

8-2019

An Investigation into the Policies of Assimilation and Self-Determination Resulting in the Epidemic of Violence against Indigenous Women in Canada and the United States

Caroline Rubash

Follow this and additional works at: <https://knowledge.library.iup.edu/etd>

Recommended Citation

Rubash, Caroline, "An Investigation into the Policies of Assimilation and Self-Determination Resulting in the Epidemic of Violence against Indigenous Women in Canada and the United States" (2019). *Theses and Dissertations (All)*. 1760.
<https://knowledge.library.iup.edu/etd/1760>

This Thesis is brought to you for free and open access by Knowledge Repository @ IUP. It has been accepted for inclusion in Theses and Dissertations (All) by an authorized administrator of Knowledge Repository @ IUP. For more information, please contact sara.parme@iup.edu.

AN INVESTIGATION INTO THE POLICIES OF ASSIMILATION AND
SELF-DETERMINATION RESULTING IN THE EPIDEMIC OF VIOLENCE
AGAINST INDIGENOUS WOMEN IN CANADA AND THE UNITED STATES

A Thesis

Submitted to the School of Graduate Studies and Research

in Partial Fulfilment of the

Requirements for the Degree

Master of Arts

Caroline Rubash

Indiana University of Pennsylvania

August 2019

© 2019 Caroline Rubash

All Rights Reserved

Indiana University of Pennsylvania
School of Graduate Studies and Research
Department of Political Science

We hereby approve the thesis of

Caroline Rubash

Candidate for the degree of Master of Arts

Rachel Sternfeld, Ph.D.
Associate of Political Science, Advisor

David Chambers, Ph.D.
Associate Professor of Political Science

Sarah Wheeler, Ph.D.
Associate Professor of Political Science

ACCEPTED

Randy L. Martin, Ph.D.
Dean
School of Graduate Studies and Research

Title: An Investigation into the Policies of Assimilation and Self-Determination Resulting in the Epidemic of Violence against Indigenous Women in Canada and the United States

Author: Caroline Rubash

Thesis Chair: Dr. Rachel Sternfeld

Thesis Committee Members: Dr. David Chambers
Dr. Sarah Wheeler

The history of indigenous communities in Canada and the United States was marked with conquest, assimilation efforts via boarding schools, separation of children from parents, cultural genocide, doctrines of self-determination and the establishment of land reservations has resulted in a policy and jurisdictional void. This void and lack of accountability in the criminal justice system in both countries has resulted in the kidnapping, assault, and murder of indigenous women. The most effective solutions are the collaborative efforts between the tribal, state, provincial and federal government along with outreach and nonprofit groups to assist, protect and prevent.

ACKNOWLEDGEMENTS

I would like to thank my chair and committee members for their support and assistance with this project. I would also like to thank my mentors at Bethany College, who cultivated and encouraged my interest and passion in this field. Lastly, thank you to my partner, family, and friends for the support these past months. I am endlessly grateful to my support network.

TABLE OF CONTENTS

Chapter	Page
INTRODUCTION	1
ONE LITERATURE REVIEW	3
TWO CANADA	16
THREE UNITED STATES	31
CONCLUSION.....	44
WORKS CITED	46

INTRODUCTION

Violence against indigenous women in Canada and the United States is significantly higher in comparison to their non-indigenous Canadian and American counterparts. Similarly, to communities stricken with poverty in the United States, the Native communities have a high rate of violence correlating with high rates of poverty. The communities are crippled by poverty, low employment rates, and substance abuse. Policy and programming based in collaboration across multiple agencies, the federal government, law enforcement, and tribal systems are the most effective in preventing violence against indigenous women.

The literature review uses research on policy-making to reduce crime, policing tactics generally and with respect to domestic violence, specifically, to show that the introduction of collaboration in policy-making and policing is a strategy that should be applied to native communities to combat the issue of violence against women. First, I use the development of broken window theory and studies of disorder and police intervention to illustrate that a collaborative, community-based effort was the best way to address poverty, crime, and disorder within a neighborhood. Existing research on domestic violence in public housing additionally points to the effectiveness of efforts to protect victims of domestic violence from discrimination by landlords. This research explored the complexities of domestic violence and financial, emotional, and cultural controls that impact victims of domestic violence. Finally, I consider the important role of feminist groups in advocating for better policy have the most impact.

In investigating Canada, the extensive investigations launched by the government to address the missing and murdered women in British Columbia have resulted in extensive suggested and complex solutions. These solutions compiled in reports and investigations are without funding or policy legislation to put the solutions into action. Canada is attempting to

engage in collaborative efforts between tribal councils and the Royal Canadian Mounted Police. They are engaging in this plan without first acknowledging and admitting the painful and exploitative past of the RMCP often in coordination with the provincial government and local leaders. The previous attempts at policy has resulted in a stalemate while the indigenous women are kidnapped, assaulted and murdered. Thus, while Canada is moving towards a community-based and collaborative policing, without implementation of these solutions and policies, little improvement will be made in curbing violence against native women in Canada.

The United States created the reservation system in an attempt to fulfil the policy of self-determination gaining traction in the 1960s and create sovereign nation-states for the indigenous community to self-govern. The seemingly well-intentioned policy of self-determination has failed because of the lack of funding, authority, and autonomy promised to the Native Americans. Tribal police are without power or authority and the tribal boundaries have created a void on the reservation that allows for the assault, rape, and murder of Native American women. In the creation of the Special Domestic Violence Criminal Jurisdiction in the Violence Against Women Act, the void has been rectified. The Special Domestic Violence Criminal Jurisdiction allows for voluntary tribal participation, providing funding, collaboration, and expanded resources for Native American women pursuing justice and protection against domestic violence.

Collaboration across the tribal, state, and federal government as well as the establishment of missing persons centers to track and collaborate with law enforcement are the most effective efforts to assist, prevent, and protect indigenous women. Policy made without collaboration and feedback between the government and tribal communities have and will continue to meet the needs of the native communities in Canada and the United States.

CHAPTER ONE

LITERATURE REVIEW

This chapter provides literature review of studies, reports, and research discussing the broken windows theory, public housing and domestic violence and neighborhood intervention efforts. The native reserve system seen in Canada and the United States are plagued with poverty, substance abuse, and violence; this literature review addresses these symptoms, solutions, and prevention efforts that have been conducted in broader social contexts. They support my thesis in that collaborative efforts across police departments, policymakers, and communities is the most effective way to address and prevent violence against indigenous women.

