



THE UNIVERSITY OF ARIZONA
James E. Rogers
College of Law



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American Indian and Alaska Native Veterans: Outreach and Addressing the Legal Needs of Native Veterans

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GRANT DISCLAIMER SLIDE

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Learning Objectives

- Understand the historical and cultural factors that influence American Indian/Alaska Native (AI/AN) veterans' military service and the unique challenges they face.
- Identify the importance of culturally tailored outreach and support that honors AI/AN veterans.
- Learn about NAICJA's Veterans Legal Assistance Project, Veterans Treatment Courts, Wellness Courts, and other ways AI/AN veterans can get their legal needs met.

AI/AN Military Service



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“American Indians and Alaska Natives have served in the U.S. military at the highest rate per capita of any ethnicity.”

Alexandra N. Harris & Mark G. Hirsch, *Why We Serve: Native Americans in the United States Armed Forces* (2020)

“Of all minority groups in the U.S. Armed Forces, American-Indian veterans have long represented the highest percentage of their total population”

William C. Meadows, *Native American “Warriors” in the U.S. Armed Forces, INCLUSION IN THE AMERICAN MILITARY* (2017)

Nat’l Ctr. For Veterans Analysis & Stats., *Minority Veterans Report: Military Service History and VA Benefit Utilization Statistics* (2017)

And continue to do so . . .



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- “Early statistics, even through Vietnam, are difficult to obtain due to changing definitions about who is “American Indian” or “Alaska Native” and the fact that AI/AN were often classified as “Black” or “White” (or other demographic categories) in different military time periods.
- Service persisted even when not designated as U.S. citizens. Example: Selective Service Act of 1917
 - All AI/AN men between ages of 21 and 30 were considered eligible for the draft regardless of their citizenship status.
 - AI/AN men and women volunteered in the military and served as nurses, in the Red Cross as well.

- Revolutionary War
 - Of 250,000 soldiers in George Washington's army, 5,500 were Native Peoples
- Civil War
 - 4000 Native Peoples fought with the Union; 15,000 with the Confederacy
- WWI: 20 to 30 percent of the adult male Indian population
 - Two-thirds were volunteers even though most were not allowed to become American citizens until 1924 when the Indian Citizenship Act passed
 - Code Talkers: e.g., Choctaw, Eastern Band Cherokee, Comanche
- WWII: By the end of the war, 24,000 reservation and 20,000 off-reservation Indian men served, representing more than 10 percent of the Native population
 - Native women also joined in substantial numbers with 800 serving
 - Code Talkers: e.g., Navajo

- Korea: Approximately 30,000 American Indian and Alaska Natives served
- Vietnam: Over 42,000 served in Vietnam between 1960 and 1973
 - They made up 1.4 to 2 percent of all troops sent to Southeast Asia, while they were not more than 0.6 percent of the total population in the U.S. at the time
- Gulf War Era: Approximately 24,000 American Indian and Alaska Natives served
- OEF/OIF eras (2003-2011): 17,500 American Indian and Alaska Natives served
 - Increasing to nearly 22,000 American Indians and Alaska Natives on active duty and in the reserves by 2017

“We have seen movies of the Vietnam War. Yet our Indian people are not portrayed there. You see the black people, the Hispanic people, the white people but no Indians are there. Yet, every time you’d be out in the field in ‘Nam, the first thing an officer would do is say ‘Chief, you take point.’”

Vietnam Veteran, Willie Haney (Creek)

- Stereotypes: “Chief” and “Indian Scout Syndrome”
- “Indian Country” = enemy territory (Gulf War)
- Geronimo = ????
- Disproportionately assigned dangerous duties
 - walk point, tunnel duty, nighttime listening posts, long-range reconnaissance patrol (LRRP)

Reasons AI/AN Join the Military Services

- Lack of Employment Opportunities on Reservations
- Education and Training Opportunities
- Patriotism to U.S.
- Loyalty to tribe
- Defense of country
- Defense of tribe/family
- Family warrior history
- Family history of military service
- Tribal warrior traditions, being successful
- Excelling as warrior/soldier



Veterans

- As of 2021, U.S. Total Veterans: **19,162,515** (includes Washington DC, Puerto Rico, and U.S. Protectorates)
- As of 2021, Total AI/AN Veterans in U.S.: **159,868** (not including “2 or more races”)
 - 0.83% of the U.S. population
- As of 2022, **334,000** Veterans identify as AI/AN alone or in combination with other races

