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Omission as a modern form of bias against Native Peoples: Implications for policies and practices

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Abstract

The omission of Native Peoples' existence, experiences, and perspectives is systematic and widespread across numerous societal domains, referred to as *Native omission*. In mainstream media, for example, less than 0.5% of representations are of contemporary Native Peoples. We theorize that Native omission is a tool furthering settler colonial goals to oppress and eventually erase Native Peoples. To make this case, we will review both experimental and national survey studies that unpack how Native omission shapes psychological processes among non-Native and Native individuals and contribute to discrimination, oppression, and disparities facing Native Peoples. We then discuss ways in which Native Peoples are actively resisting Native omission. Finally, we provide a series of policy recommendations to address Native omission and promote Native equity. By making visible the pernicious consequences of omission for Native Peoples, we chart a path for creating a more equitable future.

INTRODUCTION

On September 11, 2021, Gabby Petito, a White woman, was reported missing by her family. The local police, park rangers, and the FBI immediately started searching for Petito and the person of interest—her fiancé, Brian Laundrie. Law enforcement deployed choppers, rescue dogs, and drones to cover thousands of acres. Regional and national news reporters rushed to Wyoming to cover the story. Besides law enforcement, the disappearance of Petito also galvanized citizens. Social media users acted as amateur detectives, combing through Petito's Instagram for clues, only to discover that she had been murdered (Hauser, 2023). Gabby Petito's death was a tragedy that no person, family, or community should have to endure. Her case also demonstrates the remarkable lengths that law enforcement and citizens can and will go through to help bring justice to some victims.

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In contrast, Native Peoples¹ and their experiences are rarely afforded such public consideration. For example, Mary Johnson-Davis, a citizen of the Tulalip Tribes of Washington State, was reported missing on December 9, 2020. The FBI waited for 9 months after her reported disappearance to offer a reward for tips (Kaur, 2021). Moreover, Johnson-Davis' story received limited media attention. Although Johnson-Davis went missing 10 months before Petito, 1 week after Petito's disappearance, a Google search of Petito's name yielded approximately 300 million results, while a Google search of Johnson-Davis' name yielded approximately only 6000 results after over 10 months (Ishisaka, 2021). The differences in law enforcement response and public engagement with these cases have resulted in vastly different outcomes for families. The exhaustive search and public attention led to the discovery of Petito's body 8 days after she was reported missing; the case was solved and closed after 3 months (Hauser, 2023). However, to date (November 2023), almost 3 years after her disappearance, Mary Johnson-Davis remains missing and her case unsolved (Tulalip Tribal Police Department, n.d.), leaving her family and community without answers.

Rather than a standalone incident, the different treatment of Petito's and Johnson-Davis' cases is a reality for hundreds of Native women and girls each year. A 2018 report by Lucchesi and Echo Hawk revealed that murder is the third leading cause of death among Native women, with approximately two Native women and girls going missing or murdered daily (Lucchesi & Echo Hawk, 2018). The murder rate for Native women and girls living on reservations is 10 times higher than the national average (Lucchesi & Echo Hawk, 2018). As depicted in the case above, state and federal agencies and media conglomerates routinely overlook cases of Missing and Murdered Indigenous Women and Girls² (MMIWG). In 2016, the U.S. Department of Justice, logged only 2% of the reported MMIWG cases in the National Missing and Unidentified Persons System (NamUs), and only 5% of MMIWG cases were covered by national or international media (Lucchesi & Echo Hawk, 2018).

After years of grieving family members, tribes, and grassroots organizations calling for justice, federal lawmakers finally signed into law the *Not Invisible Act of 2019* and *Savanna's Act*, aiming to improve the data collection of MMIWG cases and increase coordination among federal, state, tribal, and local law enforcement agencies (Not Invisible Act of 2019, 2019; Savannah's Act, 2020). However, federal agencies continue to postpone implementing these acts. For instance, the Departments of Justice and Interior did not set up the Joint Commission on Reducing Violence Against Indians, a commission required by the *Not Invisible Act* to identify practices for combating the MMIWG crisis, until May 2022. This was more than 1 year after the statutory deadline of February 7, 2021 (U.S. Government Accountability Office, 2021).

The MMIWG crisis is just one example of how the U.S. government routinely and actively overlooks Native disparities and calls to action from Native communities, resulting in slowly implemented change even when required by law. Consequently, severe Native disparities remain. Among all racial/ethnic groups, Native Peoples have the highest rates of poverty (25% of Native Peoples live in poverty compared to the national average of 11.5%; Shrider & Creamer, 2023); mental health disparities (28 suicide deaths per 100,000 Native Peoples compared to 17 per 100,000 White Americans, the racial/ethnic group with the second highest suicide rate; Centers for Disease Control and Prevention, 2023); high school dropout (10% of 16- to 24-year-old Native students dropped out compared to the national average of 5%; National Center for Education Statistics, 2023); incarceration (over two times the national average: 763 per 100,000 Native people are incarcerated in state and federal prisons compared to the national rate of 350 per 100,000 people; Carson, 2022); police brutality (Native Peoples experience fatal police shootings at a quarterly rate of 1.74 per million compared to the national average rate 0.71 per million; additionally, Native men have 14 times and Native women

¹ In this paper, we use "Native Peoples" to refer to the first inhabitants and their descendants indigenous to what is now the United States and its territories. The proposed theoretical model and policies primarily focus on Native Peoples in the United States. While part of the model and some policy recommendations might apply to settler societies that share similar history and background with the United States (e.g., Canada and New Zealand where the settler governments and Native governments similarly signed treaties), the extent to which such generalization is warranted requires further context-specific investigation.

² In this paper, we use the term *Indigenous* when it is part of a proper noun, such as *Missing and Murdered Indigenous Women and Girls*, *Indigenous scholars*, and *Indigenous Peoples' Day*.



have 38 times as many fatal encounters with police as White counterparts; Lett et al., 2020; Harvey, 2020); and physical and sexual violence (84.3% Native women having experienced violence in their lifetime compared to 71% White women and 81.6% Native men having experienced violence compared to 64% White men, which are 1.3 times more likely compared to White counterparts; Basile et al., 2022; Rosay, 2016). Together, these disparities and more culminate to produce the shortest life expectancy of any racial/ethnic group in the United States—65.2 years for Native Peoples compared to the national average lifespan of 76.4 years, which is more than 10 years shorter (Xu et al., 2022).

We contend that the disparities described above are the intended outcomes of a system carefully designed to uphold and reinforce the structure of settler colonialism. From its inception as a settler colony, the United States has systematically worked to erase and replace Native societies and cultures in order to justify and maintain claims to land, resources, and power (Veracini, 2011; Wolfe, 2006). We theorize that Native omission or rendering Native Peoples invisible in the representational landscape perpetuates Native oppression and supports the ongoing process of settler colonialism. Specifically, to link Native omission and oppression, we will unpack how Native omission manifests in present-day society and psychologically impacts non-Native and Native individuals in ways that promote Native inequities and disparities. Then, we will highlight Native People's efforts to push back and resist the omission of the group and advance Native equity. Lastly, we will provide policy recommendations that, at least in part, can combat Native omission and advance Native equity.

