"Being With Our Own Kind"

Much work has been published in all of the sciences with most in the biological and animal fields and less in the social sciences that show homogeneity (aka "one's own kind") is a naturally occurring phenomenon. A recent article in *Science* showed plants roots tended to stay together with their own variety as opposed to mixing with other root types (de Koon 2007). This phenomenon takes place underground and therefore is not subject to any 'social' influences of the environment. Most animals, too, are well known to breed with their own kind. Vanhanen (1999:55) discussed ethnic nepotism in relation to how "conflict is often channeled on ethnic lines." While Moore et al. (2002:S186) discuss how "interacting phenotypes" may lead to dominance of one over another. Perhaps it is the case that culturally- and ethnically-defined Indians need separation from others; but not to the extent where it jeopardizes genetic diversity among this group. Why is this apparent tangent into the life sciences important to understanding the social and cultural conflict that was found in this study? Because the socially-constructed notion of social diversity and multiculturalism are the constructs of a paradigm of the dominant non-Indian culture; that are likely to be contrary to the paradigms of Indians and other indigenous peoples (Bain 1939). To protect and preserve indigenous cultures it may be necessary to leverage some of the collective power of Indians to stop these subtle yet insidious attacks on their culture.

Relevance of Cultural Conflict to Collective Efficacy

It is important to understand the effects of violations of Indian cultural values because they may prevent the formation of collective efficacy. Sampson, Raudenbush and Earls' (1997) study of collective efficacy found that collective efficacy mitigates community violence. In order to improve collective efficacy and reduce community victimization, the neighborhood (in this study the reservation is the neighborhood) must have high levels of both informal social control and social cohesion. Conflict between groups residing within the same neighborhood naturally prevents social cohesion amongst these neighbors and inhibits the acceptance of informal social control mechanisms across these two cultural groups. Thus, the community's ability to prevent victimization is reduced.

Practical and Policy Implications

Legislative Protections

Currently, there exists limited protection against violations of Indian cultural values when outside the boundaries of the reservation. There are remedies available to the tribe if these attacks occur within the boundary of the reservation. The Southern Ute Indian Tribal Code provides protections for Indian cultural values in formal legal settings

and while within the reservation community. Section General Provisions, Article II, Civil Actions § (2) Law Applicable, “any ordinances or customs of the Tribe not prohibited by such federal law” allows tribal court judges to use a variety of traditional methods to adjudicate cases. This is reiterated in Sub-Section § (3) Determination of Custom, “Where any doubt arises as to custom and usage of the Tribe, the court may appoint a private advisor or advisors familiar with the Southern Ute Indian Tribal customs and usage.” Second, there are specific tribal laws that govern penalties for violations of tribal customs and values. For example, Title X of the Exclusion and Removal Code, Sub-Section § 10-1-102 Grounds for Exclusion and Removal states that persons may be permanently removed from the Southern Ute Indian reservation for the following offenses: “(1) Repeated violations of tribal ordinances; and, (2) Interference with tribal ceremonies, shrines, or religious affairs.” Behaviors that violate cultural values may be interpreted as interference with tribal religious affairs as the Southern Ute values are based on their religious customs.

This tribe has a means by which to protect itself against further cultural deterioration caused by non-Indians. It is important for the tribe to use these legislatively provided means of social control of non-Indians within their jurisdiction. For the first time in history it is “cool to be an Indian” and may be perceived by non-Indians to be acceptable to “go live with the Indians.” This ideology is likely to be yet another source of Indian cultural destruction.

Conclusion

This study found Indians and non-Indians who live within the same rural tribal reservation community have different perceptions of violations of Indian cultural values. This is relevant because it helps us to understand that non-Indians may be engaging in behaviors that threaten the continued existence of this tribe. The behaviors of the non-Indian are having a negative effect on the local tribal group. These could be stopped using legislative mechanisms already in place within the tribe’s judicial code.

Acknowledgements and Disclaimer

This study was conducted at the University of California, Irvine in the Department of Criminology, Law and Society. The data were analyzed during the 2006 summer session Quantitative Analysis of Crime and Criminal Justice at the Inter-University Consortium for Political and Social Research (ICPSR), held at the University of Michigan, Ann Arbor. The Southern Ute Indian Community Safety Survey was funded by a grant from the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics (Award No. 2001-3277-CA-BJ). All views presented are those of the author and do not necessarily represent those of the United States Department of Justice.

References

- Abril, J.C. (2007). Perceptions of crime seriousness, cultural values, and collective efficacy among Native American Indians and Non-Indians who live within the same reservation community. *Applied Psychology in Criminal Justice*, 3(2), 172-196.
- Abril, J.C. (2007a). Native American Indian identity and violent victimization. *International Perspectives in Victimology*, 3(1), 22-28.