U.S. Department of Veterans Affairs, National Center for Veterans Analysis and Statistics, Population Tables: Race/Ethnicity

54 - 948
949 - 2,520
2,521 - 5,005
5,006 - 8,828
8,829 - 14,974

Alaska
Hawaii
Puerto Rico

Source: U.S. Census Bureau, American Community Survey, Public Use Microdata Sample, 2017.
Prepared by the National Center for Veterans Analysis and Statistics

Challenges Faced by AI/AN Veterans

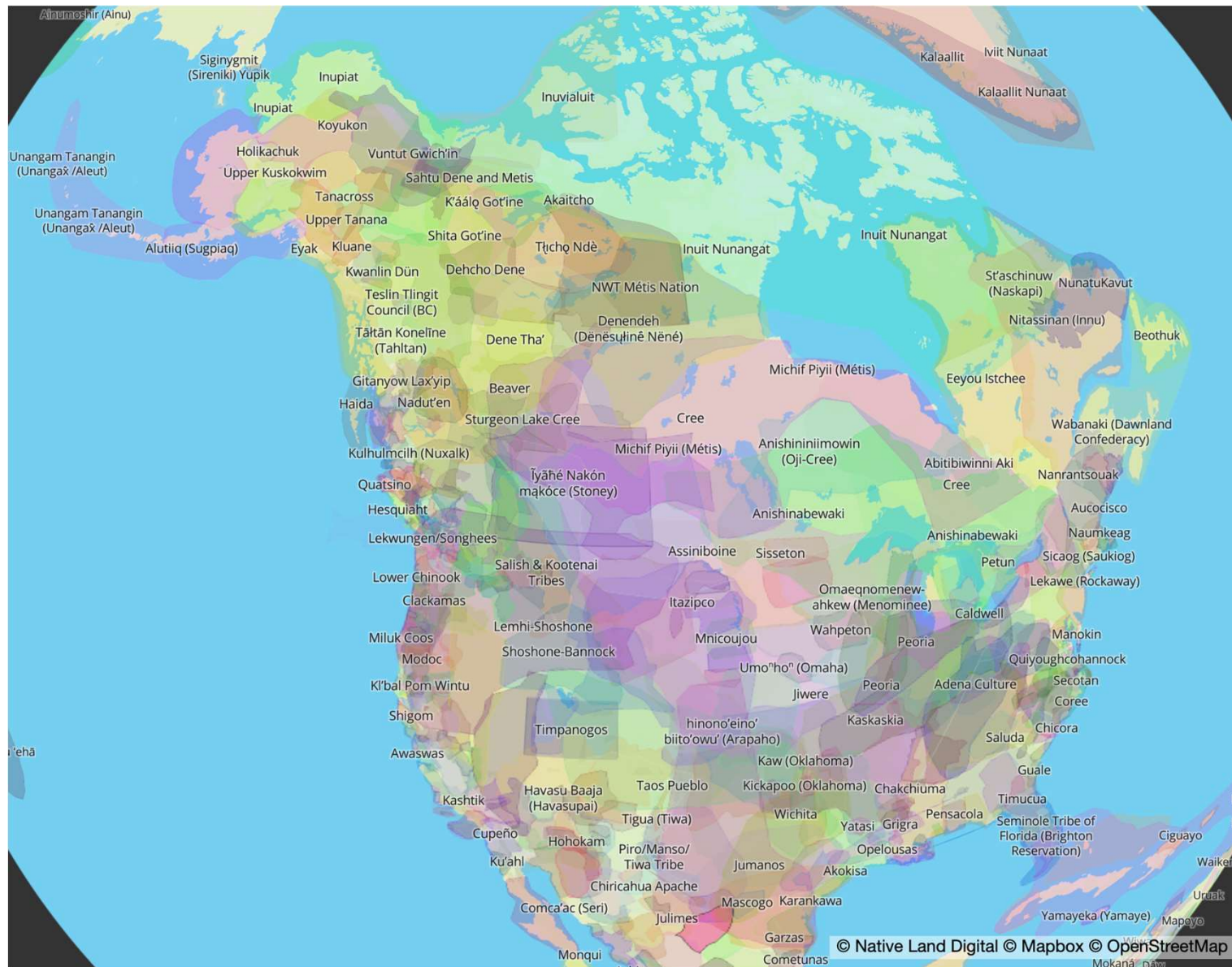


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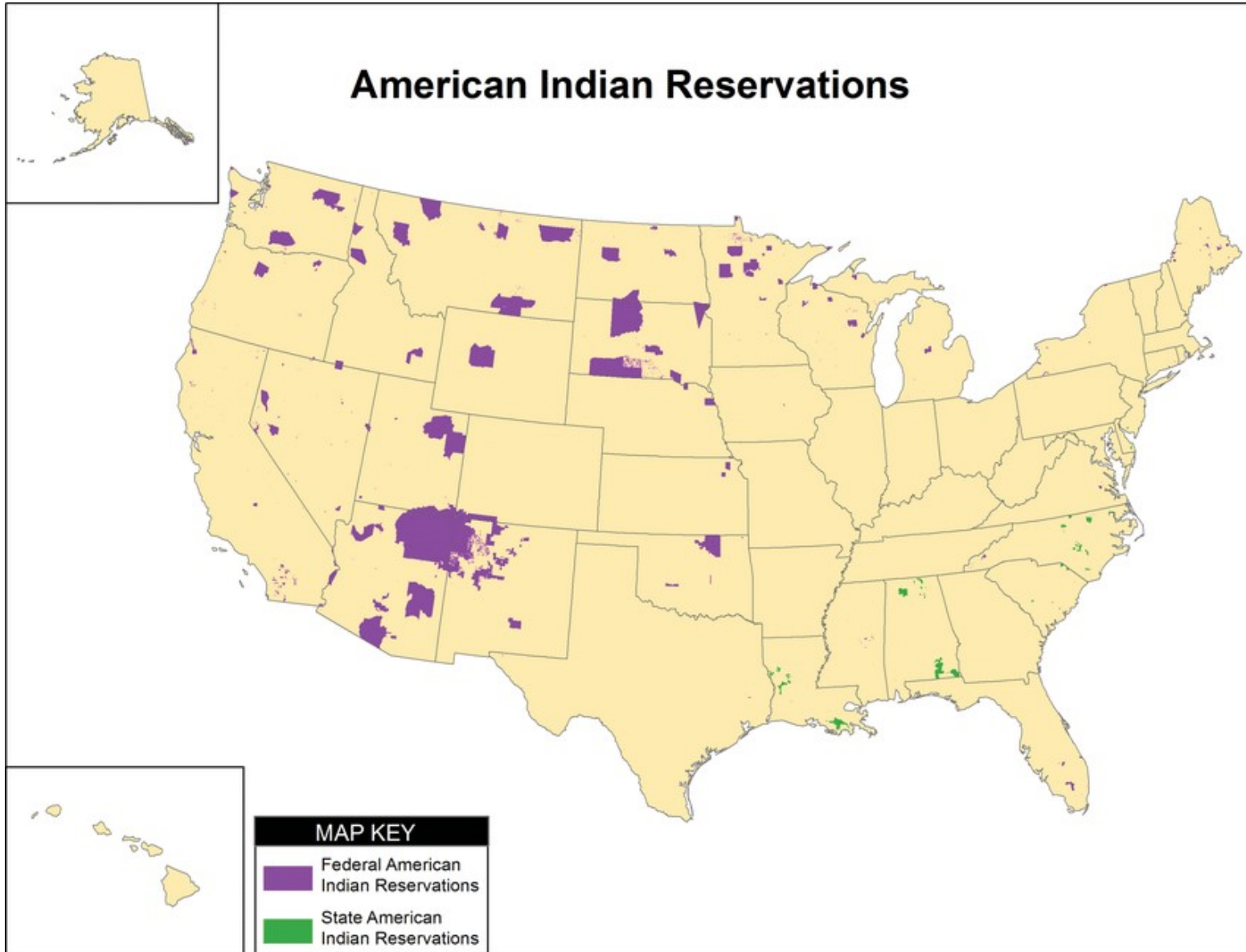


Colonization

- An estimated 74% of the Indigenous population was wiped out between 1492 and 1800 due to violence, disease, and other factors.
- Loss of language, culture, traditions, and lifestyle.
- Displaced, relocated, and terminated.
- Systemic racism, economic inequity, and cyclical poverty.



American Indian Reservations



Federal Policies on AI/AN Children

- Boarding schools
 - Between 1819 through the 1970s, the U.S. implemented policies establishing and supporting Indian boarding schools across the nation.
 - The purpose was to culturally assimilate children by forcible removal.
- Indian Adoption Project
 - States were paid to remove Indian children from their homes alleging neglect.

How Many Boarding Schools, How Many Children?