Broken windows

In 1982 James Q. Wilson and George L. Kelling introduced the broken windows theory in a widely read article in *The Atlantic*. They theorized that an urban environment showing signs of physical decay such as broken windows and vacant buildings, would see more in criminal activity because of these disorders. Increasing police intervention as a means “disorder prevention” by dealing with minor crimes and signs of decay and disarray in neighborhoods would decrease crime rates. In theory, dealing with the social and physical signs of disorder would restore informal social order and prevent criminal activity and violence. Research indicates the mixed effectiveness of police intervention

In "Reversing Broken Windows: Evidence of Lagged, Multilevel Impacts of Risk Perceptions on Perceptions of Incivility”, researchers Link et al, reverse the theory laid out by Wilson and Kelling, that risk perceptions increase the incivilities perceptions of a neighborhood. They utilized data from Baltimore, a city struck by deindustrialization in the 1980’s after the

closing of the steel factories. This study found that the disorder, defined as neighborhood decline and decay, was based on the individual and how they perceive the disorder, i.e the neighborhood decline and decay. Via their research, they found that the “crime risk perception may shape how problematic the locale is seen to be... and individuals feeling more at risk of crime were more likely to see their surroundings as problematic” (Ibid 677). They found that if an individual was reporting feelings of decay and unsafety within their community, they were more likely to see crime and their location as dangerous.

The results support the original theory of the broken windows that neighborhood disorder enforce the perception of risk, rather than what the authors proposed that risk enforce the incivilities (Link et al 677). The concept of neighborhood disorder increasing the perception of danger and risk applies to the disorder found on indigenous reservations in the United States. The perception of disorder occurs on the reservation, leading the communities to continue to experience risks and dangers associated with neighborhood disorder without the police intervention to assist in preventing.

In a 2015 article, Braga, Welsh and Schenll focus on 30 city-regions in the United States. The analysts tested the effectiveness of the broken window policing in reducing crime and violence. Two methods were used by the police forces. One was zero-tolerance policy towards criminal activity. The second method was cooperation with community members in addressing recurring issues specific to the neighborhoods effected by disorder such as loitering, theft, and domestic violence (Braga, Welsh, Schnell 580).

The study, acknowledging the positive, null, and negative results from previous studies, addressing broken window policing and utilizes a meta-analysis to gain an in-depth view of broken window policing. The review of previous research compared the policing tactics used in

various cities, and the types of crime that occurred, and in which compared the tactics used in each city and the type of crime that occurred and what crimes, specific to the neighborhood were deterred, this report found that consistent crime reduction occurred when the “police paid attention to social and physical disorder when seeking to reduce more serious crimes.” (Braga, Welsh, Schnell 581). In other words, while zero-tolerance policies and aggressive policing were less effective at reducing crime, collaborative policing that engage with community members was more effective in reducing crime and violence (Ibid 583). These authors argue that policymakers and police departments should turn their programming towards collaborative community building efforts. This is because aggressive zero-tolerance policies create a fraught relationship between the community and law enforcement agencies (Ibid 587).

While arguing in favor of collaborative efforts, the analysts indicate that a reduction in substance abuse in these regions also decreased criminal activity (Ibid 587). This applies to the issues found on indigenous reserves, such as substance abuse. If collaborative community building relationships were cultivated, the indigenous population may see a decrease in substance abuse, criminal activity, and violence.

In Hinkle and Weisburd’s study discuss the targeting of nuisance crimes, a common component of broken window policing and its connection to long-term crime reduction. The authors assert that when the disorder goes untreated, citizens become fearful. This withdrawal in turn reduces informal social control, which criminals perceive as a weakness and take advantage of which then in turn leads the disorder and criminal activity to increase (Hinkle, Weisburd 504).

Broken windows policing in 1990’s New York City is often credited with a decrease in crime, but researchers question if that was a result of the policing or the decrease of crack use. This study sought to prove a link between the fear of social disorder via the perception of

disorder and the heightened crime as a result. The study utilized hotspots of criminal activity and the police response and the communities' attitude towards those events. The perception of neighborhood disorder and the police intervention increases the fear of crime (Hinkle, Weisburd 510). This illustrates increased police intervention by police forces may increase the fear of crime; thus broken window policing fails to decrease fear in the communities where it is employed. This confirms further the importance of how the broken window policing is implemented and how collaborative efforts between the community and law enforcement are crucial to reducing fear and disorder (Ibid 511).

Sampson and Raudenbush attempt to address the psychological impact that disorder in a neighborhood has on the indifference of the community (319). This study addressed when citizens perceived disorder as a problem and the reasoning based on social groups. The data was taken from Chicago neighborhoods and participants were asked to define neighborhood disorder and then compared this response with the socio-economic, race, and gender of the participants.

The study concluded that the reduction of disorder in the neighborhoods may not result in a lessening of psychological difficulties and the difficulties seen such as addiction and mental illness (Sampson, Raudenbush 337). Confirming that while broken window policing has seen a decrease in crime, it has not reduced the mental strain and trauma impacting the members of these communities.

In addressing neighborhood disorder and the broken window theory, collaborative efforts have been provided by various communities and it is important to discuss the effectiveness of organizations seeking to improve communities, such as city councils.

Dierwechter and Coffey's address the impact of city councils on improving and advancing the needs of the public. The neighborhood in this case study was Tacoma Washington,

at the time of the study a population of 200,000. The authors conducted open-ended interviews with city council members and the city manager, and the mayor as well as residents of Tacoma's high crime rate neighborhoods. They found that the expectations of the neighborhood councils were typically positive, similar to the expectations of self-determination and tribal councils set up on reservations in the United States. The expectation of self-government and the positive expectations with limited results will be discussed in the case study on the Native American reservations in the United States.

The perception of the public and the actual authority of the city council are at odds with each other. The authors found that the population felt that the city council is "able to turn mere opinions into actual judgements" (Ibid 473). The population feels that the city council serves as a means to turn public opinion and needs into improvements within the community. But, they also found that the city council's reach was only as far as their segmented group and that the funding and willingness of the mayor and city-manager played a huge role in the effectiveness and advancement of goals for the city council. The resource allocations are based on location and councils struggle to achieve their goals as a result (Ibid 487). Similarly, to the reservations, they are underfunded and undercut leaving the tribal council and courts without much power or ability to advance their specific community.