Abril, J.C. (2007b). Native American Indian women in prison: Implications for future research. *Southwest Journal of Criminal Justice*, 4(1).

Abril, J.C. (2005). *The Relevance of Culture, Ethnic Identity, and Collective Efficacy to Violent Victimization in One Native American Indian Tribal Community*. (Doctoral dissertation.) University of California, Irvine. (ProQuest No. 3167918).

Abril, J.C. (2004). *Final Report to the Bureau of Justice Statistics from the Southern Ute Indian Community Safety Survey*. Washington, D.C. (Award No. 2001-3277-CA-BJ United States Department of Justice/Office of Justice Programs/Bureau of Justice Statistics).

Abril, J.C. (2003). Native American Identities among female prisoners. *The Prison Journal*, 83(1), 1-13.

American Indian Religious Freedom Act, (*AIRFA*) Public Law No. 95-341.

Archaeological Resources Protection Act, 16 U.S.C.A. §§ 470aa-470ll.

Bain, R. (1939). Cultural integration and social conflict. *American Journal of Sociology*, 44(4), 499-509.

Blackmar, F.W. (1892). Indian education. *Annals of the American Academy of Political and Social Science*, 2, 81-105.

Cornell, S. (1990). *The Return of the Native: American Indian Political Resurgence*. New York: Oxford University Press.

Cherokee Nation vs. Georgia, 30 U.S. (1831).

De Koon, H. (2007). How do roots interact?, *Science*, 318(5856), 1562-1563.

Durkheim, E. (1933). *The Division of Labor in Society* (English trans.) New York: Free Press.

Goffman, E. (1967). *Interaction Ritual: Essays on Face-to-Face Behavior*. New York: Anchor.

Himes, J.S. (1966). Functions of racial conflict. *Social Forces*, 45(1), 1-10.

Hirshi, T., & Gottfredson, M. (1987). Causes of white-collar crime. *Criminology*, 25(4), 949-974.

Indian Arts and Crafts Act, 18 U.S.C.A. §§ 1158-1159.

Lewis, R.J. (2002). Beyond dominance: The importance of leverage. *The Quarterly Review of Biology*, 77(2), 149-164.

- Lyng vs. Northwest Indian Cemetery Protective Association, 485 U.S. 439.
- Marx, K. & Engels, F. (1848/1888). *The Communist Manifesto* (trans. by Gareth Stedman-Jones). New York: Penguin.
- Meier, R.F., & Short, J.F. (1985). Crime as hazard: Perceptions of risk and seriousness. *Criminology*, 23(3), 389-400.
- Merelman, R.M. (1994). Racial conflict and cultural politics in the United States. *The Journal of Politics*, 56(1), 1-20.
- Moore, A.J., Haynes, K.F., Preziosi, R.F., & Moore, P.J. (2002). The evolution of interacting phenotypes: Genetics and evolution of social dominance. *The American Naturalist*, 160(6), S186-S197.
- Mossakowski, K.N. (2003). Coping with perceived discrimination: Does ethnic identity protect mental health?. *Journal of Health and Social Behavior*, 44(9), 318-331.
- Native American Graves Protection and Repatriation Act of 1990 (NAGPRA), 25 U.S.C.A. §§ 3001-3013 (Supp. 1991).
- Neumann, A.K., Mason, V., Chase, E., & Albaugh, B. (1991). Factors associated with success among Southern Cheyenne and Arapaho Indians. *Journal of Community Health*, 16(2), 103-115.
- New Mexico vs. Mescalero Apache Tribe, 462 U.S. 324.
- Ross, M.H. (1985). Internal and external conflict and violence: Cross-cultural evidence and a new analysis. *Journal of Conflict Resolution*, 29(4), 547-579.
- Ridgeway, C., & Diekema, D. (1989). Dominance and collective hierarchy formation in male and female task groups. *American Sociological Review*, (54), 79-93.
- Sellin, T. (1938). *Culture Conflict and Crime: A Report of the Sub-Committee on Delinquency of the Committee on Personality and Culture*. New York: Social Science.
- Stremlau, R. (2005). To domesticate and civilize the wild Indians: Allotment and the campaign to reform Indian families, 1875-1887. *Journal of Family History*, 30(3), 265-286.
- Tribal Revenue Allocation Plans, 25 C.F.R. Part 290.
- Vanhanen, T. (1999). Domestic ethnic conflict and ethnic nepotism: A comparative analysis. 36(1), 55-73.
- Warr, M. (1989). What is the perceived seriousness of crime? *Criminology*, 27(4), 795-822.