THEORETICAL FRAMEWORK: NATIVE OMISSION PERPETUATES NATIVE OPPRESSION

In contrast to classic colonialism (e.g., Britain's colonization of India) in which the goal is to extract physical and human resources and then return home (e.g., Great Britain), the goal of settler colonialism (e.g., the United States, Canada, and Australia) is to permanently replace Native or Indigenous societies with a new society for settlers and their descendants (Wolfe, 1999, 2006). In the context of the United States, the continued presence of Native Peoples poses a "problem" that obstructs the end goal of settler colonialism. By the time settlers arrived, Native Peoples had intricate cultural and political structures across the continent (T. King, 2013). Over 15 million Native Peoples made up hundreds of heterogeneous nations with highly developed cosmologies, languages, and internal and international laws (Churchill, 1997; Jaimes, 1992; Williams, 1994). Thus, to make space for the new settler society, settlers had to remove Native Peoples and their social structures; such efforts continued each time the settler society sought to expand. Furthering the "problem," Native Peoples' ancestral ties to lands, which could be traced back tens of thousands of years, called into question settlers' legitimate claims to and identification with the land and nationhood.

To contend with this problem, settlers and their descendants deployed a series of state-sanctioned solutions to maintain and justify their possession of the lands and the resources contained within. Efforts to contend with the "problem" ranged from physical genocides, such as state-sanctioned mass killings, bounty huntings, and forced relocation of Native Peoples, to cultural genocides, including boarding schools and assimilation camps to destroy cultures, religions, and identity (Churchill, 1997; Jaimes, 1992). For instance, in response to government-issued instructions such as "kill and destroy, as enemies of the country, wherever they may be found, all such hostile Indians (Congress, House of Representatives, 1865)," between the 17th and 19th centuries, U.S. colonies, especially Connecticut and Massachusetts, issued over 120 state-sponsored scalp edicts that offered bounties for the scalps of Native Peoples, including women and children (Adams et al., 2021; Rensink, 2011). Overall, these efforts aimed to eradicate Native Peoples from colonial territories or completely assimilate Native Peoples into the colonial society.

Alongside these historical eradication and assimilation efforts, today, U.S. legal, educational, and media institutions continue to figuratively erase or omit Native Peoples from public consciousness. To make the case that figurative erasure, what we refer to as Native omission, furthers settler colonial goals, in the remainder of this section, we will first describe the nature and content of Native omissions

in present-day society. Next, we will unpack how Native omission shapes psychological processes among non-Native³ and Native individuals, in ways that perpetuate discrimination, oppression, and disparities facing Native Peoples.

The nature of Native omission in present-day society

Native omission, broadly, is the figurative erasure of Native Peoples' existence, experiences, and perspectives from public discourse and the representational landscape. In most cases, consequential societal domains (e.g., government databases, scientific research, media, and education) reflect the *absolute omission* of Native Peoples such that they largely do not mention or include Native Peoples, thereby erasing Native Peoples' everyday experiences and overall existence. For example, when government agencies, research institutes, and private companies collect data, they routinely under-recruit Native respondents (Brady et al., 2018; Faircloth et al., 2015; Villegas et al., 2016). Native Peoples are the most undercounted group in the U.S. census at a rate more than twice that of the second most undercounted group, Black Americans (U.S. Census Bureau, 2022a). Even when Native data are collected, government agencies, research institutes, and private companies frequently either exclude Native data from analyses and justify the exclusion by claiming "small cell size" or aggregate Native data into an "other" category in reports (Brady et al., 2018; Shotton et al., 2013; Villegas et al., 2016). Demonstrating how the practice of data aggregation promotes absolute omission, during the 2020 Presidential Election, CNN faced intense backlash when they reported voter demographics using a graphic that identified White, Latin@, Black, and Asian voters, but lumped Native voters into a "something else" category (Forester, 2020). In doing so, they rendered invisible the facts that a record-setting number of Native Peoples voted and that Native voter turnout decided election outcomes in key swing states (e.g., Arizona, Minnesota, and Wisconsin), ultimately leading to the election of the Democratic candidate, President Joseph Biden (NoiseCat, 2020; Smith, 2020). Social psychological research similarly omits Native Peoples' perspectives and experiences, as only 0.5% of the published papers on prejudice, stereotyping, and intergroup relations explicitly mention "Native American," "American Indian," or "Alaska Native," and only 0.2% include "Native American," "American Indian," or "Alaska Native" participants (Brady et al., 2018; Fryberg & Eason, 2017; Lopez et al., 2022).

The problem of absolute omission becomes even more pronounced when looking at the representational landscape in media and education. Less than 1% (sometimes less than 0.1%) of characters in television, films, books, and video games are Native (Cooperative Children's Book Center, 2023; Nielsen, 2020; Tukachinsky et al., 2015). In education, 27 states' K-12 education curricula do not mention a single Native figure (National Congress of American Indians, 2019) and over three-quarters of the states do not mention tribal sovereignty (i.e., Native nations' legal right to govern their communities, preserve their cultures, and control their own economies) or treaty rights (i.e., solemn contracts between sovereign tribal nations and the United States establishing the duties and responsibilities that the United States has to a particular tribal nation in exchange for its cession of homelands; Sabzalian et al., 2021).

Even in the rare cases when Native Peoples are represented, the representations are seldom contemporary, diverse, and humanizing, what we term *relative omission*. Instead, the representational landscape is replete with systematic misrepresentations of Native Peoples that relegate them either to "people of the past" (i.e., omitting contemporary relevance of Native Peoples) or to negative (e.g., bloodthirsty savage) or romanticized (e.g., spiritual and connected to nature) stereotypes (i.e., omitting humanity, uniqueness, and diversity of Native Peoples; Davis-Delano et al., 2021; Dai et al., 2021; Fryberg & Eason, 2017; Lopez et al., 2022). For example, among the states that mention Native Peoples and tribal sovereignty in their K-12 curriculum, the references are predominantly situated in pre-1900

³ In this paper, we use *non-Natives*, *non-Native people*, or *non-Native individuals* (depending on the context) to refer to U.S. citizens who are not Native Peoples.

contexts (Sabzalian et al., 2021; Shear et al., 2015); 95% of the first 100 Google image search results for the terms “Native Americans” or “American Indians” are pre-1900 historical portraits (Leavitt et al., 2015); and Native sports mascot imagery draws on historicized caricatures that either romanticize Native Peoples as brave warriors or derogate them as aggressive savages (Dai et al., 2021; Deloria, 1998; C. R. King, 2010).

These pieces of evidence together suggest that the omission, both absolute and relative, of Native Peoples is systematic and widespread across numerous societal domains. Importantly, however, absolute and relative omissions are not harmless misunderstandings of Native Peoples; they shape public opinion and work to ensure that the public and decision-makers have no correct reference points when considering Native Peoples’ historical struggles, current needs, and futures. In the next section, we will discuss how Native omission influences the psychology of non-Native and Native individuals and ultimately perpetuates Native disparities and inequality, thereby advancing the goals of settler colonialism.

Psychological consequences of Native omission

To fully understand the psychological consequences of Native omission, one must first understand the communication function of social representations. Decades of research suggests that prevalent representations help people navigate their social contexts. They signal who and what is important to attend to; they provide shared understandings between groups that set the stage for intergroup relations; and they help individuals reflect on their own social standing and experiences (Moscovici, 1984). Indeed, research reveals that all people garner this information from surrounding representations and use it to make sense of who and what is good, right, and moral in society (Busselle & Crandall, 2002; Dixon, 2008; Tukachinsky et al., 2015).