Some researchers have questioned the efficacy of modern neighborhood intervention programs, as they have with the broken window policing. The crowded condition, high poverty and turnover rates of residents in poverty-stricken neighborhoods can lead to a fewer social connection among the residents of in these neighborhoods, thereby reducing trust and informal social conditions that prevent minor criminal activities (Kondo, Andreyeva, 261)

Low income neighborhoods are without public transit and when public transit is implemented, crime rates decrease. When the Metro Train station was implemented in Atlanta, the low-income neighborhood crime rates decreased (Kondo, Andreyava 263). The Safe Ride programs to transport students late at night implemented at colleges have been proven to reduce violence as well; at the University of Wisconsin-Milwaukee between 2005-2008 in which the Safe Ride program was in place, crime decreased by 14% (Ibid 265). In Medellin, a small village in Colombia with high poverty rates, implemented a gondola system for public transit. The village saw a 66% decrease in crime (Ibid 267). Transportation, especially when addressing violence against Canadian indigenous women is a large factor in hitchhiking and high rates of kidnapping in the region; the intergenerational poverty makes access to a vehicle a luxury and results in high rates of kidnapping.

Public housing and domestic violence

In addressing the topic of violence against indigenous women, it is important to discuss the violence seen in public housing developments and what organizations and the government funding these housing units have done to address and prevent violence against women in publicly funded housing.

Anne Menard concluded that the intersection of poverty, welfare, and domestic violence has a direct correlation to homelessness (Ibid 708). The Violence Against Women Act of 2000 included funding for short term housing for battered women; the funding was not renewed in 2001 (Ibid 712). The National Advisory Council on Violence Against Women suggested three improvements to public housing; modify housing policy and create programs to better accommodate single mothers, provide more opportunities for safe and affordable housing for battered women, and advertise housing options to inform victims of domestic violence of their

options (Ibid 712). The one-strike policy in public housing, similar to zero tolerance policing, results in the family evicted for the actions of one family member. This means when an abusive partner engages in criminal behavior, the victim and her children will be evicted as a result. Menard argues that making services more accessible, while increasing protection and policy for survivors of domestic violence, will reduce violence and increase protection for women at risk of becoming victims of domestic violence.

In her study on domestic violence and public housing, Jody Rapheal found that 75% of women on welfare have been victims of domestic violence. Often women exclude their partners' names from when applying for public housing so the partners criminal background will not prevent them from getting an affordable place to live. The abusive partner can utilize this to threaten the victim of alerting the housing authority to have the victim evicted. Often the women are evicted regardless of the abusive situation because of the one-strike policy implemented in public housing authorities (Raphael 501).

Similarly, Paglione found that, while domestic violence is viewed as a inhumane, housing instability, a crucial piece of a women's ability to leave her abuser, is not viewed as inhumane and leads to the abuse continuing. The unequal power dynamics of the abuser and victim of abuse leaves the woman without options of adequate or stable housing. Often the shelters are full, and women become homeless or live in inadequate homes as a result of this. As discussed previously, women are evicted by or because of the abuse; and without the support of family and friends and their support system, survivors are less likely to report the abuse (Paglione 132).

Holzman, Hyatt and Dempster compared public housing authorities based the architecture of the housing developments with higher rates of domestic violence; comparing high rise apartments against condominium styled homes. City Y was condominium styled housing

with predominately African American residents and City X was a high-rise apartment building with primarily white residents. Based on their research, they found that black women residing in City X were most often the victims of domestic violence (Ibid 68).

Holzman, Hyatt and Dempster found fewer incidents of violence in the high-rise apartments, which supports their theory that the condo-style housing leads to less anonymity in the community and results in more calls to the police in cases of domestic violence and arguments (Ibid 68). The researchers suggested creative and collaborative solutions between the housing authority, police, and community to create a stronger sense of community in all types of housing to help provide intervention in cases of domestic violence. This applies to the overcrowded housing seen on Native reserves in Canada and United States and the high rates of domestic violence found in the housing.

Discrimination often occurs when domestic violence survivors are attempting to find stable housing. Ross found that even with anti-discrimination laws, landlords show bias and discrimination against domestic violence victims. She surveyed landlords from Staten Island, Brooklyn, and Queens as if they were domestic violence survivors attempting to secure housing. Twenty-two percent of the landlords voiced concerns over the potential tenant's mental stability and safety. Twenty-seven percent of the landlords expressed they would refuse to rent to survivors of domestic violence (Ross). The Anti-Discrimination Act prohibits landlords from discriminating against tenants and the Fair Housing Act includes language to better assist and protect victims of domestic violence and the evictions that battered women face (Ross).

The challenge of domestic violence in public housing is not only a problem in the United States; it occurs in Canada as well. Dekesseredy, Alvi, Schwartz, and Perry address violence and harassment that women face living in six public housing units in Eastern Ontario. The survey

asked of physical violence, sexual violence and harassment in the daily life of men and women. Nineteen percent of women living the public housing experienced physical violence in the past year. Nine percent experienced sexual violence. Twenty-six percent of working women experienced harassment at work and in public spaces (Dekerssedy, Alvi, Schwartz, Perry 504).

Baker and his coauthors discuss the connection between homelessness, housing instability and domestic violence as the leading causes for homelessness among women and children in the United States. The abusers in these situations often pose a threat to the victims access and relationship to the housing authority and it results in the victim's eviction, poor rental history and financial instability (Baker et al 432). The Violence Against Women policy includes language to protect domestic violence victims and public housing stating the following "an incident of an actual or threatened domestic violence, dating violence or stalking does not qualify as serious or repeated violation of lease or good cause for terminating assistance tenancy" (Ibid 433). But this language does not protect private housing or federally subsidized housing policy, the housing that Native American women most commonly reside in.

The rates of domestic violence in public housing is typically higher when compared to counterparts outside of public housing. It is also important to note these numbers could be underreported because of the number of refugees and immigrants, and their fear of deportation if they report criminal activity (Ibid 510). This illustrates a correlation between domestic violence and harassment in government-funded housing, similar to the government-regulated reservations.

A study was conducted to map the impact of dating violence on young children and how the social processing at a young age predisposes young women to domestic violence. Intimate partner violence on average is higher in families living at or below the poverty line. Jain, Buka, Subramanian, and Molnar assessed neighborhood variation in dating violence and victimization

among young adults. They surveyed 13 to 18-year-olds from 1995 to 2002 in Chicago neighborhoods. The dependent variables was the frequency with which the children experienced violence including shoving, slapping, kicking, being thrown into a wall, punched or harmed with a weapon in a given year. The independent variables were the poverty levels and the perception of violence among residents of the neighborhood. The authors found a correlation between dating violence and the rates of poverty in the neighborhoods, the higher the poverty, the higher the rates of dating violence in that specific neighborhood. This applies to the case studies addressing native reserves in the United States and Canada and the intergenerational violence and trauma experienced by the indigenous women.

