

# Missing and Murdered Indigenous Women: The Impact of Historical Policy<sup>1</sup>

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Indigenous peoples (and Indigenous women, more specifically) experience violence at rates higher than any other demographic globally. This is a data-supported fact, despite a dangerous absence of representative reporting statistics across tribal, local, state, and federal jurisdictions. The crisis recently named “Missing and Murdered Indigenous Women” is classified presently as an epidemic of violence. Missing and Murdered Indigenous Women describes not only the continued and critical violence and victimization of Native women but also the grass-roots activism movement that has since gained significant momentum in response to the government and the public’s lack of response. The data that exists suggests that even though Native women experience violence at such disproportionate rates, there is yet to be a completely comprehensive (and accurate) representation of this pattern and its severity. Missing and Murdered Indigenous Women additionally presents a serious data crisis, inflamed by a lack of reporting, lack of information and communication, and failure of jurisdictional law enforcement agencies to accurately report, track, compile, analyze, and act on data related to violence against Indigenous women. The severity of this data crisis can be best attributed to difficulties surrounding data reporting and the jurisdictional gaps that endure between tribal, local, state, and federal law enforcement agencies and organizations—when the legal process is inaccessible, unclear, and challenging for victims, reporters, or even law enforcement officers to navigate, the decision to not follow through with the process is a likely one.

The violence and victimization of Native American women and subsequent patterns both on and off reservations can be traced firmly back to European colonization and the justification of violence in spreading Christianity in the early Americas through the Doctrine of (Christian) Discovery of 1493. There is a clear consistency between the culture of violence against Indigenous women that endured through European colonization and the present-day issue faced by the Indigenous community in North America. It is imperative to analyze how historical policies related to both colonization and the expulsion of Native peoples in the early Americas have influenced and inflamed stereotypes, biases, and violent crimes against Indigenous women today.

### I. **The Doctrine of Discovery and Western Expansion**

The Cambridge Dictionary defines the term “discovery” as “the act of finding something that had not been known before.” Both denotation and accurate connotation emphasize novelty as being fundamental to its application, though this fact is often neglected in discussions surrounding exploration. The Doctrine of Discovery served primarily as a legal foundation for colonization (and mass expulsion), provided grounds for white, Christian supremacy in early America, and encouraged a culture of violence and victimization against Indigenous peoples, especially, Indigenous women. Scholars differ greatly in their understanding of the doctrine’s implications, likely because the role it played in westward expansion of the United States tends to negate the reality of settler-colonialism for millions of natives. Expansion destroyed the land, culture, and lives of Indigenous peoples. The legal framework the doctrine provided was intentional in preserving white, Christian supremacy and expelling non-white, non-Christian cultures, through ways akin to genocide. With Indigenous peoples who remained in place facing conversion, enslavement, or death, Native American culture often suffered expulsion instead as supported by a law that still holds weight in a culture of violence against Indigenous people today.

The Native story begins thousands of years prior to the journeys of European colonizers, but as it progresses, its common theme is difficult to escape: white, Christian men married to the idea that they can do anything they want to preserve the supremacy of

Christianity. The Doctrine of Discovery, which began more formally as The Papal Bull "Inter Caetera," was issued by Pope Alexander VI on May 4, 1493.<sup>2</sup> It was created the year following Christopher Columbus' travels with aims to justify the violent purloining he and others had been committing across the globe. While those involved would never classify their actions as such violence, the Pope valued Christian supremacy and gave explorers the explicit go-ahead to preserve it through this conviction, knowing full well that they had been violent all along: "Your purpose also, as is your duty, to lead the peoples dwelling in those islands and countries to embrace the Christian religion; nor at any time let dangers or hardships deter you therefrom, with the stout hope and trust in your hearts that Almighty God will further your undertakings."<sup>3</sup> The church was supportive of this violent endeavor—Christianity served at the center of colonization in all facets. In further analysis, the doctrine consisted of additional elements imperative to its execution. Essentially, Christian Euro-Americans automatically acquired property rights over the lands of Native peoples and gained governmental, political, and commercial rights over the Indigenous inhabitants simply by showing up and being Christian. Following initial contact with the land, official titleship would be granted after forts, settlements, or the planting of a flag had been reported back to European rulers. Pope Alexander VI and other European actors were not shy about the violent implications this doctrine would have on Native populations. For all intents and purposes, Indigenous culture was extraneous to them at best. Explorers had the legal permission to do whatever was necessary to spread Christianity throughout the globe, and this served as the justification of genocide. The conditions which led to the mass expulsion of Native peoples portray a classic depiction of settler-colonialism, the ongoing system of power that perpetuated this genocide, and the repression of Indigenous peoples and cultures.