The social nature of social representations also helps us understand the social consequences of Native omission. Given that the vast majority of Americans have never met or deeply engaged with a Native Person (Reclaiming Native Truth Project, 2018), the absence of Native representations (absolute omission), which is itself a representation, and the sparse (mis)representations (relative omission) that are available in various domains of society play great roles in shaping public opinion concerning Native Peoples. In fact, this is the power of Native omission. Absolute and relative omissions communicate to non-Native and Native people alike not only what society at large believes Native Peoples look, think, feel, and behave, but also how much time and attention is needed to address the concerns of this group (Eason et al., 2018). Thus, for non-Natives, Native omission provides a schema by which they can figure out who Native Peoples are (or are not) and how one should engage (or not engage) with the group. For Native Peoples, however, Native omission forces them to contend with the reality that their group is not given the same space, consideration, and concern in various domains that other groups receive. Building on these insights, Native omission, both absolute and relative, influences how both non-Native and Native individuals think and behave. In the following sections, we will outline the processes by which Native omission (1) influences non-Natives in ways that promote prejudice and discrimination, thereby reifying Native inequality, and (2) negatively impacts Native individuals in ways that undermine psychological well-being and thus promote Native disparities. We argue that both these processes ultimately further the settler colonial goals to oppress and eventually erase Native Peoples.

Implications of Native omission for prejudice and discrimination

Given its prevalence in U.S. society, Native omission has consequences for how non-Natives think and behave toward Native Peoples. Specifically, both absolute and relative omission work in tandem to

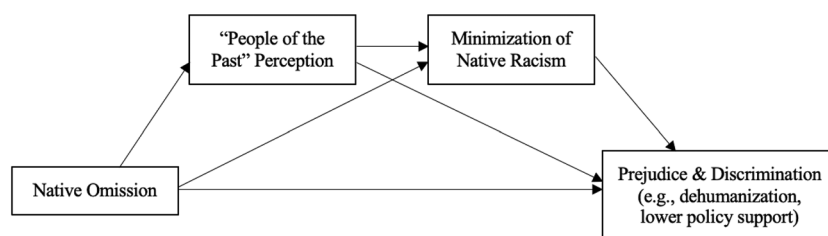


FIGURE 1 Conceptual model of the process of Native omission promoting prejudice and discrimination against Native Peoples.

make non-Natives view Native Peoples as irrelevant to contemporary U.S. society (Fryberg & Eason, 2017). Supporting this assertion, more than 40% of non-Natives explicitly endorse the idea that Native People are “people of the past” (Reclaiming Native Truth, 2018) and over 70% of non-Natives implicitly hold the same belief (Dai, Eason, et al., 2023). Furthermore, by relegating Native Peoples to the remote past, omission works to minimize the ongoing impacts of historical atrocities on Native Peoples’ current experiences (i.e., racism against Native Peoples is a thing of the past) and obscure their contemporary disparities (Leach et al., 2013; Vollhardt & Bilewicz, 2013). For example, while 75% of Native people report that discrimination against their group is still a problem today (Findling et al., 2019), only 34% of non-Native people believe it is a problem (Reclaiming Native Truth Project, 2018). When individuals do not recognize an oppressive and unjust system as the root of poor outcomes (e.g., disparities in wealth, educational attainment, and incarceration rates), they are likely to justify these outcomes as reflections of the shortcomings of a group, which reinforces negative attitudes and apathy toward that group (Jost & Hunyady, 2005; Jost et al., 2003; Knowles & Lowery, 2012; Young, 1961). Moreover, when individuals see a system as fair and faultless in promoting group-based poor outcomes, they see no need for systemic solutions (e.g., redistributive social policies, penalties for hate crimes, affirmative actions) to change outcomes (Jost & Hunyady, 2005; Mallett et al., 2011; Phelan & Rudman, 2011; Sears & Henry, 2005; Waksalak et al., 2007; Yogeewaran et al., 2018). In other words, Native omission works to cast Native Peoples’ experiences as irrelevant to contemporary society and unrelated to concerns about racism and system-level change.

Taken together, we theorize that Native omission fosters the perception among non-Natives that Native Peoples are historical figures that no longer exist (i.e., “people of the past” perception), which leads non-Natives to minimize Native Peoples’ present-day experiences of racism (i.e., racism minimization). In turn, these two beliefs, both independently and serially, work to promote prejudice and discrimination against Native Peoples (see Figure 1).

Moving beyond theorization, a growing body of research has emerged providing empirical support for the assertion that Native omission shapes the way that people think about Native Peoples and their contemporary experiences, which has broad consequences for bias and discrimination. Specifically, in one of the first large-scale investigations to empirically examine the proposed model (see Figure 1), researchers conducted three large-scale correlational studies with non-Native participants across the United States, including one sample of over 4500 college students recruited from 12 colleges/universities; Eason & Fryberg, 2023). First, demonstrating the scope and depth of the omission of contemporary Native representations—resulting from the combination of lacking contemporary Native representations (absolute omission) and excessive historical misrepresentations (relative omission)—over 91% of college students and 82% of adults were not able to accurately name a single living famous Native individual, such as Sherman Alexie, John Herrington, Wes Studi, or Charlene Teters. Similarly, both college students and adults correctly answered less than 30% of factual questions about contemporary Native Peoples. Indeed, for over half of the questions, participants indicated “I don’t know” rather than guess. In another set of questions, over 50% of adults across the two studies reported rarely or never engaging with representations of Native Peoples in the



TABLE 1 Domains in which Native Peoples face pressing issues and examples of policies designed to address respective issues.

Domains	Main issues	Example policies
Education	K-12 school system has no or very few curricula on Native history, nationhood, and contemporary status	Pass legislation at the national level requiring all states' K-12 schools to include Native history curricula that teach historical atrocities (e.g., genocides and boarding schools), sovereignty rights, treaties, and tribal diversity
Public representations	There is a lack of accurate, contemporary, and humanizing representations of Native Peoples; Native identity and imagery are appropriated for trademarks and commodities	Provide tax credits to production companies on expenditures qualified as efforts to increase Native representations Ban school and professional sports teams from using Native-themed mascots; deny trademarks on Native-themed images
Resource allocation	Insufficient federal funding to address basic needs, including health care, education, public safety, housing, and infrastructure development	The U.S. government should increase funding for Tribal Priority Allocations, which allows tribes to self-determine and pursue their own priorities
Sovereignty rights	Tribes have limited power to self-govern their land and to control economic, educational, legal, and justice systems. Federal and state agencies attempt to dishonor treaties and assert jurisdiction in Indian Country	Native American tribes should be able to create and enforce their own rules, policies, and laws on reservations without interference from U.S. or state governments

news and print media. Finally, over 80% of adults agreed with the statement “I rarely hear information about Native Americans in contemporary society today,” and 63% agreed that they rarely think about contemporary Native American individuals. Together, these results demonstrate the extent to which contemporary representations of Native Peoples are omitted from the public consciousness, such that non-Native people, on average, struggled to bring accurate and humanizing contemporary representations of Native Peoples to mind.

Returning to the broader proposed model (see Figure 1), these studies also explored whether the omission of contemporary representations of Native Americans influenced people’s beliefs about contemporary Native Peoples and their experiences, and, in turn, whether their beliefs would promote prejudice and discrimination. Across two correlational studies, greater omission of contemporary Native Peoples was related to greater endorsement of the belief that Native Peoples are “people of the past” (i.e., Native Peoples have vanished; this belief was not measured in one study) and across all three correlational studies, greater omission was related to greater minimization of Native Peoples’ contemporary experiences with racism and discrimination. Moreover, the more people endorsed the belief that Native Peoples are “people of the past,” the more they minimized Native Peoples’ contemporary experiences with racism. In other words, people reasoned that if Native Peoples do not exist in contemporary society, then they cannot experience racism.