Thurston interviewed 37 immigrant women in three Canadian cities about experiences with domestic violence. The women cited ethno-cultural standards as a main factor in staying with the abuser and the lack of support felt after immigration to a new country; the prospect of divorce was unacceptable in their religious and cultural background. The abuse the interview subjects suffered varied from verbal abuse to extreme physical abuse ending in hospitalization. They cited the availability and access to stable housing as a major roadblock in leaving their spouse. The women found assistance in affordable and accessible housing, outreach groups and nonprofits assisting them and easing the transition out of the abuse (Thurston). This illustrates again the importance of stable housing as well as the influence of cultural norms and the influence of the community, which will be discussed later in these chapters. Often battered women in public housing are unable to find housing to accommodate them and are unable to leave abusive situations because of financial difficulties. In forming collaboration between the policy makers and domestic violence victims, specifically the majority of victims being minority groups, the women will be better protected and have increased quality of life.

Weldon and Htun study feminist organizations and mobilization. They look at how that impacts government involvement and policy change to prevent violence against women. The authors collected data about violence against women and the policies of prevention across seventy countries over a thirty-year period, from 1975 to 2005. They found that several distinct types of policy are necessary to protect and prevent violence against women. First, women need access to shelter so they can escape abusive situations and obtain stable and safe housing as well as access to counseling services. Additionally, specialized training of social workers, police officer and other outreach staff who engage with victims of domestic violence is crucial. Finally, the social marketing on prevention and education for public safety via the federal government are important for assistance and prevention. The policies and outreach will have to be specific to the needs of each victim of domestic violence in order to fully address, protect, and prevent against domestic violence (Weldon, Htun 233).

Weldon and Htun ranked the policies based on their ability to respond to domestic violence; responsiveness was based on how well the policy addressed the dimensions of the issue; response to the victims and prevention of further violence (Ibid 234). They found that international agreements, such as the United Nations declaration on the Elimination of Violence Against Women in 1933 in Vienna illustrated a cascading impact of global policy on regional policy. Soon after the Organization of American States Declaration was formulated along with the Inter-American Convention on Violence Against Women which address violence against women in North, Central and South America (Ibid 243). The international standards brought forth by the United Nations are often codified in legislation in one region, providing regional diffusion between countries to adopt the policies of a neighbor. (Ibid 243).

This study found that independent feminist groups organizing and mobilizing to advance policy to prevent violence against women have the largest impact on legislation, that “strong autonomous feminist movement is both substantively and statistically significant as a predictor of government action to redress violence against women” (Ibid 236). It is critical that the groups be autonomous and focused on violence against women; other groups involved with political ideology or women’s issues are not as effective as advancing policy (Ibid 239). These groups are more influential than women legislators, the impact of political parties or national wealth on the policy that prevents violence against women.

After reviewing the literature on the broken window theory of neighborhoods and the policy implications of that theory, the native reservations and communities are involved in this scope and theory as well. The disorder found in the communities leads to fear and hopelessness. Law enforcement is unable to police the reservation as they would for other impoverished neighborhoods which leads to the cycle of disorder and risk associated with that disorder. The collaborative efforts between the community and police force have been proven to be more effective than the aggressive tactics utilized in policing neighborhoods impacted by disorder and I will further enforce that in my discussion of the Special Domestic Violence Criminal Jurisdiction and the effectiveness of collaboration between the federal, state and tribal governing entities to protect Native American women.

The violence and lack of funding for battered women in mainstream society as well as the importance of grassroots mobilization of feminist groups supports the outreach groups as well as the lack of support Native women experience when seeking justice from violence, assault, and kidnapping.

After reviewing this information, my scope of research will address first the history of oppression to the indigenous communities, then violence and kidnapping of indigenous women in Canada and the United States, then what efforts, policy and policing are utilized to prevent this. And finally, what are effective methods and what inquiries and methods are ineffective in providing support and protection.

CHAPTER TWO

CANADA

Introduction

Canada is similar to the United States regarding their relationship with its indigenous population. The patterns of conquest, assimilation, and abandonment with the promise of self-determination are clear in Canada, occurring as well in the United States. The lack of policy and criminal justice infrastructure in protecting First Nation women and children from violence is a failure to protect the community and create an ongoing genocide of women and children.

A modern example of this failure is the case of Tina Fontaine. Ms. Fontaine, a 16-year old indigenous girl was raised by her aunt and uncle. At the time of this incident, she was visiting her mother in Winnipeg. Ms. Fontaine was reported missing and found in a vehicle with an intoxicated man. She was transferred to the Manitoba Child and Family Services and left the shelter after staying overnight. Ms. Fontaine has been missing since 2015 (Palmer 261). The police involved in this were investigated for misconduct. This was a failure to protect indigenous children and it was treated as a minor infraction without an investigation or collaboration between the police and the tribal community to find the missing child.

Solutions, suggestions and policy changes have been brought forth by the various Canadian government inquiries. These inquiries have culminated without the enforcement or funding of legislation brought forth by the policymakers, outreach leaders, and tribal councils. The solutions are complex and incorporate collaborative efforts, but are not backed by funding or legislation, making them unable to come to fruition. Without the enforcement and funding of this collaboration, the low quality of life, violence, rape, kidnapping and murder of First Nation girls and women has continued in Canada.

Development of Canadian policy

The earliest record of the relationship between Canada and the First Nation people is the Royal Proclamation of 1763 in which Canada attempted to “ensure control over [their indigenous people’s] population, land and finances” (Mawhiney 20). The assimilation efforts in Canada, similar to the United States were based in a conversion and integration effort via Christianity. This policy was followed by the Gradual Civilization Act of 1857 to civilize primarily the Ontario Tribes. This act required young indigenous men to speak English or French and required the indigenous to participate in land ownership and gradually assimilate the native communities into Canadian culture.

The Gradual Civilization Act of 1857 was updated by the Act for Gradual Enfranchisement of Indians in 1869. This policy established one-third of indigenous heritage was required to maintain First Nation status; it also excluded Native women that had married non-Native men (Mawhiney 24). This set the precedent that if an indigenous woman were to marry outside of the tribal community, she forfeited her tribal identity. This also worked to separate the mothers of First Nation descent from their children of First Nation descent in tribal identification. Children of unstated paternity or mothers that have married non-tribal men are unable to claim their tribal background.

In their 2005 report on indigenous Canadian boarding schools, the United Nations found that the policy impacts the mother negatively and separates the children and mothers from their tribal communities (United Nations 8). This separation of children from mother as well as the separation between the family and their respective tribal identity was and continues to be a means of enforcing assimilation and termination of the tribal identity in Canada.

Assimilation of native children

The assimilation based boarding schools for First Nation children occurred in the mid-1800s up until the 20th century. The United Nations investigation found indifference and inaction regarding the suffering of children at the boarding schools. The schools alienated children from their families, communities, and language resulting in a cultural genocide between the generations. “The intergenerational impact of the residential school system and foster adoptive system is linked to high rates of violence and abuse that indigenous women and girls suffer today... this system has shaped communities and resulted in the breakup of families” (United Nations 7). The policy of the assimilation based boarding schools were not a collaborative effort and the impact of these schools are still felt in the First Nation communities with the loss of culture and often loss of children, buried in unmarked graves.