The records of Indian boarding schools are scattered in public archives and private collections across the country. As a result, we still do not know how many total children were actually removed from their families and placed in boarding schools. This is what we do know:

By 1926, the Indian Office estimated that nearly 83% of Indian school-age children were attending boarding schools¹⁸



- 1900: 20,000 children in Indian boarding schools¹⁹
- 1925: 60,889 children in Indian boarding schools²⁰
- 150 Residential Schools in Canada ▶ 150,000 children ▶ 6000 children who died or went missing²¹
- 360+ Indian Boarding Schools in the U.S. ▶ How many children? ▶ How many died or went missing?



¹⁸ Wallace Adams, *Education for Extinction*, 27.

¹⁹ *Ibid.*, 307.

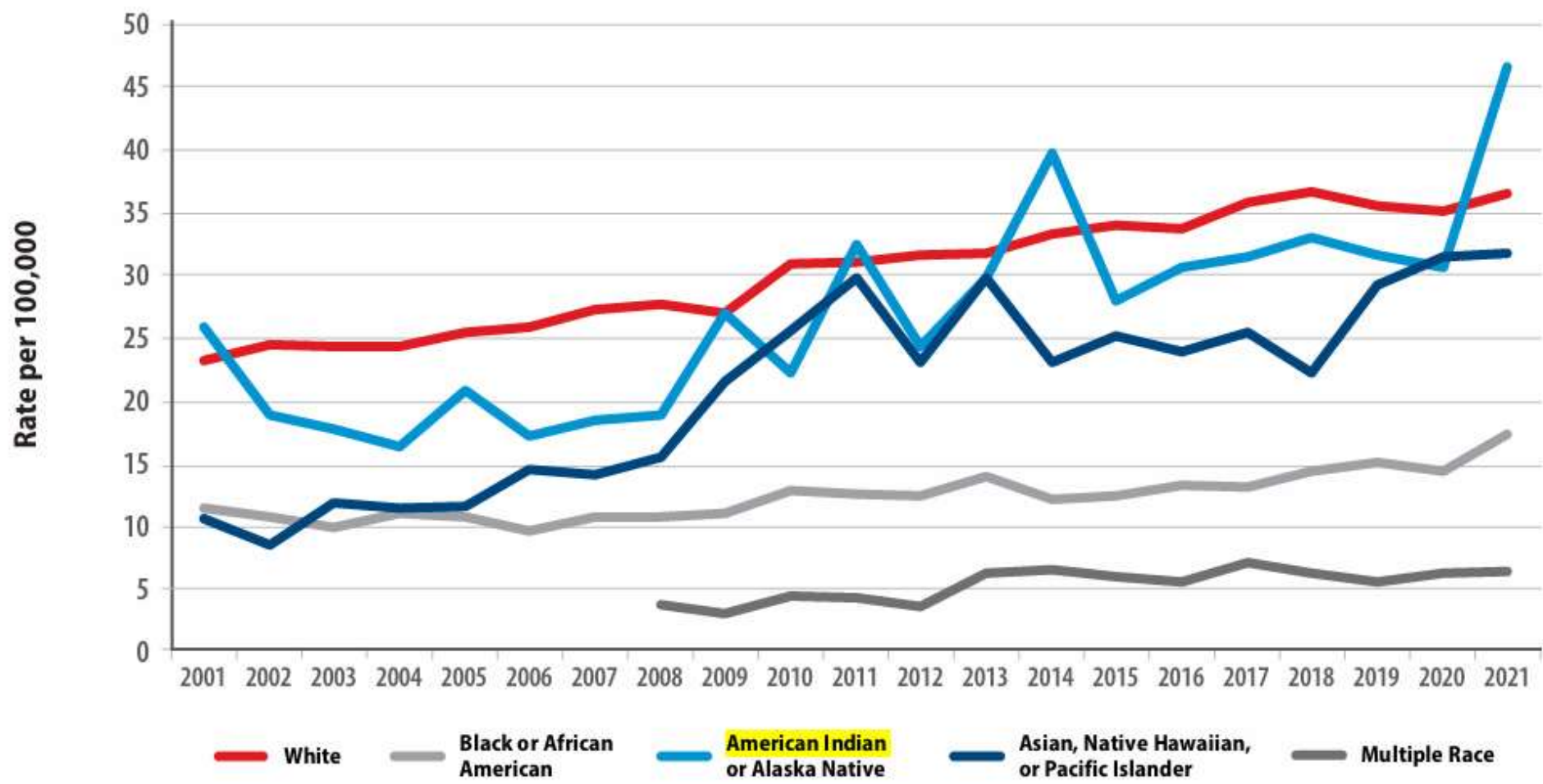
²⁰ *Ibid.*, 320.