Perhaps most germane to the larger theory, the omission of contemporary representations, greater “people of the past” perceptions, and greater racism minimization independently and serially predicted more negative social attitudes (i.e., less warmth toward and greater dehumanization of Native Peoples) and less support for policies and practices aimed at advancing Native equity in four domains—education, public representations, resource equity, and sovereignty rights (see Table 1). These policies would address pressing issues facing Native Peoples because they can, in part, ensure that tribal nations can protect their citizens with the same rights and resources as are afforded other Americans. The results from these three studies aligned with the proposed model (see Figure 1) to suggest that Native omission reinforced prejudice and discrimination by (1) increasing perceptions that Native Peoples are

peoples of the past and (2) minimizing Native Peoples' experiences with racism and systemic injustices. Moreover, the findings demonstrate how pernicious Native omission can be for undermining Native Peoples' lives. Not only did Native omission relate to less warmth (an indicator of greater affective prejudice) and dehumanization (an indicator of greater cognitive prejudice), but it is also related to discriminatory attitudes in distinct domains with well-documented evidence of Native disparities (see Table 1).

Particularly notable was the fact that greater omission of contemporary Native Peoples predicted stronger support for the termination of sovereignty rights. Specifically, the more contemporary Native representations were omitted, the more people overlooked Native Peoples' contemporary existence and minimized their experiences with racism, and, in turn, the more they agreed that (1) the U.S. government should nullify all treaties with Native tribes, (2) the U.S. government should eliminate all reservations, and (3) the U.S. government should abolish Native tribes' rights to self-govern, including banning tribes from owning land, creating and enforcing tribals laws, and owning businesses. In effect, while the other outcomes such as concerns about resource equity and public representation undermine the well-being of Native Peoples, terminating sovereignty rights destroys Native nations, thereby directly upholding and bolstering U.S. settler colonialism.

Further supporting the broader theory and building upon the initial correlational investigations, additional studies have (1) established causal evidence supporting the proposed model (i.e., Native omission promotes "people of the past" perceptions and racism minimization); (2) shed light on the extent to which people view Native Peoples as "people of the past"; and (3) demonstrated the generalizability of the model beyond broad indicators of prejudice and discrimination to understanding specific issues negatively impacting Native Peoples, such as the continued use of redface and the ongoing MMIWG crisis.

Causal evidence of the proposed model

A national sample of non-Native participants was exposed to either information framing Native Peoples in pre-1900s historical contexts, present-day census information, or information focused on highlighting agency and Native improvements over time (Eason & Fryberg, 2023). Compared to texts that focused on Native Peoples in historical contexts (i.e., absolute omission), present-day census information and information highlighting agency and improvement reduced the extent to which participants viewed Native People as "people of the past," which led to lower prejudice and discrimination (i.e., more positive social and policy attitudes).

Using a similar method to unpack the causal relationship between the relative omission of Native People from discourse on racism and discrimination, another national sample of non-Native participants read either information only on Native disparities with no explanation of how those disparities arose or information about Native disparities coupled with information about the systemic roots (e.g., policies and practices enacted by the U.S. government) leading to those disparities. In this case, the disparities condition represents a form of relative omission in that the broader context leading to Native Peoples' outcomes was omitted, thereby casting Native Peoples and communities as deficient. Compared to only disparities information, information that situates Native peoples within a broader context of systemic oppression reduced the extent to which people minimized racism, thus leading to less prejudice and discrimination (i.e., more positive social and policy attitudes), including reducing support for terminating sovereignty rights.

Together, these findings converge with the results of the correlational studies and provide causal evidence in line with the proposition that Native omission promotes people of the past perceptions and racism minimization, which in turn leads to prejudice and discrimination (see Figure 1). Moreover, the findings suggest that constructing a cultural context that resists absolute and relative omission is possible and can have positive and broad downstream consequences for how people think about Native Peoples and subsequent social and policy attitudes.

The extent to which Natives are viewed as “people of the past”

Although the prior work provided clear evidence that greater explicit endorsement of the idea that Native people are “people of the past” has negative implications, the work had not yet established that these perceptions are prevalent in American’s minds. In fact, on explicit measures, most people (60%) disagreed with the sentiment that Native Peoples are “people of the past.” Yet, such explicit disagreement conflicts with (1) theorizing that prominent social representations shape individuals’ minds (Moscovici, 1984); (2) numerous Indigenous scholars’ theorizing that Americans manipulate Native images and identities to be out-of-date nobles or savages (Deloria, 1998; Trimble, 1987; Pewewardy, 2003; Tuck & Yang, 2012); and (3) Native Peoples’ own experiences with non-Natives questioning and denying their identity (e.g., “You do not look Native” or “I did not know that Native Peoples still existed”; Lysne & Levy, 1997; Pewewardy, 2003). These conflicting patterns of evidence suggest that perhaps people are unwilling to explicitly endorse the sentiment that Native Peoples no longer exist, even if they hold those beliefs.

Dai, Eason, and Fryberg (2023) developed and validated a novel measure to implicitly index “people of the past” perceptions—a *Native-past* stereotype Implicit Association Test. This task measured the extent to which people automatically associated Native Americans (vs. White Americans) with historical (vs. contemporary) concepts. In four independent samples, each of 1000 non-Native Americans, the vast majority of non-Native participants (over 70%) implicitly or automatically associated Native Peoples with “people of the past.” A subsequent sample of over 38,000 non-Native Americans, weighted to approximate the U.S. census demographics, revealed that 74% of participants implicitly perceived Native Peoples as “people of the past.” These findings suggest that people do indeed hold the belief that Native Peoples have vanished, even though they may be unwilling to explicitly report them or are relatively unaware that they believe so (Gawronski et al., 2007; Greenwald & Banaji, 1995). In line with the proposed model (see Figure 1) and previous studies investigating explicit “people of the past” perceptions, greater implicit endorsement of the “people of the past” perceptions was related to greater minimization of Native Peoples’ experiences with racism, and, in turn, greater prejudice (i.e., less warmth toward Native Peoples) and discrimination (i.e., less support for policies aimed at promoting Native equity) (see Table 1).

Generalizability of the proposed model to specific Native issues

While prior studies demonstrated the implications of Native omission for broad measures of prejudice and discrimination, studies have also examined the generalizability of the model to specific issues facing Native communities. Specifically, Native omission and the related beliefs (e.g., people of the past perceptions and racism minimization) impact support for the use of redface (i.e., racist caricatures depicting Native Peoples with distorted and exaggerated facial features) as well as support for ending the MMIWG crisis.

First, redface is routinely on display at sporting events, during costume holidays (e.g., Halloween), and at themed parties across the United States. In contrast, few people today dress in blackface, an analogous racist caricature, partly due to public condemnation of blackface and the growing consensus that blackface is unacceptable. Aligning with these differential behaviors, five experiments using both within- and between-subjects designs revealed that people do indeed view the use of redface as more acceptable than the use of blackface (Lopez et al., 2022). Unpacking why the American public perceives these two analogous forms of racist representations differently, these five experiments revealed that the differential acceptability was explained by the extent to which people believe that Native (vs. Black) Peoples (1) are “people of the past” and, subsequently, (2) experience less racism.