Roxanne Dunbar-Ortiz, author and American historian, further describes settler-colonialism as being particular in its requisites: "the founding of a state based on the ideology of white supremacy, the widespread practice of slavery, and a policy of genocide and land theft."<sup>4</sup> In cases of settler-colonialism, and in most scenarios similar in nature, people do not hand over their lives without a fight. The doctrine specifically instructed colonizers not to let dangers or hardships deter the global spread of Christianity. The

fight of Indigenous peoples to protect their families, livelihoods, cultures, and land was met with brutal and intentional violence. If the people who inhabited the land could not be converted or refused to do so, they were likely to be killed or enslaved. Colonizers found benefits in enslaving those who would not convert to Christianity, primarily because Indigenous peoples knew the land. With Christian dominance being the ultimate goal, Indigenous culture struggled to survive regardless of conversion. If non-Christian Native communities were not killed off, they were forced into assimilation, which in turn destroyed their means of cultural identity.

The question still remains: why? The answer is quite simple. Colonizers did this because they could get away with it. They had the resources, the money, and the imperial support to wipe out entire cultures, along with the violence that would ensure the reign of Christianity. Euro-Americans and colonizers refused to believe that Indigenous peoples were civilized in any way, a position they used commonly to justify Christian conversion. From the early stages of colonization in the Americas persisting through Manifest Destiny and westward expansion, Euro-Americans believed that God had directed them to bring “civilized” ways to Indigenous peoples. The reality is that Indigenous culture was supported by intricate civilizations, with compound cultivation and agricultural processes, irrigation systems, and economies that existed and thrived long before Europeans knew of the Americas. Nullification of these civilizations’ existence served to justify Americans looked to continue their Christian rampage out west.

Through its evolution, the Doctrine of Discovery was eventually recast into the mission behind Manifest Destiny, a primary operation for westward expansion in the United States. Considering the doctrine’s fundamental value of supremacy, Manifest Destiny presents a more distinct cross-over between religious supremacy and white supremacy. Both rely on the same rationale: white Christians hold supreme, and Native Americans could never truly fit that narrative, regardless of conversion status. Fundamentally, Manifest Destiny consisted of three main ideas: the United States of America is supreme in possessing unique moral virtues not possessed by any other nation; it is the mission of the United States of America to vindicate the world by spreading republicanism and the American way of life globally; The United States of America was divinely

ordained to carry out these tasks.<sup>5</sup> The foundation of Manifest Destiny disallowed Natives from playing a role in God's ultimate plan for the country and its territorial expansion. The white supremacy of this mission was intentional and upheld publicly by government officials. Thomas Hart Benton, a United States Senator from Missouri who served from 1821 to 1851, expressed that sentiment on behalf of his government. In a speech to the United States Congress in 1846, he attempted to justify white supremacy and its role in Manifest Destiny, while also validating the genocide of Natives as being inevitable without conversion. He said, "It would seem that the White race alone received the divine command, to subdue and replenish the earth...The Red race has disappeared from the Atlantic coast; the tribes that resisted civilization met extinction."<sup>6</sup> The same supremacy that enabled the mass expulsion of Indigenous peoples was carried over to westward expansion in the United States and the *continued* ejection of non-white people along the way. While the United States progressed further into a functioning state and deportation became prevalent, violence still very much prevailed—the legal justification set forth by the Doctrine of Discovery built a system of chronic, habitual violence and victimization that continues to victimize Indigenous communities.