²¹ Truth and Reconciliation Commission of Canada, *What We Have Learned: Principles of Truth and Reconciliation* (Truth and Reconciliation Commission of Canada, 2015) http://www.myrobust.com/websites/trcinstitution/File/Reports/Principles_English_Web.pdf.

Intergenerational and Historical Trauma

- A traumatic event takes place to either an individual, family, or collective community and gets passed down to subsequent generations.
- Historical trauma, first introduced by Dr. Maria Yellow Horse Brave Heart, is the “cumulative emotional and psychological wounding” from massive group trauma across generations, which many AI/AN people are facing.
- Effects of historical trauma includes chronic emotional and physical pain, high mortality rates, depression, anxiety, substance use, child abuse, and intimate partner violence.
- Requires systemic solutions for effective change.

Figure 8: Unadjusted Suicide Rate, Veterans, by Race,⁵⁹ 2001–2021

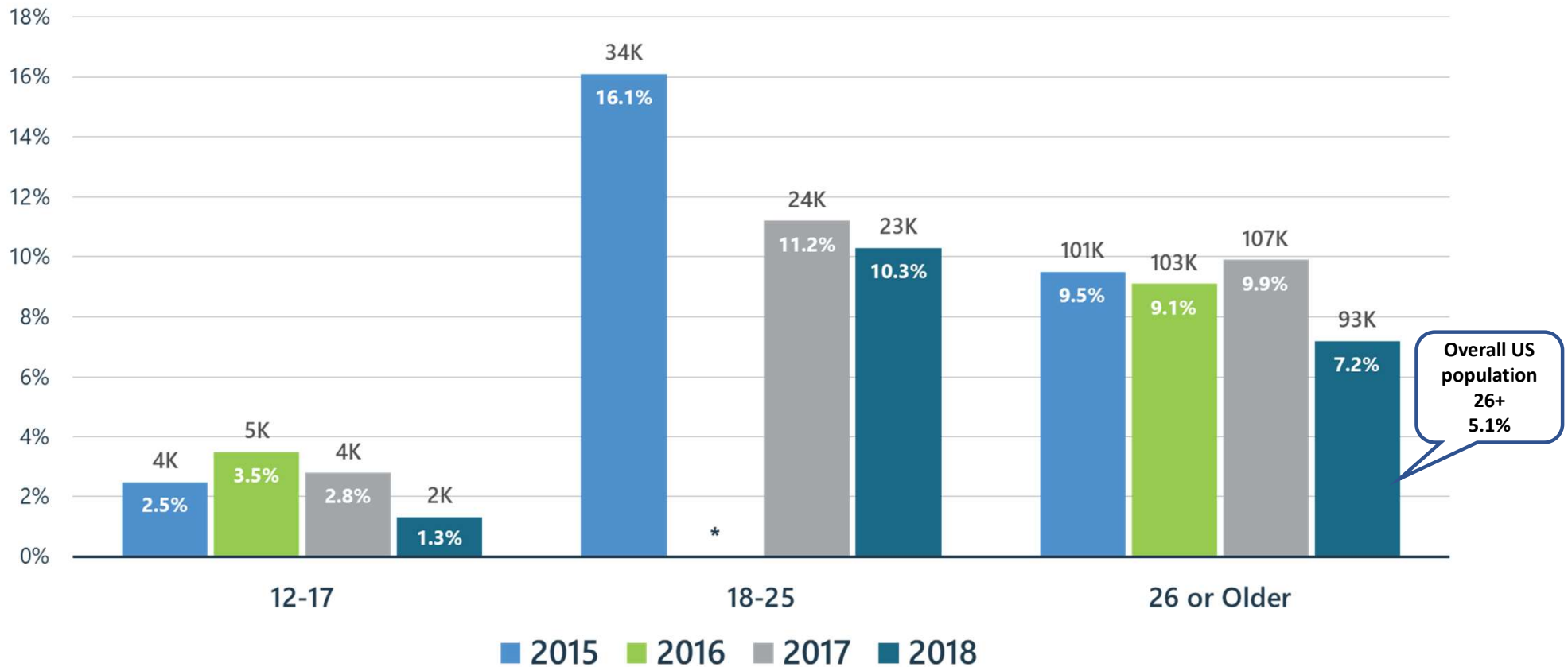


Veterans: Substance Abuse

- Veteran populations are at increased risk for using alcohol and/or drugs due to a variety of experiences linked directly to military service.
- Among Veterans who have a Substance Use Disorder (SUD), more than 80% (nearly 900,000) abuse alcohol.
- Among Veterans who have a SUD, nearly 27% (about 300,000) abuse illegal drugs.
- Among Veterans who have a SUD, about 7% (almost 80,000) abuse both alcohol and illegal drugs.
- In 2018, 41,000 Veterans were addicted to painkillers.