Second, returning to the MMIWG epidemic, a national survey of over 4000 non-Native participants found that 65% reported being unfamiliar with the MMIWG crisis (Lopez, Yellowtail, et al., 2023). Consistent with the broader proposed model (see Figure 1), the more people endorsed the belief that

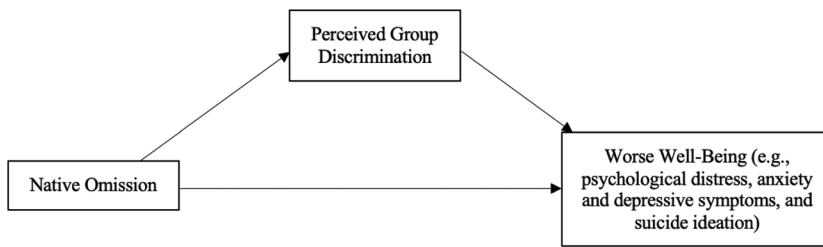


FIGURE 2 Conceptual model of the process of Native omission undermining well-being.

Native People were people of the past, the more they minimized Native People's experiences with racism. In turn, both "people of the past" and racism minimization beliefs independently and serially led participants to blame MMIWG victims and absolve non-Natives and societal systems from responsibility for the epidemic. In turn, these beliefs were related to greater apathy for the crisis, and ultimately lower support for policies that might, in part, address the crisis. These findings suggest that Native omission is, in effect, tacitly working to eliminate Native Peoples from the U.S. settler colony. Allowing Native women and girls to continue to go missing or murdered at high rates perpetuates the ongoing literal erasure of Native Peoples and undermines Native Peoples' future existence.

Together, the research reviewed above provides convergent evidence that Native omission has important psychological consequences for non-Natives, shaping how they think about Native Peoples and their experiences (see Figure 1). Specifically, Native omission fosters non-Natives' belief that Native Peoples are "people of the past" or historical figures that no longer exist, which in turn allows people to overlook or minimize contemporary Native Peoples' experiences with racism. This process has broad implications for understanding prejudice and discrimination against Natives, as reflected in social attitudes toward Native Peoples, attitudes toward specific Native issues, and support for Native equity through policy change. Moreover, although not empirically demonstrated, Native omission may impact whether a policy is proposed and/or brought to a vote. From the perspectives of federal and state authorities like policymakers, the first step in policy development is identifying a problem that requires a policy solution (Hayes, 2001). If policymakers overlook disparities and injustices facing Native communities, they will not deem these issues urgent enough to put on the policy agenda. While stakeholders outside of government (e.g., Native organizations) can raise awareness, if policymakers do not recognize the relevance, they are unlikely to make policies or allocate resources to address the issues impacting Native communities and Peoples, many of which have life-threatening downstream consequences (e.g., the disproportionately high rates of MMIWG; Hayes, 2001). By maintaining and even exacerbating life-threatening disparities, Native omission becomes a powerful tool that furthers settler colonial goals.

Native omission undermines well-being

The previous section highlighted the consequences of Native omission for shaping how non-Natives think and act toward Native Peoples. In the current section, we focus on unpacking how Native omission directly impacts Native Peoples in ways that undermine psychological well-being. In particular, Native Peoples are not valued in society (i.e., not given space, consideration, and concern in various domains). Recognizing that their group is devalued in American society ultimately undermines well-being (see Figure 2).

Abundant research shows that ingroup representations inform individuals of their ingroup's social status (Fryberg & Townsend, 2008; Fujioka, 2005; Moscovici, 1988; Schmader et al., 2015). The overabundance of misrepresentations (i.e., relative omission) largely indicates to Native Peoples that mainstream society does not consider them "good" or "valued" people (see Fryberg et al., 2021,

Appendix C). The lack of any representations (i.e., absolute omission) communicates the same ideas to Native Peoples (Lopez, Munoz-Salgado, et al., 2023; Ward-Griffin et al., 2023). Indeed, Native Peoples are well aware of the biases fostered by Native omission. In a study of over 6000 Native respondents, representing more than 400 tribal nations and all 50 states, 87% reported feeling that the average American does not care about the experiences of Native Peoples and 77% reported feeling that the average American thinks there are no “real” Native Peoples left (Indigenous Futures Survey, 2020).

The social cues sent by Native omission (i.e., not being valued by American society) contribute to Native Peoples’ overall perceptions of group discrimination (Dai, Yellowtail, et al., 2023; Fryberg & Townsend, 2008; Lopez, Munoz-Salgado, et al., 2023). A robust literature demonstrates that discrimination, particularly when it becomes a chronic stressor, is linked to increased engagement in unhealthy behaviors (e.g., alcohol and substance use, binge eating) and a multitude of mental illnesses (e.g., depressive symptoms, anxiety symptoms, posttraumatic stress symptoms), and physical conditions (e.g., hypertension, cardiovascular disease, inflammation; Cheng, 2014; Everson-Rose et al., 2015; Gerrard et al., 2012; Gibbons et al., 2004; Pascoe & Richman, 2009;). Given this link, we theorized that Native omission leads to greater perceptions of group discrimination among Native Peoples, which undermines their well-being (see Figure 2).

Three of the largest studies of Native Peoples in the United States to date (Lopez, Munoz-Salgado, et al., 2023), with approximately 20,000 responses from individuals representing at least 400 federally or state-recognized tribes across all 50 states tested the proposed model in full. Specifically, these studies examined the extent to which Native respondents were sensitive (i.e., noticed and reacted negatively) to the absolute and relative omission of Native peoples. All three surveys consistently reveal three important patterns. First, Native respondents, on average, were highly sensitive to both absolute and relative omission. Second, greater sensitivity to absolute omission and greater sensitivity to relative omission significantly and independently predicted worse well-being, including psychological distress, anxiety and depressive symptoms, and suicide ideation. Third, greater perceptions of group discrimination explained, at least in part, the relationships between sensitivity to absolute and relative omission and well-being outcomes.

These findings support the proposed process that Native omission undermines Native Peoples’ well-being by heightening a broader sense that the group experiences discrimination. Importantly, these findings suggest that this process likely affects most Native Peoples since Native Peoples, on average, are highly sensitive to both absolute and relative omission of their group. The direct impact of Native omission on Native Peoples is especially worrisome considering that Native Peoples not only had the highest age-adjusted suicide rates for the last 4 years (2018–2021) but also experienced the highest relative rate of increase between 2018 and 2021 (Centers for Disease Control and Prevention, 2023; Stone et al., 2023). As a risk factor for negative outcomes associated with poor mental health (e.g., suicide), Native omission promotes disparities and continues Native oppression, ultimately advancing settler colonial goals of exerting dominance over and erasing Native Peoples.