The Doctrine of Discovery, though repudiated by the Vatican in 2023, remains a damaging document and continues to harm Indigenous peoples and their respective governments in a multitude of ways. The Doctrine of Discovery endures as a concept of public international law proffered and supported by the United States Supreme Court in a sequence of court decisions, the most notable of which arguably being *Johnson & Graham's Lessee v. McIntosh* in 1823.<sup>7</sup> Chief Justice John Marshall's opinion in the unanimous decision held "that the principle of discovery gave European nations an absolute right to New World lands."<sup>8</sup> Under the Doctrine of Discovery and the narrative that dominated America's understanding of colonial history in the 1800s, Indigenous peoples never, under any circumstances, owned land in any capacity. Asserting that Natives had never owned land, the court held that Natives had no right to sell or delegate the land they were inhabiting. *Johnson & Graham's Lessee v. McIntosh* in particular was multi-layered. The second part of the case established that as Great Britain's 'successor,' the United States had inherited the ownership and authority over all of that land,

sparking the framework of federal jurisdiction. This precedent continues to be used in property law cases between Native Americans and the United States or non-natives, giving the government grounds for invalidating Native land claims around the country. The doctrine has been cited by the United States Supreme Court as recently as 2005 in *City of Sherrill v. Oneida Indian Nation of New York*. The doctrine was used as case law precedent to prohibit the Oneida people from regaining ownership of Native lands in present-day New York. While the doctrine continues to encourage violence against Indigenous peoples in the United States, it similarly remains the basis for Canadian law, impacting Indigenous peoples throughout the country. The doctrine supports the Indian Act, a federal Canadian policy that constrains Indigenous peoples while legally perpetuating harmful stereotypes.<sup>9</sup> The framework of the Doctrine of Discovery and the holdings in notable United States Supreme Court cases (*Johnson v. McIntosh*, specifically) serve as citations in federal Indian Law and regulations in many other countries. Stereotypical regulatory policy surrounding Indigenous peoples, in general, is built on systemic white supremacy and refuses to acknowledge the long-term genocide that still shapes Native lives and cultures today.

Indigenous peoples globally persist in their fight for legal identity, especially from their respective federal governments. The Doctrine of Discovery, a legal bind produced nearly 600 years ago, services the white supremacy that plagues Native populations. The implications of this doctrine are far more detrimental than the average history curriculum tends to account for, particularly its genocidal reality. European discovery in the Americas was fraudulent. What they truly discovered were thousands of years of lively, intricate Indigenous civilizations that had no idea they were about to be destroyed. The doctrine served not only as the backbone for pursuing white supremacy in the quest for westward expansion, but as guidelines for a multitude of United States policies regarding Indigenous peoples, a large majority of which still reign as precedent today. Its implications on the Missing and Murdered Indigenous Women crisis are significant, and the lack of action on behalf of federal and state governments to address the ways in which this document has contributed to the loss of thousands is notable in its dangerous growth.

## II. The Data and The Data Crisis

To get an accurate picture of any crime pattern, issue, or crisis, analysis of the data is imperative. In analyzing Missing and Murdered Indigenous Women, the available data is often outdated and inaccurate, creating a conflict between the public and the severity of this issue. However, it is telling that through the data that does exist (though not 100% up-to-date), the public can view these numbers as being abnormally disproportionate: The National Institute of Justice found in 2016 that more than four out of five Native women or nearly eighty-five percent experienced at least one form of violence in their lifetime.<sup>10</sup> They are more likely to experience rape or sexual violence than any other group. Native American and Alaskan Native rates of murder, rape, and violent crime are *all* higher than the national averages, but Native women specifically face murder rates more than ten times the national average.<sup>11</sup> This means, for example, that for white women, regardless of age, we see cancer and heart disease amongst the leading causes of death. For American Indian and Alaskan Native women homicide is among the leading causes of death.<sup>12</sup> The National Institute of Justice found these disproportionalities to be consistent in Native men with more than four out of five or nearly eighty-two percent experiencing violence in their lifetime. It is clear from these statistics that violence is an issue—and these data sets are themselves outdated and understated. Arguably, one of the most frustrating parts of this pertains to the inaccuracy and unavailability of comprehensive data. The Missing and Murdered Indigenous Women crisis is as much a data crisis as it is a humanitarian one. As of 2016, the National Crime Information Center had reported 5,712 cases of missing American Indian and Alaska Native women and girls, but the United States Department of Justice's missing persons database has only reported 116 cases.<sup>13</sup> Why is this data unreliable? Underreporting is the clearest answer for a considerable number of reasons.