Alcohol Use Disorder among AI/AN

PAST YEAR, 2015-2018 NSDUH, AI/AN 12+



* Estimate not shown due to low precision.

No differences between prior year estimates and the 2018 estimates are statistically significant at the .05 level.

Alcohol Related Deaths by Race

Race	Death Rate per 100,000 People
American Indian/ Alaskan Native	50.5
White	11.1
Hispanic or Latino	10.6
Black or African American	7.5
Asian or Pacific Islander	2.4

Alcohol Related Deaths per Race Table



NCDAS

National Center for
Drug Abuse Statistics

Veterans: Behavioral/Mental Health

- Presence of mental illness and SUDs (co-occurring disorders) is especially common in Veterans.
- Mental health diagnoses (anxiety, depression, PTSD, etc.) can result from any combination of factors including genetic predisposition and injury.
- Veterans who have an SUD are 3-4 times more likely to be diagnosed with depression.
- Approximately **37-50%** of veterans who served in Afghanistan and Iraq were diagnosed with at **least one mental illness**.

Nat'l Institute on Drug Abuse, "Substance Use and Military Life Drug Facts" (2019)

Veterans: Post-Traumatic Stress Disorder (PTSD)

- Results from exposure to traumatic events such as combat, having your life threatened, or sexual trauma—all of which can occur while in the military.
- Diagnostic and Statistical Manual of Mental Disorders, 5th Edition (DSM-5), Criterion A: Exposure to death, threatened death, serious injury, or sexual violence in one (or more) of the following way(s):
 - Direct experience of the trauma
 - Witnessing firsthand the trauma
 - Learning a relative or close friend was exposed to a trauma
 - Repeated or extreme exposure to aversive details of trauma, typically experienced by first responders, medics, police officers, *etc.*
- Criteria B, C, D, and E
 - Intrusive symptoms (nightmares, memories, flashbacks), avoidance, negative alterations to mood and cognition, alternations in arousal and reactivity.

PTSD and Military Sexual Trauma (MST)

- PTSD can be caused by military sexual trauma.
 - Sexual harassment or sexual assault that occurs while you are in the military.
 - MST can happen to both men and women and can occur during peacetime, training, or war.
- Among Veterans who use Veterans Affairs (VA) health care:
 - Approx. 23 out of 100 women (23%) reported sexual assault when in the military.
 - Approx. 55 out of 100 women (55%) and 38 out of 100 men (38%) have experienced sexual harassment when in the military.

PTSD Behaviors

Numbing

Hypervigilance

Risk Taking

Irritability

Angry Outbursts/

Aggressive Behavior

Startling Easily

Overwhelming

Guilt/Shame

Trouble Concentrating

Trouble Sleeping

Self-destructive Behavior

Veterans PTSD Rates

- Operations Iraqi Freedom (OIF) and Enduring Freedom (OEF):
 - About 11-20 out of every 100 Veterans (11-20%) who served in OIF or OEF have PTSD in a given year.
- Gulf War (Desert Storm):
 - About 12 out of every 100 Gulf War Veterans (12%) have PTSD in a given year.
- Vietnam War:
 - About 15 out of every 100 Vietnam Veterans (15%) were diagnosed with PTSD at the time of the National Vietnam Veterans Readjustment Study (NVVRS) in the late 1980s.
 - 2016 study shows Vietnam Veterans with a 10-11% rate of PTSD .
 - It is estimated that about 30 out of every 100 (30%) of Vietnam Veterans have had PTSD in their lifetime

Number of Veterans *Compensated* for PTSD (as of 3/31/2022): 1,291,428

U.S. Dept. of Veterans Affairs, PTSD: Nat'l Ctr for PTSD



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Minority Veterans PTSD Rates

- U.S. Veteran population had a prevalence of probable lifetime DSM-5 PTSD of **6.93%**.
- **Native American Veterans** had a lifetime PTSD prevalence of **24.13%**.
- Other minorities:
 - Female Veterans: **13.2%**
 - African Americans/Black Veterans: **11.0%**
- General U.S. population, estimated lifetime prevalence is **6.1%**.