NATIVE RESISTANCE TO OMISSION

Despite the prevalence of Native omission and its deleterious effects on prejudice, discrimination, and Native Peoples’ well-being, Native Peoples continue to push back against Native omission. In the domain of education, Native tribes, students, and parents continue pressing states to recognize and preserve Native cultural heritage. As a result, 12 states have passed bills requiring Native history to be taught in K-12 academic standards (i.e., Arizona, Connecticut, Hawaii, Illinois, Maine, Montana, New Mexico, North Dakota, Oregon, Washington, Wisconsin, Wyoming; National School Choice Week, 2023). In media, Native-led production teams created TV shows and movies centered on Native characters, such as PBS’s *Molly of Denali*, Peacock’s *Rutherford Falls*, FX’s *Reservation Dogs*, and Netflix’s *Basketball or Nothing*. As a result, the number of recurring Native roles doubled between

2021 and 2022 (Nielsen, 2023). Regarding Native mascots, Native organizations have launched initiatives to end Native mascots in professional, college, and high school sports. For instance, the National Congress of American Indians' Ending "Indian" Mascots Initiative includes the development of the National School Mascot Tracking Database and direct engagement with state legislatures to pursue mascot bans through legislation (National Congress of American Indians, n.d.). Finally, Native organizations have been pushing to replace Columbus Day with Indigenous Peoples' Day and have made significant progress (Fryberg et al., 2022), including the first presidential proclamations of Indigenous Peoples' Day in 2021 (Biden, 2021).

Native resistance to absolute and relative omission not only manifests in these specific examples but is also evidenced by large-scale surveys totaling over 11,000 Native Peoples. The studies revealed that the vast majority of Native Peoples actively participated in or intended to participate in civic activities to reduce Native disparities. Specifically, 90% of respondents participated in at least one listed civic activity (e.g., sharing political content online, contacting a public official, attending a protest) in the past 5 years. Nearly 80% of the respondents participated in at least one listed get-out-the-vote activity in the 2020 Presidential Election (e.g., sharing voting information, donating to a candidate or party, dropping people's ballots). Finally, over 90% of the respondents indicated that they would participate in at least one listed civic activity in the next 12 months.

In an effort to unpack what galvanized the types of actions described above, Dai, Yellowtail, and colleagues (2023) posited that these efforts were particularly driven by motivating individuals who strongly identified as Native to address bias and discrimination toward their group. Research revealed that recognizing Native omission plays a pivotal role. Participants who viewed being Native as central to their self-concept recognized more omission of Native Peoples in U.S. society, perceived greater group discrimination, and reported greater past civic engagement as well as stronger intentions to participate in future civic activities. This process applies to both recognition of omission in a general sense (across two studies; total $N = 10,047$ Native participants) and a more specific incident of omission, CNN labeling Natives as "Something Else" (one study; $N = 1,609$ Native participants). The study revealed that the extent to which participants "felt invisible" after seeing the image of CNN's "Something Else" label predicted stronger perceived group discrimination and, in turn, greater engagement in get-out-the-vote activities.

In summary, Native omission is a critical component shaping how Native Peoples understand their group's position in society and civic engagement is one way they contend with this omission. However, the onus of change should not solely fall on Native Peoples. In a system of settler colonialism that continues to treat Native Peoples as a "problem," Native resistance rarely garners support from mainstream society. Hence, in the next section, we discuss what steps U.S. society can take to help advance Native equity.

POLICY SUGGESTIONS TO ADVANCE NATIVE EQUITY

We have demonstrated that the widespread omission of Native Peoples obscures the reality of Native oppression and prevents social support, policies, and resource allocations that would help address pressing Native issues and foster equity. Therefore, the first step toward building a more equitable future for Native Peoples entails combatting Native omission and making space for Native Peoples to create their own representations and narratives about the past, and the present. In the remainder of this section, we will first make recommendations about (1) Native Peoples' true history and (2) contemporary existence. Policies addressing omissions of these two aspects of Native Peoples' lives can infuse the representational landscape with more accurate, contemporary, humanizing representations of Native Peoples. We will then shift focus to recommending policies that can address the omission of (3) Native data and (4) Native Peoples' legal and political status. Combatting omissions of these two aspects has implications beyond the representational landscape, particularly boosting resource equity, and elevating sovereignty rights. When tribal nations have the power to make their own decisions and



receive adequate funds to carry out those decisions, they can be their own stewards and tackle a wide range of issues.

Policies combating omission of true history

U.S. national narratives (i.e., culturally constructed, cohesive stories about the nation's origin and achievements; Cover, 1983; Delgado, 1989) reify Native omission and provide highly sanitized accounts that omit or deny historical atrocities against Native Peoples (Churchill, 2003; Saito, 2014). Because studying the past helps people interpret how the present-day society and the status quo within come to be (Stearns, 1998), when history obscures the reality of Native oppression and settler colonialism, people may blame Native Peoples for Native disparities. Hence, we need to ensure that when we talk about history and depict Native Peoples in historical settings, the accounts are accurate and devoid of atrocity denial.

Indeed, in much of the Western World, laws have been passed making it illegal to deny past atrocities, in recognition of the psychological and physical harm such behavior causes. For example, 16 European countries, Canada, and Israel have passed legislation making it illegal to deny the Holocaust (i.e., denial of the systematic genocidal killing of roughly 6 million Jews in Europe by Nazi Germany; Bazyler, 2016). Germany also criminalizes the denial of other war crimes and genocides (Bazyler, 2016; Glaun, 2021). The United States has not passed similar legislation because civil rights and human rights advocates contend that such laws would violate freedom of speech and freedom of expression (Cohen-Almagor, 2008). However, it is important to recognize: (1) freedom of speech and freedom of expression do not suggest that there are or should not be consequences for individuals' speech and expression, especially when said expression causes harm and (2) denying atrocities is contrary to the fundamental responsibilities of schools to provide safe learning environments for ALL children and teach factually accurate descriptions of social and historical events. Therefore, we recommend that the federal government and state governments adopt the following policies that prohibit inaccurate, stereotypical historical representations while mandating accurate ones:

1. *Pass national legislation requiring all K-12 schools to teach Native history before and after European contact.* The curriculum should cover the development of tribal systems and cultures, atrocities against Native Peoples, and Native Peoples' responses to settlers' attempts to expand territory (from diplomacy to warfare). Although 12 states have passed bills mandating K-12 Native education curricula (National School Choice Week, 2023), we call for federal legislation applied to all states, in this and two later recommendations regarding Native education. We do so because (1) 70% of Native Peoples live in or near cities, so a state can have no federally or state-recognized tribes yet still have a substantial Native population (e.g., Missouri has more than 20,000 Native residents but currently has no tribal nations; Urban Indian Health Commission, 2015); and (2) public knowledge about and support for Native issues matter even if people never have first-handed contact or engagement with Native Peoples.
2. *Ban school and professional sports teams from using Native-themed mascots; deny trademarks on Native-themed images.* These brand logos are often stereotypically historical images—whether they be romanticized or derogatory. In recent years, a number of states passed bills prohibiting public schools from using Native-themed mascots, team names, or logos (e.g., Washington, New York, Colorado; Neuman, 2023). For instance, the Colorado state legislature required public schools to retire Native-themed mascots and logos by June 1, 2022, unless they got approval from a federally recognized Native tribe to keep them (Prohibit American Indian Mascots, 2021). The Colorado Commission of Indian Affairs identified each public school using a Native mascot and notified the school district of the identified school of requirements related to eliminating the Native mascot. If a school failed to comply by the deadline of June 1, 2022, the act would impose a fine of \$25,000 on its district for each month that the school continued to use the prohibited Native mascot after the deadline (Prohibit American Indian Mascots, 2021). Other states should follow in these

footsteps. We also urge the U.S. court system to take similar actions when it comes to registration of Native-themed trademarks.