The Truth and Reconciliation Commission Report, funded by the Harper administration in 2008, found further evidence of the abuse, violence, and cultural genocide that occurred at the one hundred and thirty-two Industrial Schools in Canada. This report claims that between 1883 to 1989 over 150,000 indigenous children were separated from their families (Truth and Reconciliation Commission, Volume 1)The industrial school model was structured with half of the day spent on their education and then half of the day on vocational training; which often was manual labor to maintain and run the schools. The children were often malnourished, abused, and bullied by staff and peers. (Truth and Reconciliation, Volume 2).

The United Nations claims that like the involuntary adoption and fostering of children, this practice of boarding schools and forced adoption has created a rift in the community, between parents and children. The native children separated from their parents were sent to these schools by force. The Royal Canadian Mounted Police participated in the forced removal of the

children and over 300 incidents of misconduct were reported, and the federal government failed to investigate these claims (Palmer 278).

After the boarding school system was shut down, assimilation and separation of indigenous children from their native parents continued. Indigenous children were fostered or adopted into non-tribal families (Mawhiney 32). This combined with the tribal identification issue are policy decisions that resulted in the dissemination and separation of community; specifically, the separation between mother and child, and child from tribal identity and community.

White policy of 1968

The Indian Act of 1867 established tribal citizenship and expanded autonomy for the indigenous communities in Canada (Mawhiney 31). In the 1960's, attitudes shifted within the First Nation community towards increased autonomy and assistance from the Indian Affairs Department. The British Columbia Indian Homemakers rallied in 1968 for more support from the Indian Affairs Department to gain assistance for the 47,000 indigenous living in British Columbia (Finch).

The White Policy of 1968 was an attempt at total and involuntary assimilation. The boarding schools were abolished in an attempt to move towards a full incorporation into society; after they dissolved, the White Policy was an attempt to force integration of the indigenous communities into Canadian society (Weaver 9). The White Policy was proposed by Pierre Trudeau and Jean Chretien. The policy sought to eliminate all treaties and special treatment for the indigenous communities and remove the reserve status of indigenous people. This would essentially trade their tribal citizenship for provincial citizenship (Ibid 4). It was developed in the summer of 1968 to June 1969 (Ibid 7).

In July 1969, the Native Brotherhood of British Columbia, Southern Vancouver Island Tribal Federation, Confederation of Native Indian and British Columbia Homemakers voted against the White Policy and were vehemently against the plan to dissolve the Indian Affairs Department (“Indians Reject Plan”). The policy failed but this attitude and policy formulation are indicative of the attitude and indifference towards collaboration with the First Nation communities. While the communities sought assistance and relief to establish themselves as autonomous, the Canadian government sought to terminate and eliminate funding for the communities in question. This is important to indicate in addressing the inaction that will be discussed further on; this inaction and indifference towards collaboration has resulted in the breakdown First Nation communities and violence prevention.

Modern incidents of violence against first nation communities

A modern example of neglect and policy failure exist in the lack of communication between the police force and the child service groups in locating and assisting missing or kidnapped First Nation children, previously discussed in the case of Tina Fountaine.

The indigenous communities suffer and are subjected to higher rates of violence and missing persons compared to their Canadian counterparts. The Native Women’s Association of Canada was established in 1979 to assist the political, social and economic wellbeing of First Nation women (NWAC *Fact Sheet; Violence Against Aboriginal Women*). The Sisters in Spirit initiative came from this as well in 2005-2010, in an effort to collect data on the missing and murdered indigenous women. This group confirmed 582 cases of missing and murdered indigenous women under suspicious circumstances. They also found that the average for murders solved is at eighty-four percent whereas for indigenous women, only fifty-four percent of the cases were solved (NWAC *Missing and Murdered Aboriginal Women*).

The disparity exists regarding violence as well; indigenous women are 3.5 times more likely to experience violence in comparison to their non-native counterparts. They experience higher rates of severe violence; being beaten, stabbed, choked, threatened with a knife or gun (NWAC Missing and Murdered Aboriginal Women). Higher rates of violence are reported often with partners or family members and especially in rural indigenous communities. The murders in the western provinces account for 54% of all murders in Canada, of that amount, British Columbia accounts for 28% of this (NWAC Missing and Murdered Aboriginal Women.).

Southern British Columbia struggle with poverty and the struggling logging industry along with a high First Nation population. The climate, geography, and infrastructure of the southern British Columbia puts the indigenous communities residing on these lands at a disadvantage, without much opportunity for stable employment or opportunity for establishing businesses (Dhilion, Bailey). Based on the 2011 National Household Survey and Aboriginal Peoples Survey of 2012, the aboriginal population in British Columbia is the highest in compared to the other provinces, with a population at 232,290.

The Lheidi T'enneh Sekan Tribal Council and the Prince George Native Friendship Center participated in a meeting with the provincial government to address the rates of missing and murdered indigenous women on the Highway 16, or the Highway of Tears. Eighteen confirmed cases of missing women have occurred since 1969, typically involving young women hitchhiking ("British Columbia Highway of Tears study polls hitchhikers' habits"). The victim profile is established at 14 to 25 years old, occurring in the spring and fall. Most of the women live at or below the poverty line and cars are viewed as a luxury item. The intergenerational poverty leads to a lack of resources and clothing in the communities. Hitchhiking is then often the primary mode of accessing these items (Carrier Sekani Family Services.) The First Nation communities struggle

with “inadequate housing, food insecurity, health inequity, extreme poverty, drug dependency, the drug withdrawal, and the entrenchment within the community” (Oppal 20). These issues have created a cycle of poverty and violence are make it difficult for community members to escape or gain upward social mobility; similar to the issues discussed in the literature review, public transportation would assist the women along the highway to find employment and gather resources for their respective homes and families.

The Lheidi Tribal Council and provincial government sought to find short term and long-term solutions. Billboards and highway patrol are the short-term solutions to assist women hitchhiking; shuttles and busing would be the long-term solution to bring relief to the indigenous communities (Oppal 20). The billboards and signs to warn the dangers of hitchhiking have been implemented; the bus and shuttle system which provide long term relief as well as opportunities for the community to secure employment and relief have not been implemented.

The law enforcement in British Columbia have failed to protect and prevent these issues from reoccurring. The police failure to response in a sensitive and professional manner has resulted in the lack of protection and reporting according to Wallace Oppal, the former Attorney General of British Columbia in his report addressing missing and murdered indigenous women.