Sharon Smith *et al.*, *The Association Between PTSD and Lifetime DSM-5 Psychiatric Disorders Among Veterans* (2016)

Outreach



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Basics of Effective Outreach

- Know the population you serve.
- Become familiar with the community and its resources.
- Be respectfully inquisitive.
- Be true to your word.
- Match your actions to your words.
- Show up.

Culturally Competent Connection

- Building trust is critical to building a culturally competent connection.
 - Distrust of outsiders stems from the history of colonization.
 - Many communities receive time-limited grants – people and resources come and go. Understand and express your purpose and circle back to the basics.
- Tailor your language and approach to respect the Tribe's cultural norms and preferences. Each Tribe is unique.
- Build relationships with trusted leaders, elders, and veterans.

Culturally Competent Care

- Engage Tribal veterans wherever you can and provide compensation for their time and efforts.
- Services tailored to Native cultures can improve mental health and wellness outcomes.
- Advocate for traditional healing approaches and the integration of these practices into services.

Community Building and Engagement

- AI/AN Veterans are weaved into the fabric of Tribal communities.
- Attend community gatherings or cultural events to connect authentically and show respect for the community.
- Set up a resource table or volunteer at community events.
- Offer food at your events.



NATIVE VETERANS LEGAL ASSISTANCE PROJECT



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Background

- There is limited access to legal assistance by low-income individuals, including veterans, appearing in tribal courts.
- When individuals do not have access to quality, no-cost representation, they navigate the judicial system without a roadmap.
- NAICJA received specific funding to support Native veterans legal support in 2018.

Project Work

- Seeks to enhance and provide delivery of legal services to Native American and Alaska Native veterans.
- Provides continuing legal education training.
- Gathers feedback from Native veterans and their families.
- Provides resources to Native veterans.
- Coordinates with other stakeholders including federal government partners.



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NATIVE VETERANS LEGAL ASSISTANCE PROJECT



RESOURCES

To access, please scan the QR code below:

- NAICJA Native Veterans Legal Assistance Project
- Legal Services for Veterans Programs
- Medical-Legal Partnerships
- Veterans Consortium Pro Bono Program
- Native American Veterans Affairs Benefits
- Health Care and Resources for Native Veterans
- Resources for Native American Veterans Experiencing Homelessness
- American Indian and Alaska Native Veterans: 2017, Department of Veterans Affairs
- Healing to Wellness Courts

naicja.org/nativevets



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Future Plans

- Expand resources.
- Support the development of Native veteran legal assistance.
- Seek funding to support veterans' legal projects.
- Develop pilot projects.
- Help establish and strengthen collaborations.
- Continue to include the voice of veterans in all the work we do.

Veterans Treatment Courts and Wellness Courts



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VETERANS TREATMENT COURTS (VTCs)

- Early VTCs established in 2008 and 2009 to address disproportionate number of Veterans in the criminal justice system, high rates of PTSD and other mental health and substance abuse conditions in Post-9/11 Veterans, and the connection between the two
- For many Veterans, their combat and/or other traumatic military experiences, such as military sexual trauma (MST), *led directly* to the misconduct that landed them in criminal court
- Addresses unique needs of justice-involved Veterans, whose shared military experiences create an opportunity for a **culturally sensitive courtroom and treatment that increase the chances of success for the program participant**

VETERANS TREATMENT COURTS (VTCs)

Painting the Current Picture: A National Report on Treatment Courts in the United States 2022

By: Kristen DeVall, Christina Lanier, Lindsay Baker (data from 2019)

- Total number in U.S. and Territories: 480
 - Graduation Rate: 76.7%
- American Indian/Alaska Native: 0.8%
 - Graduation Rate: 77.8%
- As of December 31, 2023, a total of 552 VTCs were in operation in states and territories. Data regarding federal courts and Wellness Courts is not included.