3. *Replace cultural symbols valorizing settler colonialism with ones that honor accurate history in general and Native Peoples more specifically.* This recommendation entails removing monuments of Christopher Columbus, Junipero Serra, George Armstrong Custer, and other settlers who led troops in “Indian Wars” and renaming sites named for these settlers (see Mellon Foundation’s Monuments Project, [n.d.](#), for examples of commemorative landscape transformation). We also urge the replacement of Columbus Day with Indigenous Peoples’ Day, which commemorates and celebrates Native histories and cultures. Another core cultural symbol that romanticizes settler colonialism is Thanksgiving. The true history behind Thanksgiving is that the Pilgrims engaged in repeated acts of violence and aggression against the Wampanoag, even going so far as robbing Wampanoag graves and food storehouses (Kurtis et al., [2010](#)). While early settlers did indeed hold feasts of thanksgiving, these celebrations marked violent massacres of hundreds of Native Americans rather than peaceful cooperation (Deloria, [2019](#)). However, in American culture, Thanksgiving is represented as a celebration of peaceful cooperation between the Wampanoag Peoples and the Pilgrims. President Joe Biden, in his 2022 Thanksgiving Proclamation, stated: “This American spirit of gratitude dates back to our earliest days, when the Pilgrims celebrated a successful first harvest thanks to the generosity and support of the Wampanoag people (Biden, [2022](#)),” completely omitting historical atrocities against the Wampanoag Peoples. Given the importance of Thanksgiving to American culture, we anticipate that eliminating the holiday will likely receive backlash. Nonetheless, we argue that abolishing Thanksgiving is necessary because it is the ultimate sanitization of relations between settlers and Native Peoples.

Policies combating omission of contemporary existence

Representations in media and education are particularly powerful because most non-Natives have their first figurative contact with Native Peoples via entertainment media (i.e., children’s books, cartoons, and film) and schools (i.e., textbooks and class activities). Policies that can increase contemporary Native representations in these two domains are as follows:

In *entertainment media* (e.g., television, movies, podcasts, and games), changing how Native Peoples are represented requires substantially increased inclusion of Native Peoples on every level, from casts to writers to directors to production teams. Policies should aim to incentivize production companies to cast more Native actors for recurring roles in front of the camera and, more importantly, give power to Native Peoples to create their own representations and stories behind the camera (e.g., Sundance Institute’s Indigenous Program mentors up and coming film directors). Below are some policy examples that the U.S. government can adopt:

1. *Provide tax credits to production companies on expenditures qualified as efforts to increase Native representations*, such as wage costs for Native creatives and actors and production expenses for Native-centered storylines and content shot on tribal reservations. This recommendation is inspired by New York State’s Film Tax Credit, which has successfully revitalized its film industry ([Empire State Development, n.d.](#)). Encouraging studios to shoot television and movies on reservations can effectively combat the stereotypes that depict Native Peoples either as stranded on barren land or as living extravagantly with casino money (Burkley et al., [2017](#); Davis-Delano et al., [2020](#)) and, instead, provide more diversified insights into contemporary Native Peoples’ lives. However, shooting content on reservations mandates cultural sensitivity and respect (see Illuminative, [2022](#), for guidelines for collaboration).
2. *Set up workforce development programs that train tribal youth on content development and editing*, which will establish and empower a well-prepared Native workforce to enter the entertainment industry.

3. *Create programs and grants supporting emerging Native creatives to make and broadcast films, TV shows, or podcasts, and provide mentors to Native youth who are interested in storytelling.* Note that the second and third recommendations can be implemented through legislation and state- or federally-allocated funds or programs offered by institutions in the private sector (e.g., nonprofit organizations), following the model set by Sundance Institute's Indigenous Program ([Sundance Institute, n.d.](#)).

In *schools*, as outlined earlier, Native omission shapes how non-Native students and teachers think about and act toward Native students, which fosters discrimination and has detrimental implications for Native students' well-being and academic performance. For instance, teachers are less likely to recommend Native students for awards and advanced coursework than White students with equivalent academic performance because Native students do not come to teachers' minds when thinking about "good students" (Eason et al., 2018; Rowe, 2017). The absence of positive, contemporary representations of Native Peoples also directly jeopardizes the well-being and academic performance of Native students. Highly accomplished and revered figures that Native students encounter and study are predominantly non-Native. The lack of Native role models depresses Native children's possible selves (i.e., their ideas of what they might and would like to become in the future), which impairs their sense of belonging, self-esteem, academic attainment, and eventual occupation success (Covarubias & Fryberg, 2015; Fryberg et al., 2008; Kao, 2000; Leavitt et al., 2015; Markus & Nurius, 1986; Oyserman et al., 2006). Increasing contemporary Native representations in schools can foster positive perceptions and attitudes toward Native People among non-Native teachers and students and, more importantly, boost Native students' academic success. The following policy recommendations serve as examples for federal and state governments:

1. *Pass legislation at the national level requiring all K-12 schools to teach contemporary information about the current status of Native Peoples.* The curriculum should cover the contemporary preservation of Native cultures, contributions that shape Americans' model lifestyle (e.g., the invention of baby bottles and baby formula), systemic inequality facing Native Peoples, and their resistance efforts.
2. *Create grants and provide resources for classroom and field trip activities focused on teaching contemporary information about Native Peoples and their achievements,* including assigning Native-authored books set in the present day, inviting Native speakers to give talks on living cultures, inviting Native presenters to career days, visiting Native cultural centers, and featuring inspirational, post-1900 Native figures (e.g., John Herrington, Joy Harjo, Mary Ross, Deb Haaland) on classroom posters.

POLICIES COMBATING OMISSION OF DATA

Political and research institutions routinely under-recruit and undercount Native Peoples when conducting censuses, polls, and assessments, and exclude or aggregate Native data when analyzing and reporting results. Having little to no Native representations in the realm of data is detrimental to securing funding and resources allocated to Native communities. Federal and state governments use data to inform decisions on policy crafting and resource distribution (Foundations for Evidence-Based Policymaking Act of 2018, 2018; Pew Charitable Trusts, 2018). When no record exists about Native experiences, agencies may presume that the lack of data means no issues need to be addressed, and ultimately allocate resources elsewhere. For example, during the COVID-19 pandemic, the Department of Treasury allocated federal emergency funds using census data. Because Native Peoples are the most undercounted group by the U.S. census, they did not receive funding equal to their needs (U.S. Government Accountability Office, 2022). Another problem is that when Native data are collected and reported, they are rarely by or for Native Peoples, but are through a non-Native lens. When

non-Native researchers and data officers are unaware of Native Peoples' specific needs, they may not ask questions that highlight unique community or individual concerns or provide resources to address them (e.g., funding; Rainie et al., 2017). Increasing the inclusion of Native data is an essential first step toward resource equity. Some policy examples serving this purpose include:

1. *Pass legislation that provides detailed guidelines on data practices for different government agencies.* These guidelines should be modeled after Savanna's Act, which aims to improve government data on MMIWG cases (Savannah's Act, 2020) and include protocols for data collection (e.g., training agents on how to record Native data properly), data access (e.g., conducting tribal outreach to make agreements on data publicity and sensitivity), and data reporting (e.g., releasing statistics in internal and public reports).
2. *Create grants for tribes to self-determine data infrastructure* by hiring their own researchers and decision-makers to determine the types of data that will best serve their people and communities.