His report states that first, the police do not pursue policy or responses in line with tribal norms. Secondly, the strategies used by the police exclude the family input and transparency of the investigation; the efforts are inadequate in the follow-up investigations. The delays in investigations impact this as well. Lastly, the police rarely utilize DNA or undercover operations in investigating the missing and murdered indigenous women (Oppal 88). Data and information on sex workers is difficult to collect and maintain because of the strained relationship between sex workers and the police forces (NWAC Missing and Murdered Women and Girls Fact Sheet).

The police's refusal to implement and improve their response to the epidemic of violence in the community is a failure. The lack of funding and apathy to the shuttle bus solution and offering support and assistance for the communities along Highway 16 is also a failure, even with the collaboration between the tribal council and the provincial government, without the legislation and funding, the solutions are merely suggestions.

Data collection in the past

The National Inquiry was launched in 2016 by Prime Minister Justin Trudeau allocating thirty-one million Canadian dollars to the inquiry into the missing and murdered indigenous women in Canada. Carolyn Bennett, the minister of Indigenous and Northern Affairs traveled and interviewed indigenous communities' attitudes towards the police and their role in the neglect and apathy towards this issue (Levy). The Royal Canadian Mounted Police, prior to their inquiry estimated eighteen cases of missing and murdered women between 1969-2006. The First Nation community members interviewed claim it has to be closer to fifty cases. The Native Women's Association of Canada total the number of missing and murdered women at anywhere from 1000 to 4000 cases (Levy). The National Inquiry allocated funding to the Royal Canadian Mounted Police, this culminated in the National Operational Overview report in 2013 and the update to the report in 2015.

The RCMP's initial report in 2013 found that indigenous women and girls on average are at a higher risk for violence and murder. The National Operational Overview found that between 1980 to 2012, there were 1,181 confirmed cases of missing or murdered indigenous women; 164 were murdered and 1,017 were missing (RCMP 2014). The report confirmed that the highest rates of violence occurred in British Columbia. The 2011 Household Survey found that the

indigenous communities make up 4.3% of the population and 718,500 were indigenous females (RCMP 2014).

The report compared the rates of violence between indigenous women and their Canadian counterparts. The first section compared where the incident of violence occurred for each group. The majority of violent acts for Canadian and native women occur in the home. The incidence of violence in open spaces is at twelve percent for native women and compared to Canadian women at six percent (RCMP 2014). Native women are targeted and attacked in public spaces at higher rates than their Canadian counterparts.

The data on the relation of the victim to the perpetrator was important to note; Canadian females are more likely to be attacked by their spouse at forty-one percent and for native women at twenty-nine percent. But when it comes to Native women, thirty-one percent of the attacks are carried about an acquaintance while the Canadian women is at nineteen percent. This indicates the lower rates of intimate partner violence and the higher rates of perpetrators living in or around the communities of the native women attacked (RCMP 2014). Or, this could indicate an indigenous women's reluctance to report a spouse or partner to law enforcement. On average, Native women are more likely to experience brutal murders, by beating or stabbing in comparison to the Canadian counterparts (RCMP 2014).

The report separated the 164 confirmed cases of missing women into five categories; unknown for 61 cases, foul play for 44 cases, accident for 45 cases, lost/wandered off for 12 cases and runaways for 2 of the cases. The categorization was conducted via interviewing family and friends to gather information and background on the young women.

The 2015 update and investigation resulted in 159 new cases of missing or murdered indigenous women and in the majority of the cases, the perpetrator was a spouses or intimate

partners (RCMP 2015). The Census Metropolitan Area worked with the NWAC providing research in 2013-2014 to find the nexus between spousal abuse and the high rate of its occurrence in native households (RCMP 2015). This confirms my prior theory that native women are reluctant to report their spouses or partner's abuse because their distrust of the law enforcement and entrenchment in the community.

In the report "Invisible Women; A Call to Action" of the 41st Parliament by the Special Committee on Violence against Indigenous Women compiled sixteen recommendation to assist and prevent this violence from occurring. The first is the creation of a National Public Inquiry into this issue. Then a National Public Plan to combat violence along with tasking a working group with the department of public health and indigenous groups to collaborate on this issue. Then create awareness campaigns, provide support for the victims' families, provide support for the communities, fund anti-violence campaigns, services for the victims, First Nation childcare. And finally, to eliminate the obstacles for economic development on and off the reserves, measures to curb poverty, implementation of police services, data collection, police procedures to conduct multiple investigations at the same time and police officer training specific to these issues (41st Parliament).

Wallace Oppal, former Attorney General for British Columbia found that the Invisible Women report and "the general systematic failure to address cross jurisdictional issues and the ineffective coordination were inconsistent... the erratic and irregular meetings were of negligible benefit." (Oppal 91) The implementation of the recommendations have not been followed through and it is another report and list that has missed crucial elements in the issue of violence against indigenous women.

The lack of communication between the government, the centers to collect this data, and the police, and tribal communities has resulted in the kidnapping and death of First Nation women. The newly implemented Canadian Police Information Center and Violent Crime Linkage is a new system to encourage police forces to coordinate and work across jurisdictions in sharing information across provinces (United Nations 39).

The 2013 Human Rights Watch uncovered the history of physical and sexual abuse by Royal Canadian Mounted Police specific to Native communities. Often members of the community are brutalized after calling the police for protection and this has created a culture of fear and distrust within the communities regarding the police. Neil Stonechild was a young native man dying on the deadly tradition of ‘Starlight Tours’ led by Canadian police. The police force would drive young poorly dressed men at night without heat in the police vehicles and toss them into holding cells. Mr. Stonechild died of hypothermia. The Saskatchewan police force have been accused of erasing Wikipedia entries on this practice (Palmer 265). In 2012, a native woman was arrested in British Columbia; an officer on the scene said, “you can do what you want to her”. The charges for this incident was dropped because it had been over a year since she came forward with this (Ibid 278). The sensitivity training regarding sexual assault is optional for Royal Canadian Mounted Police, indicating that the training to address this issue is not important.

Provincial Judge David Ramsey was imprisoned for targeting and assaulting First Nation women. Ten Royal Canadian Mounted Police officers were involved in the coverup of this abuse. The assaults occurred overnight in jail, the officers giving access to Mr. Ramsey to assault the women. The RCMP involved were given optional training as their punishment (Ibid 279). A 2014 sexual harassment suit was filed against the RCMP included accusations of misconduct and

assault. The misogyny and abuse has resulted in a reduction of protection for Native women, leading them to anticipate violence; the missing First Nation women receive 3.5 less media coverage and police response compared to their Canadian counterparts (Ibid 270). The media often highlights indigenous women's "high risk lifestyle" and frame their disappearance as a result of engaging in sex work (Ibid 271).