Native American reservation land and its subsequent landscapes differ broadly depending on their location in the United States. By the late seventeenth century, Native Americans had lost a significant amount of their lands, and when the United States Government decided that they were going to designate minimal lands for Indigenous peoples, they often confined them to remote

areas of the country. The term ‘remote’ applies to not only the vastness of the landscape itself, but to the lack of many resources. The Navajo Nation is a great example of this: the reservation sits on 17,035,180.65 acres of land and spans 27,435 square miles.<sup>14</sup> In driving across the reservation, one can drive for hours without a single building, business, or residence coming into sight. The vastness of reservation land proves dangerous because there is often a lack of bystanders. Additionally, many reservations are working with outdated Emergency Response Systems and AMBER Alert systems. Prior to the introduction of Ashlynn Mike AMBER Alert in Indian Country Act, Tribal AMBER Alert systems were not integrated (at the very least, not well integrated) into state and regional systems that would provide broader, cross-jurisdictional reporting data.<sup>15</sup>

These issues do not just create barriers for those potentially looking to report missing persons, violent crimes, or other forms of violent offenses, but they additionally pose conflicts for tribal, local, state, and federal law enforcement agencies. Beyond the integration not existing, the current system poses basic difficulties as well in terms of access. Vast landscape and financial restraints contribute to a lack of informational infrastructure (road signs, posters). These same factors also contribute to poor cellular service on some reservation land, making the reporting process that much more inaccessible. Remote areas experience signal issues with radio and television broadcasting, also making information inaccessible and undeliverable. Both Tribal leaders and United States government officials have recognized an inherent difficulty in maintaining consistency between Tribal and other jurisdictional authorities, most especially in reference to reporting policies, processes, and communication. The 2020 United States Census reported that eighty-seven percent of those identifying as American Indian or Alaskan Native live outside of tribal jurisdiction or off of reservation land.<sup>16</sup> It is important to note that the data available on Missing and Murdered Indigenous Women is inclusive of Native women holistically, and not just Native women with tribal residence or affiliation. Studies suggest that the difficulties in the reporting processes are exacerbated for Native women living in urban areas due to a lack of resources and resourceful connections to their Native cultures and tribal communities.<sup>17</sup> Given the complexity of criminal

cases generally, the added stressors in navigating geographical concerns and jurisdictional processes prove to be a barrier to the reporting of violence on and off reservation land.

Law enforcement poses difficulties in the reporting process in a variety of ways, perhaps most significantly through inaccurate classification documentation and recordkeeping, database shortcomings, and inherent systemic biases. Racial misclassification is best exemplified by an American Indian or Alaskan Native person being classified and recorded as white. In an analysis of the state of Washington's handling (or lack thereof) of Missing and Murdered Indigenous Women, research suggests that there were significant race classification-related gaps in the data reporting missing or murdered American Indian and Alaskan Native women and girls.<sup>18</sup> This is a common occurrence for a multitude of reasons: law enforcement or related data collectors are using outdated systems to record race that only consider a single racial classification (i.e. the system has a technological inability to record a person as being both American Indian and white). In this case, misclassification generally tends to favor the larger race, either due to human biases or human-coded computer biases.<sup>19</sup> Issues also still exist with computers or security cameras not having enough information to accurately classify one's race. Many programs are still not flexible enough to even filter data records by race. In cases where a victim is deceased, two occurrences are possible: the individual that reports on their behalf may not classify them in the same way that the deceased would or the law enforcement official or data collector is unsure and assumes a racial classification inaccurately (often using the deceased's surname origin). In cases where a classification is made verbally by a victim and subsequently recorded by law enforcement or a data collection agency, distrust or fear of racism in law enforcement may play into their decision to not accurately report their race. The biases in law enforcement as well as systemic racism remain a barrier for Indigenous people in reporting violence, but additionally for tribal police in receiving support from state or federal law enforcement agencies.

It is a common misconception that the high rate of violent crime among Indigenous peoples is indicative of a violent culture within the community: police in border towns and urban cities hold these falsehoods, when in reality, the violence and victimization of

Indigenous women is more commonly perpetrated by individuals not identifying as American Indian, Alaskan Native, or with any tribal affiliation. Studies show that ninety-seven percent of female victims experienced interracial violence at least once in their lifetime while thirty-five percent of female victims experienced intraracial violence at least once in their lifetime.<sup>20</sup> A significant problem lies with the conscious and unconscious biases of law enforcement agencies and individuals about Indigenous women, and even if those biases are not being identifiably expressed, their mere existence is reason enough to impede an important reporting process.