POLICIES COMBATING OMISSION AND UPHOLDING TRIBAL SOVEREIGNTY

Research has linked tribes' power to self-govern with better mental and physical well-being for their people (Auger, 2016; Chandler & Lalonde, 1998). Specifically, members of tribes that have established more political and economic independence (i.e., being able to provide more educational, law enforcement, and healthcare services, and offer more cultural programs such as language revitalization programs) tend to have lower suicide rates, lower risk for diabetes, and lower alcohol addiction rates (Auger, 2016; Chandler & Lalonde, 1998; Currie et al., 2011; Oster et al., 2014). To combat omission and uphold tribal sovereignty, we need to recognize that (1) the lack of Native presence in decision-making bodies and (2) the lack of public knowledge and understanding of Native Peoples are threats to tribal sovereignty.

First, Native Peoples are underrepresented in the legislative system. For instance, the 117th Congress only has six Native House representatives (including four tribal members from the lower 48, one Native Hawaiian, and one Native Alaskan) and one Native Senator (Congressional Research Service, 2022). Despite making up only 1% of the House, while Native Peoples comprise at least 2.9% of the U.S. population (U.S. Census Bureau, 2022b), the 117th Congress has the largest Native delegation yet. Indeed, throughout U.S. history, only 24 Native Peoples (including two Native Hawaiians) have served in Congress (U.S. Senate, n.d.). Similarly, in the judicial system, there have only been two Native state supreme court justices, six Native federal judges, and zero Native U.S. Supreme Court justices in the federal judiciary's 232-year history (U.S. Senate, 2021; Washington Courts, n.d.). On the state level, as of 2023, 47 states' supreme courts and Washington D.C.'s highest court have had no Native justices (Powers & Bannon, 2023). The lack of Native senators, representatives, and judges on both federal and state levels means that Native Peoples' rights, rather than self-determined by tribal nations, are determined by non-Native judges who may or may not be committed defenders of tribal rights.

Ensuring that Native Peoples are represented in the legislative and judicial systems on both federal and state levels can bring culturally contextualized and tribally specific perspectives into the process of ruling and lawmaking, thereby uplifting tribal sovereignty rights. Take for example, the "Māori seats" system in New Zealand, a settler colony like the United States. New Zealand's Parliament has seven seats reserved for representatives of Māori Peoples (Geddis, 2006). While there is no requirement for the representatives to be Māori, they are selected by Māori electorates in which all voters are of Māori descent. The seats system provides a vision for what elevated Native political representations can look like. Although reserving voting seats in Congress will likely be deemed unconstitutional and thereby implausible in the United States, the following recommendations can serve as feasible alternatives:



1. *Pass legislation that increases the number of non-voting tribal delegates in the House of Representatives.* Although delegates cannot vote on the final passage of legislation, they can speak during debates, introduce bills, and offer amendments on the House floor, which can bring attention to tribal and Native issues that non-Native members normally would not recognize. Currently, the Cherokee and Choctaw Nations hold the treaty right to send delegates to the House of Representatives (Treaty of Dancing Rabbit Creek, 1830; Treaty with the Cherokee, 1835), showing that such legislation is feasible. Exactly how many tribal delegates should be seated requires further discussions between the United States and tribal governments. A potential starting point is to allow one delegate from each of the 10 judicially established Indian land areas (e.g., Northwest region, Great Plains regions).
2. *Redraw district maps to better reflect Native Peoples' specific interests and needs; tribal nations should be involved or consulted during redrawing.* Gerrymandering can erase Native voices by diluting Native Peoples' voting power. For instance, North Dakota's 2021 redistricting map divided Turtle Mountain and Spirit Lake reservations despite their political alignment in interests between the residents on each reservation and their physical proximity to one another. As a result, the White voting bloc in each district defeats the diluted Native voting and, for the first time in 30 years, the state senate has no enrolled member of a North Dakota Native American Tribe (Dura, 2023). The federal district court later ruled that the North Dakota redistricting map violated the two tribes' voting rights (Dura, 2023). States should assess whether their legislative district maps ensure Native tribes' rights to equal opportunities to participate in the political process and elect representatives of their choice. Importantly, states need to consult with tribal nations during the process of assessment and redistricting. States such as Washington and New Mexico have formal consultation processes with tribal nations when developing and proposing district maps (Hellmann, 2022), which other states can model.

Another issue underlying combatting Native omission and upholding tribal sovereignty is the lack of public knowledge and understanding regarding these topics (e.g., nationhood, sovereignty, treaties). As discussed earlier, three-quarters of states' K-12 curricula do not mention tribal sovereignty and treaties (Sabzalian et al., 2021). Therefore, the American public is largely ignorant about tribal sovereignty rights (e.g., "Native Peoples were conquered and lost their sovereignty" and "treaties are outdated archaic laws"; Kalt & Singer, 2004). This lack of education on tribal sovereignty extends to higher education. For instance, most U.S. law schools approved by the American Bar Association (ABA) do not offer any courses on Indian law⁴, a subject that concerns tribal nations' legal relationship with U.S. federal, state, and local governments (National Native American Bar Association, 2021). In addition, only 12% of ABA-accredited law schools offer a program, certificate, or law clinic specialized in Native issues (Stewart, 2021). Therefore, not only are most federal judges never introduced to concepts related to Indian law (e.g., sovereignty rights and treaties) before entering law schools, but they are also likely to leave law schools with little to no knowledge of Indian law. Indeed, a series of in-depth interviews that Pipestem Law conducted with federal judges revealed that none of the federal judges interviewed had taken an Indian law course in law school (Reclaiming Native Truth, 2018). Taken together, it is fair to surmise that judges are making rulings on cases that have profound impacts on the lives of Native communities (e.g., water rights, criminal jurisdictions) despite having limited knowledge about Native rights. Requiring K-12 schools and higher education to teach about tribal sovereignty is essential for future decision-makers to better understand and defend Native rights. Toward this end, we make the following recommendations:

1. *Pass national legislation requiring all K-12 schools to teach Native nationhood, sovereignty rights, and treaties.* The curriculum should focus on both the history and the current status of these

⁴ We note here the use of the term "Indian." Research shows that this term has fallen out of favor among contemporary Native Peoples (Indigenous Futures Survey, 2020). However, it is the current term used at the federal level in legal contexts to refer to Native American Peoples.

concepts, while highlighting their contemporary relevance (i.e., they are legitimate, valid, legally binding documents).

2. *Mandate law schools to offer at least one course per academic year focused on Indian law*. While the federal government can pass legislation of this type, ABA can also include this as a standard for accreditation of law schools.

CONCLUSION

For all too long, the descendants of settler colonies have ignored and silenced the cries of Native Peoples. Yet, Native Peoples continue to fight for change and to undo omission and oppression. The change, however, is not fast enough as the movements garnering the most attention continue to be at the level of “our people and our lands are dying.” The No More Stolen Sisters campaign, for example, brings awareness to the ongoing violence contemporary Indigenous women experience, and the global epidemic of murdered and missing Indigenous women and girls. Truly advancing Native equity requires shining a light on the role of Native omission in perpetuating settler colonialism. Based on the framework provided here, the first step requires acknowledging a more fair and unbiased history and filling society with contemporary, diverse, and humanizing representations of Native Peoples. Changing the representational landscape shifts the nature of intergroup relations between Native and non-Native individuals. Specifically, it creates shared understandings regarding the everyday lived experiences of contemporary Native Peoples and greater support for policies that will, in part, lead to greater resource equity and tribal sovereignty protections. Although undoing Native omission will not fix all of the systemic oppression enacted on Native Peoples and communities—“The Master’s tools will never dismantle the Master’s houses” (Lorde, 1979/1984)—it is essential to begin the process of creating a more just and equitable future for Native Peoples.

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