The breakdown of trust and collaboration between the RCMP and tribal communities has resulted in the violence seen in Native reserves in Canada. The RCMP reports and update were well intentioned attempts to gather data and create solutions to prevent and protect First Nation communities; but without first addressing these incidents and collaboration between the RCMP and tribal communities, the solutions are shortsighted and without tangible assistance.

Current policy response to violence against Canada's indigenous people

The previous reports and statistics indicate a clear connection between higher rates of violence and their prevalence in the indigenous Canadian communities. The 2015 RCMP report implemented and suggested solutions such as relief programs to utilize in the community to reduce violence. The Aboriginal Shield Program assisted in youth education on violence prevention and worked in liaison with the NWAC to plan programming and events in the native communities (RCMP 2015).

Attempts were made to advertise the dangers of hitchhiking via billboards with entertainer Shania Twain and hockey player Jordan Tootoo to provide outreach and support via television commercial. The efficiency of this programming is questionable being a majority of native households cannot afford cable television. The Royal Canadian Mounted Police rolled out campaigns of "see something, say something" with the billboards lining the highway to prevent

hitchhiking and encourage bystanders to assist or intervene on situations that seem out of the ordinary (RCMP 2015).

The update to the Operational Overview most importantly led to the creation of the National Centre for Missing Persons and Unidentified Remains. This database manages the data, case analysis, and DNA records of missing and murdered indigenous women. With the RCMP, it coordinates Amber Alerts, complies practices to assist communities, trains the police and authorizes DNA submission of victims to correlate and solve cold cases (RCMP 2015). The creation of this center unifies the provincial and federal police forces into solving cases and creating solutions for these missing women and their families. The United Nations has found that the NCUMPR is the only organization in Canada making active steps in fully investigating these incidents.

All of these efforts considered, it is crucial to explain and comprehend the corruption of the RCMP and the tumultuous and strained relationship between this organization and the First Nation people of Canada. It is also important to note the inaction and apathy of the provincial and federal government in addressing this and the lack of policy put in place to protect the native communities.

Bill S-3 was passed in 2015 which sought to rectify aspects of the Indian Act discriminating against Native women. This gives native women more autonomy, tribal identity and community and connection to her children and tribal relatives. The Indian Act banned registration for children born to a Native mother and a parent of unstated paternity. Bill S-3 subsection 6 stipulates that the child in question be given the benefit of the court looking at all credible evidence of the child's First Nation parentage via parents and grandparents of stated

parentage. Bill S-3 reinstated Indian status for the women that married non-Indian men and that benefit for her children as well in section 6 (1)(C).

Senator Lillian Dyck, chair of the aboriginal peoples committee, drafted Bill S-215 to rectify the disparity found in the criminal justice system regarding sentencing comparing the victims of indigenous and non-indigenous descent (Brake). She found that violent offenders receive lower sentences if the victims of the crime are indigenous compared to their Canadian counterparts. Bill S-215 would amend the criminal code in place and require the courts to consider if the victim is First Nation (Canadian Parliament). The bill passed in the Senate and failed in the House of Commons on April 10th, 2019.

Conclusion

These bills and their passing or failure are crucial to understand. While the mechanisms of the federal government increase funding and budgeting for the National Inquiry into these issues, tangible change and implementation are not being put into place at the federal or provincial level. The money spent on the various inquiries and investigations would be better allocated into policy and the funding of collaboration between tribal communities and the government.

While the Royal Canadian Mounted Police has collected data that proves native women are facing higher rates of violence, kidnapping, and murder, their failure in the past and present are resulting in the death and loss in the native communities. The lack of collaboration and apathy is a roadblock to protection and prevention. Without policy tailored to each community and fundamental changes to how this issue is addressed in each specific community, the native communities will suffer and continue to suffer the loss of First Nation women.

At the crux of the issue is the lack of collaboration between tribal groups and the federal, provincial government, the law enforcement and outreach and nonprofit groups to gain solutions, funding and legislation. This is in stark contrast to how the policy formulation and implementation is occurring in the United States.

CHAPTER THREE

UNITED STATES

Introduction

The United States and their relationship to their indigenous community has been mired in conflict, violence, and conquest. The historical context in which the state and federal government interacted with the Native American communities plays a major role in the violence and poverty found in modern native communities.

In 2001, Diane Millich, a member of the Southern Ute Tribe, moved her non-native husband onto the reservation and found herself without assistance or resources when he began to assault her. The tribal police felt they were unable to prosecute him because he was not Native American, and the state police felt unable to interfere with an issue on the reservation land (Weisman). The jurisdictional issue in this case is threefold. First, you must identify if the victim indigenous. Secondly, is the perpetrator indigenous. Lastly is this violence occurring on tribal or state land. That will dictate if the tribal police, state police or the federal agents are able to prosecute and investigate this crime (Amnesty International).

This chapter will discuss the abuse and discord in the colonization period, the failed self-determination doctrine and how this has resulted in the epidemic of violence against Native American women today. The jurisdictional issue arose between the state and tribal land and who has the authority to prosecute the crime. The collaboration between the federal, state, and tribal government via the Violence Against Women Act has resulted in increased protection and prevention of violence on the Native American reservation. These policies and legislation will be discussed and proves that collaborative efforts across various organizations are the most effective in addressing violence against indigenous women.

Early attempts of assimilation in the United States

The mid-to-late 1800's was a period of forced assimilation and subordination for the native communities in the United States. The shift from missionary funded boarding schools to state-run boarding schools for Native American children was an attempt to assimilate the children in the 1800's, similar to what occurred in Canada (Tyler 88). In the same period, the Native American communities were being moved onto reservations to control and force them into assimilation. The General Allotment Act of 1887 created the reservation system with plans to turn these reservation lands into farming communities (Deloria 5). The reservation territories established were checkerboarded between tribal land and state land. The checkerboarding has created further jurisdictional issues and confusion to where the reservation land ends, and the state land begins. The boundaries are unclear and leaves the population unsure whether to report criminal activity to state or to tribal police.

Sexual, mental, and physical violence plagued the boarding schools of the 1890's. The children were forcibly taken from their parents, moved from the Midwest to schools on the east coast, separating them from language, culture, and community (Amnesty International 16). Children that survived the failed experiment in assimilation, upon returning the reservation found themselves isolated from the communities, pariahs in both the western and indigenous communities. The indigenous children's hair and dress was westernized, and they were banned from speaking their specific tribal language. The boarding schools claimed in removing them, it would give the children "appropriate parenting, socialization, and communication" that the indigenous communities could not (Nielsan and Silverman 8). This established that the Native American communities were unable to raise their children properly and that the Native American culture was subordinate to the mainstream American communities and culture.