In analyzing the many issues that hinder the reporting process, it is clear that as shockingly disproportionate as the data is, the public only sees a small portion of the truth. If there were no gaps or barriers posed in the reporting process, the term ‘epidemic,’ which is presently used to describe this crisis, would likely be inapplicable and once again, this reality would be far more consistent with genocide, especially considering that the existing data is equally as severe in Indigenous men. Geographical restraints, jurisdictional inconsistencies, lack of resources, racial misclassification, and systemic racism are among a significant number of reasons for the incomplete representation of mass violence currently (and historically) experienced by Indigenous women. Researchers and policymakers need to think about both what the lack of data might mean in understanding this crisis and how much larger a crisis it realistically is. This research does not contain an abundance of recent data for one of three reasons: the data is not complete, nor comprehensive enough to paint an accurate picture of this crisis, or the data simply does not exist.

### **III. A Culture of Violence**

The violence and victimization of Indigenous women can best be connected to a history of such violence and additionally viewed as an enduring implication of European colonization. Early European colonizers viewed women, but Indigenous women specifically, as easy targets: they carried over to North America their own European cultural ideals and targeted Native women not just for their own sexual gain, but because they were completely unaware of the skills the women possessed. Women held positions of authority within their tribes, performed labor, and were incredibly

skilled and respected by their male counterparts. Native land was quite vast and embraced by sophisticated, complex societies—European colonizers were unaware of how Native women knew the land and helped to build the farmland, structure, and irrigation infrastructure the Europeans so desperately wanted to claim as their own. Steven Charleston, author and citizen of the Choctaw nation, explains this translation of violence:

The historical irony is that European Christians coming to the Americas were escaping highly stratified and intolerant societies: in North America they encountered societies that were open and tolerant. But in response, these European immigrants simply duplicated the oppression they had known by practicing it on the Native people.<sup>21</sup>

The European patriarchal scope that configured “American identity” forced Indigenous women into rape, slavery, violence, submission, and death, while the perpetrators disseminated that they were “too savage to be raped.” This is a concept that dates back to European colonization and the stereotypes held by colonizers that “Native bodies are immanently polluted with sexual sin.”<sup>22</sup> This stereotype continues to be perpetuated through violent crime patterns against Indigenous women, a claim supported by data showing that fifty-six percent of Indigenous women have experienced sexual violence at least once in their lifetime.<sup>23</sup> This pattern is similarly consistent with the concept of settler-colonialism given the frequency with which non-Native individuals encroach on Native land and victimize Indigenous women simultaneously. For example, several reservations, namely in North Dakota and Montana, line the pipeline route in the United States. *The Immigration and Human Rights Law Review* found that in 2015 as oil workers were frequenting those reservations for “work” and setting up what are known as “man camps,” violent crime reports against Indigenous women rose exceedingly. Sexual assaults on Indigenous women in Fort Berthold, a reservation bordering the Tesoro High Plains Pipeline in North Dakota, increased by seventy-five percent following the arrival of pipeline crew workers to the area.<sup>24</sup> That number is only inclusive of what has been reported. Federal jurisdiction over sexual assault and other sexual-related trafficking crimes not only exacerbates their prevalence on reservations, but also fails to provide protection or

justice to Indigenous women who become victims of these crimes. Additionally, the United States is negligent in acknowledging the danger that comes with colonial policy and subsequent trauma—a negligence that separates colonization and violence against Indigenous peoples in the United States from colonization and violence in any other nation.

The lasting effects of colonization have contributed to a culture of violence that is additionally worsened by serious inequalities on many fronts: physical and psychological healthcare, rehabilitation services, lack of education funding, and more. Systemic inequalities have made Indigenous peoples far more susceptible to poverty, drug, and alcohol dependencies—all factors that can make an individual more vulnerable to violence and abuse. These are just a few of the many enduring effects of colonization, all of which have caused historical trauma, both on and off reservations, that continue to harm Indigenous communities, especially in their pursuits for justice. Historical trauma is a large aspect of this violent crisis against Indigenous women and is often not taken into account in the prosecution of the few cases that may actually go to trial. The Doctrine of Discovery legalized the ability for European colonizers to inflict violence, enslave, and even kill Indigenous peoples so long as they were “discovering” land to be claimed by Europeans and upholding Christian supremacy. The Urban Indian Health Institute describes this by saying, “The high rates of violence against Native women and lack of accountability for such violence are clearly tied to federal intrusion, vulnerability created by such intrusion, and the failure to exercise authority to prosecute perpetrators for the last 500 years.”<sup>25</sup>