TEN COMPONENTS OF VETERANS TREATMENT COURT

Key Component #1: Veterans Treatment Court integrate alcohol, drug treatment, and mental health services with justice system case processing

Key Component #2: Using a nonadversarial approach, prosecution and defense counsel promote public safety while protecting participants' due process rights

Key Component #3: Eligible participants are identified early and promptly placed in the Veterans Treatment Court program

Key Component #4: Veterans Treatment Court provide access to a continuum of alcohol, drug, mental health and other related treatment and rehabilitation services

Key Component #5: Abstinence is monitored by frequent alcohol and other drug testing



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TEN COMPONENTS OF VETERANS TREATMENT COURT

Key Component #6: A coordinated strategy governs Veterans Treatment Court responses to participants' compliance

Key Component #7: Ongoing judicial interaction with each Veteran is essential

Key Component #8: Monitoring and evaluation measure the achievement of program goals and gauge effectiveness

Key Component #9: Continuing interdisciplinary education promotes effective Veterans Treatment Court planning, implementation, and operations

Key Component #10: Forging partnerships among Veterans Treatment Court, Veterans Administration, public agencies, and community-based organizations generates local support and enhances Veteran Treatment Court effectiveness



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TRIBAL HEALING TO WELLNESS COURTS

Key Component #1: Individual and Community Healing Focus

Tribal Healing to Wellness Court brings together alcohol and drug treatment, community healing resources, and the tribal justice process by using a team approach to achieve the physical and spiritual healing of the individual participant and to **promote Native nation building and the wellbeing of the community.**

- ❖ Tribal Healing to Wellness Court strives to provide necessary treatment and other services, ***while holding substance-abusing individuals and their families accountable*** in the recovery process through intensive supervision.

TRIBAL HEALING TO WELLNESS COURTS

Key Component #4: Treatment and Rehabilitation

Tribal Healing to Wellness Court provides access to holistic, structured, and phased alcohol and drug abuse treatment and rehabilitation services that incorporate culture and tradition.

- ❖ Traditional methods involve the **family, extended family, and community in the healing process.**
- ❖ Participant's phased treatment plan may include a year or more of services and activities for both the participant and his or her family.
- ❖ Phase IV – **Community Support**
 - (4) Maintain social network connections. (5) Establish strong connection with support groups and pursue healthy community activities. (6) Establish recreational activities and develop new interests.

TRIBAL HEALING TO WELLNESS COURTS

Key Component #10: Team and Community Interaction

The development and maintenance of ongoing commitments, communication, coordination, and cooperation among Tribal Healing to Wellness Court team members, service providers and payers, the community, and relevant organizations, including the use of formal written procedures and agreements, are critical for Tribal Wellness Court success.

❖ Tribal and community awareness is crucial.

❖ Community and tribal members must be educated about the Tribal Healing to Wellness Court's purpose, place, and vision. Everyone must actively extend good thoughts and efforts toward a shared wellness-based vision and goal.

❖ The overarching goals are stable and effective government and the health and welfare of tribal member individuals, their families, and the tribal community.

➤ “Tribes commonly commit in policy and law to undertaking greater affirmative duties to their people than does the U.S. federal government or the states.”



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TRIBAL VETERANS WELLNESS COURTS

- Integrate specific Key Components from both types of court in order to address the unique characteristics of AI/AN Veterans
 - 1) incorporating a physical and spiritual healing philosophy that includes holding substance-abusing individuals and their families accountable;
 - 2) involving the Veterans Administration Healthcare Network (and Indian Health Services (IHS)) and Veterans support organizations in the collaborative team approach;
 - 3) incorporating the appropriate Native cultures and traditions in treatment and services, *e.g.*, the critical involvement of family, extended family, and the community in the healing process;
 - 4) continuing team and community education that includes the VA and Veteran volunteer mentors;
 - 5) forming coalitions between private community-based organizations, criminal justice agencies, IHS, and the VA; and
 - 6) ongoing interaction and relationships between team and community that includes community and tribe members

Other Ways to Address the Legal Needs of AI/AN Veterans



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Legal Resources

- Law school legal clinics
 - National Law School Veterans Clinic Consortium (<https://nlsvcc.org>)
 - Over 35 law school clinics provide veterans with *free* legal services
- Local non-profits receiving VA funding to provide legal services to homeless or near homeless Veterans
 - [List of Current Grantees](#)
 - *E.g.*, Center for Arkansas Legal Services, Indian Country Legal Service Inc, Rocky Mountain Veterans Advocacy Project, Legal Services of North Florida
- Tribal Nation Bar Associations
 - *E.g.*, [Navajo Nation Bar Association Attorney Listing](#) [Legal Referral Guide]
- Tribal VSOs [Veterans Service Organizations]
 - *E.g.*, Hopi Veterans Services → discharge upgrades
- Standdowns
 - County, Tribal Nations, *etc.*
- State Veterans Department/Agency
 - VA benefits

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www.naicja.org or 303.449.4112.

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www.Home.TLPI.org



Tribal Healing to Wellness Courts

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