It is fundamentally true that violence can become embedded in culture through societal norms. Norwegian theorist, Johan Galtung, coined a three-prong theory on violence and its connection to cultural normativity. He defines cultural violence as “the existence of prevailing or prominent social norms that make direct and structural violence seem “natural” or “right” or at least acceptable.”<sup>26</sup> The mere fact that the United States was built on stolen land by men who had ancestral and personal histories of violence against women is evidence enough that those biases continued to prevail in the creation of law, namely in the creation of the Constitution of the United States and the Bill of Rights. Subsequently, the justice system

was built on a foundation that did not include BIPOC folks as citizens of this country; therefore, the country did not deem them eligible for the same rights or protections. Systemic racism in this country has enabled legislative bodies and government officials to ignore the cries of Indigenous families as their mothers, sisters, and daughters go missing with no attempt at an investigation. The Missing and Murdered Indigenous Women crisis has grown to this severity at the hands of federal and state governments exhibiting conscious and unconscious biases and an unwillingness to protect Indigenous women.

#### **IV. Addressing the Problem**

Addressing the crisis of violence against Indigenous women is much deeper than simply acknowledging that it exists at the level in which it does. Historical trauma and colonial policy play such a significant role in the endurance of this violence as normative, that comprehending, and where necessary, repealing or amending policies created throughout and following colonization is essential. When it comes to tackling violence against Native women and the issue of Missing and Murdered Indigenous Women specifically, the inconsistencies in jurisdictional processes between tribal, local, state, and federal law enforcement agencies have enabled perpetrators to commit violence against Indigenous women and not be prosecuted or held accountable for their actions. Similarly, the lack of care in prosecuting cases of violence against Indigenous women remains a legacy considering that the United States government has been historically responsible for countless instances and perpetuations of violence—the federally-initiated and federally-funded Native American Boarding School program that employed the philosophy of “kill the Indian, save the man,” is exemplary of this fact.<sup>27</sup>

The Missing and Murdered Indigenous Women crisis is not an Indigenous crisis, but a national one, and addressing the systemic disparities at play for Indigenous peoples holistically is crucial in a much-needed reform process. Malinda Limberhand, the mother of then twenty-one-year-old Hanna Harris who was raped and murdered in 2013 on the Northern Cheyenne Reservation in Montana, said, “Bad people commit these horrible crimes against Native women, but it is the system that allows it to happen generation after generation.”<sup>28</sup> As mentioned, The Doctrine of

Discovery has been cited as case law as recently as 2005 by the United States Supreme Court.<sup>29</sup> The repudiation of the doctrine by the Vatican does not mend the centuries of violence and racism Indigenous people have endured—they continue to be victimized and put in danger by the government’s lack of action. The United States government has been presented with countless opportunities to legislate the protection of Indigenous women. The government has taken some of these opportunities yet not to their fullest potential. In addition to the reauthorization of the Violence Against Women Act and the Family Violence Prevention Services Act and amendments to the Victims of Crime Act, the United States Congress introduced numerous pieces of legislation with aims to address the Missing and Murdered Indigenous Women crisis and failed to pass them. In 2020, Donald Trump signed both Savanna’s Act and the Not Invisible Act into law, with the first two American Indian women elected to the United States Congress working significantly to push them forward. Savanna’s Act aims to address the data crisis encapsulated in Missing and Murdered Indigenous Women, with a specific review on data access, collection, and reporting.<sup>30</sup> The act also directs the Department of Justice to revise and develop new law enforcement protocols. It additionally included a direction to clarify the individual responsibilities of tribal, local, state, and federal law enforcement agencies in addressing Missing and Murdered Indigenous Women. The Not Invisible Act primarily involves the improvement of coordination and cooperation between tribal, local, state, and federal law enforcement agencies and other jurisdictional entities.<sup>31</sup> It also calls for the creation of an advisory committee on violent crime within reservation borders against Indigenous peoples.

While these two laws address some of the concerns at play in this crisis, they once again fall short. For one, the Department of Justice and the Department of the Interior failed to fulfill important requirements specified in both bills by their deadlines. Savanna’s Act required the Department of Justice to create a strategy to educate the public about the NamUS database. Additionally, a Government Accountability Office report found that the Department of Justice also “lacks a plan” for producing data analyses on Missing and Murdered Indigenous Women consistently, another requirement of the law.<sup>32</sup> Similarly, the Department of the Interior failed to appoint

members to the Joint Commission on Reducing Violent Crime Against Indians by the deadline set by the Not Invisible Act. Despite efforts these agencies have made to fulfill these requirements up to this point, their carelessness in delivering on such imperative aspects of each law in a timely manner sends a message to the public as well as to the Indigenous community that they do not regard this issue as being important enough to meet deadlines, especially considering Indigenous folks were willing to collaborate in these pursuits. Furthermore, the policies presented by the government in addressing Missing and Murdered Indigenous Women are not holistic and are not inclusive on many fronts. For instance, Savanna's Act, despite being named in honor of Savanna LaFontaine GreyWind of the Spirit Lake Sioux Tribe, who was murdered off of reservation land in a city with notable jurisdictional and data challenges, fails to include protections for the same crimes against Indigenous women in urban cities and areas.<sup>33</sup> The act targets law enforcement in these cases for areas with federal jurisdiction—urban cities are not included in this designation. Savanna herself would not be among those protected by the law named in her honor.

Despite what has now become an international movement to bring awareness to and address the crisis that is Missing and Murdered Indigenous Women, legislative bodies and law enforcement agencies continue to fall short in protecting Indigenous women from the violence created by the system in which they are complicit. Millions of Indigenous peoples are continuing to face the effects of colonization and centuries of violence in the one country of those with histories of colonization that has neglected to address these historical traumas. Systemic racism is alive and a constant barrier to justice in the United States, and that racism in conjunction with the lack of action in addressing resources, geographical concerns, jurisdictional inconsistencies, and an incredibly staggering data crisis has cost thousands of human lives. These numbers hold the weight of loved ones. The Missing and Murdered Indigenous Women epidemic will continue to be exacerbated by these factors should governmental action supported by Indigenous people be neglected. Indigenous people need more seats at the table—their lives depend on this.

## Notes

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- <sup>2</sup> The Gilder Lehrman Institute of American History.
- <sup>3</sup> Encyclopedia Virginia.
- <sup>4</sup> In Sleeper-Smith et al.
- <sup>5</sup> Id. at 4.
- <sup>6</sup> University of Oregon.
- <sup>7</sup> Justia Law.
- <sup>8</sup> Id. at 7.
- <sup>9</sup> Hanson.
- <sup>10</sup> Rosay.
- <sup>11</sup> Bachman et al.
- <sup>12</sup> Centers for Disease Control and Prevention.
- <sup>13</sup> Federal Bureau of Investigation.
- <sup>14</sup> Navajo Nation Division of Community Development.
- <sup>15</sup> Department of Justice.
- <sup>16</sup> American Indian/Alaska Native - The Office of Minority Health.
- <sup>17</sup> Native Hope.
- <sup>18</sup> Office of Crime Victim Services | Wisconsin Department of Justice.
- <sup>19</sup> Agency for Healthcare Research and Quality.
- <sup>20</sup> Id. at 6.
- <sup>21</sup> Charleston.
- <sup>22</sup> Smith, 70–85.
- <sup>23</sup> Id. at 10.
- <sup>24</sup> Buckley.
- <sup>25</sup> Urban Indian Health Institute.
- <sup>26</sup> Galtung, 291–305.

<sup>27</sup> Carlisle Indian School Digital Resource Center.

<sup>28</sup> National Indigenous Women's Resource Center.

<sup>29</sup> American Indian Law Alliance.

<sup>30</sup> Tribal Justice and Safety.

<sup>31</sup> U.S. Department of the Interior.

<sup>32</sup> United States Government Accountability Office.

<sup>33</sup> *Id.* at 23.

## Bibliography

- Agency for Healthcare Research and Quality. "Racial Misclassification and Disparities in Mortality among AI/AN and Other Races, Washington. Healthcare Cost and Utilization Project (HCUP)." (August 2014). [www.hcup-us.ahrq.gov](http://www.hcup-us.ahrq.gov).
- American Indian/Alaska Native - The Office of Minority Health. "Office of Minority Health." Accessed January 16, 2023. <https://minorityhealth.hhs.gov>.
- American Indian Law Alliance. "Doctrine of Discovery." Accessed December 6, 2022. <https://aila.ngo>.
- Bachman, R., Zaykowski, H., Kallymer, R., Poteyeva, M., & Lanier, C. *Violence Against American Indian and Alaska Native Women and the Criminal Justice Response: What is Known*. (Washington, DC: US Department of Justice, 2008).
- Buckley, Damon. "Firsthand Account of Man Camp in North Dakota from Local Tribal Cop - Lakota Times." Lakota Times (February 24, 2018). <https://www.lakotatimes.com>.
- Cambridge English Dictionary. "Discovery." <https://dictionary.cambridge.org>.
- Carlisle Indian School Digital Resource Center. "Kill the Indian in him, and save the man": R. H. Pratt on the Education of Native Americans." Accessed May 1, 2023. <https://carlisleindian.dickinson.edu>.
- Centers for Disease Control and Prevention. "Leading Causes of Death in Females by Age Group, American Indian/Alaska Native (2015)" <https://www.cdc.gov>.
- Charleston, Steven. *Coming Full Circle: Constructing Native Christian theology*. (Minneapolis: Fortress Press, 2015).
- Department of Justice. "United States Department of Justice: Improving Public Safety and Criminal Justice for Native Americans and Addressing the Crisis of Missing or Murdered Indigenous People." Accessed July 2022. <https://www.justice.gov>.
- Encyclopedia Virginia. "Inter Caetera by Pope Alexander VI (May 4, 1493)." Accessed August 7, 2023. <https://encyclopediavirginia.org>.

- Federal Bureau of Investigation. “National Crime Information Center (2018).” <https://www.fbi.gov>.
- Galtung, Johan. “Cultural Violence.” *Journal of Peace Research* 27, no. 3 (1990): 291–305. <http://www.jstor.org>.
- Gilder Lehrman Institute of American History. “The Doctrine of Discovery, 1493.” Accessed August 7, 2023. <https://www.gilderlehrman.org>.
- Hanson, Erin. “The Indian Act.” Accessed February 26, 2023. <https://indigenousfoundations.arts.ubc.ca>.
- Justia Law. “*Johnson & Graham's Lessee v. McIntosh*, 21 U.S. 543 (1823).” Accessed February 25, 2023. <https://supreme.justia.com>.
- National Indigenous Women’s Resource Center. “MMIW: Understanding the Missing and Murdered Indigenous Women Crisis beyond Individual Acts of Violence.” Accessed February 17, 2023. <https://www.niwrc.org>.
- Native Hope. “Missing and Murdered Indigenous Women (MMIW).” Accessed May 1, 2023. <https://www.nativehope.org>.
- Navajo Nation Division of Community Development. “Navajo Nation Profile.” <https://navajoprofile.wind.enavajo.org/>.
- Office of Crime Victim Services | Wisconsin Department of Justice. “Wisconsin Department of Justice: A Corrected Research Study of Missing and Murdered Indigenous Women & Girls in Washington State.” <https://www.doj.state.wi.us/ocvs>.
- Rosay, André B., *Violence Against American Indian and Alaska Native Women and Men: 2010 Findings from the National Intimate Partner and Sexual Violence Survey*. (Washington, D.C.: U.S. Department of Justice, National Institute of Justice, 2016), NCJ 249736.
- Sleeper-Smith, Susan, ed. “The Doctrine of Discovery, Manifest Destiny, and American Indians.” In *Why You Can’t Teach United States History without American Indians*, 1st edition. Chapel Hill, NC: The University of North Carolina Press, 2015.

- Smith, Andrea. "Not an Indian Tradition: The Sexual Colonization of Native Peoples." *Hypatia* 18, no. 2 (2003): 70–85. <http://www.jstor.org>.
- Tribal Justice and Safety. "Savanna's Act." Accessed March 31, 2023. <https://www.justice.gov>.
- United States Government Accountability Office. "U.S. Government Accountability Office (U.S. Gao)." Accessed March 17, 2023. <https://www.gao.gov>.
- University of Oregon. "Senator Thomas Hart Benton on Manifest Destiny (1846)." <https://pages.uoregon.edu>.
- Urban Indian Health Institute. "Missing and Murdered Indigenous Women & Girls." <https://www.uihi.org>.
- U.S. Department of the Interior. "Not Invisible Act Commission." Accessed April 24, 2023. <https://www.doi.gov>.