Shift from assimilation to self-determination

In 1928, the Native Americans gained citizenship via the Indian Civil Rights Act; that same year the Meriam Report was conducted by the Brookings Institution to collect information on the Native American communities. The report was separated into seven categories; health, education, economic conditions, family life, the migrated Indians, legal aspects of the Indian problem, and missionary activities (National Indian Law Library). The hospitals and general health were rated as poor, economic conditions were terrible, and the report was a critique of the General Allotment policy. The report declared that the assimilation policy was a failure (Smith 36). The Indian Reorganization Act of 1934 emerged to replace the General Allotment Policy, allowing the Indian population to engage in self-government on the reservation land (National Indian Law Library). The same attitude and emergence of a policy of self-determination and the drive towards self-government occurred in Canada as discussed previously.

A policy of self-determination was established in August 1953. President Truman, Secretary Chapman, and Commissioner Myer sought to end the colonial rule and aggressive policy of assimilation. This was described as “self-determination is the right of a people to determine its internal political structure, to enjoy religious and cultural freedom and protect their land and natural resources” (Stuart 86). The self-determination policy was an attempt to enable the reservations to rule themselves as independent sovereign nations. This would enable each reservation the ability to establish schools, court systems and government, while still under the rule of the federal government.

Another attempt at rectifying the societal issues the indigenous were subjected to was attempting to remedy the impact of the boarding schools. The Indian Self-Determination and Education Assistance Act required that the boarding school education standard should be the

same as those in the surrounding areas (Deloria 220). This law was passed in 1975, after many of the boarding schools had been shut down. The policy focused more on addressing schools established on reservations. Typically, the reservation schools have a lower quality of education compared to the public schools in the surrounding areas.

The seemingly well-intentioned policy and goals of self-determination were without the necessary funding and assistance via the federal government for the indigenous communities to succeed. This failure of the government and policy has led to the heightened rates of criminal activity, violence, and due diligence issues seen on the reservation. The unique and separate relationship maintained between the United States government and their interaction with each of the three hundred and nine recognized tribes is varied per tribe and requires specific outreach per each tribe. The federal authority “over tribes is derived from congressional power to regulate commerce with the Indian tribes and congressional authority to make regulations governing territory belonging to the United States” (O’Brien 61).

While the Native American communities were promised independence and autonomy by the federal government, they are left without the tools, funding or assistance to establish themselves. The subordination of the native communities by the federal and state government has left the communities crippled, poverty-ridden, and unable to prevent and prosecute criminal activity on the reservations.

Violence against women; jurisdictional roadblocks

The tribal criminal justice departments on the reservations are often without official or respected authority or power compared to the state and federal officers. The tribal federal officers initially worked as peace officers on the reservation and this established the precedent that tribal police lack the authority that state or federal officers have (Deloria 249). Native

communities are underfunded, and this leads to a lack of control in creating and enforcing laws (Nielsan and Silverman) The early experiences of colonization have led to “poor self-esteem, alcoholism, and dependency issues” (Joe 153). In creating the policy of self-determination, a framework for a criminal justice system and policing was not put into place and this created a vacuum for criminal activity and violence against women.

The health services and outreach on reservations are underfunded, impacting women’s reproductive and sexual health further in cases of assault. The federal government limits funding and assistance to reservation by cutting grants for the Indian Health Services. The Indian Health Service is unable to offer emergency contraception and the counseling centers available are underfunded and small compared to state outreach programming (Amnesty International 75). Rape kits, a standard at hospitals, to collect important forensic evidence are often not available and long road trips are required for native victims to access this. The health requirements and standards of the United States are not followed at the hospitals or health centers on the reservation (Amnesty International 56).

Prior to the Violence Against Women Act of 2010, Native American women that had been victims of domestic violence had two options to pursue justice. Firstly, they could pursue their case through the underfunded and unorganized tribal courts. Or they could pursue their case with federal prosecutors with no guarantee the case would be accepted or pursued by them. From October 2003 to September 2003, sixty percent of cases brought by Native American women to the federal prosecutors were declined (Amnesty International 65). This meant that Native American women’s recourse and justice for assault, kidnapping, and violence were left unprosecuted at high rates until the Violence Against Women Act of 2010.

In cases where the state prosecutes, i.e. in cases where the violence occurs against Native American women occurred on state lands rather than reservations, many issues exist. This is addressing the issues that occurred prior to the Violence Against Women Act of 2010. The first issue is transporting these women long distances to the state court houses from their homes on the reservations. Secondly, the bias against Native American women leave them marginalized and without support or assistance when in pursuing punishment for the perpetrators of violence (Amnesty International 68). Social workers or other outreach nonprofits are often not utilized by the courts in assisting and facilitating tribal standards and further alienate the Native American women seeking justice and protection via the state courts.

To remedy and assist with these problems, the Bureau of Indian Affairs created templates to increase the interagency agreements between the tribal and state police. This was an effort to stop the flight of criminals from reservation land to state land, and vice versa (Amnesty International 39). The lack of communication between the agencies and groups regardless of the templates leave the communities at risk. The delays in justice with these interagency agreements and lack of communication between the groups often leaves the victims in limbo (Amnesty International 44).

Other state efforts include acts and laws to track and assist in finding kidnapping or murdered indigenous women. Savanna's Act of 2017 was passed in South Dakota to track and perform an annual report of missing indigenous women. This is a push to increase police access and input into databases and assist in creating a national database (Dairymple). The need for large databases and centers to report and track missing and murdered indigenous women are crucial and as discussed previously, Canada has established a database to improve their records and better assist the families of the missing women.

Violence on reservations

The crime rates on reservations are 20 times more than the national average. Thirty-nine percent of Native American women have experienced domestic violence (Crepelle 240). Native women are twice as likely to experience rape and more likely to be stalked an intimate partner (Nielsan and Silverman 48). Sixty-seven percent of sexual abuse and related offenses occurring in the Native American communities in 2005-2009 were left unprosecuted by the federal government in cases where the Native American women chose to pursue it outside of the tribal courts (Zhang 246). The survivors in Native American communities are given an uneven and inconsistent access to justice based on where and whom committed these acts against them (Amnesty International 7).

The Major Crimes Act Public Law 280 passed in 1953 limited the sentences that tribal courts can dole out to perpetrators committing crimes on reservations. It gave the option to the state to opt into tribal affairs if certain crimes occur such as extreme violence or murder, further lessening the autonomy and authority of tribal courts (Amnesty International). The tribal courts are notoriously underfunded, and the federal courts put maximums on prison sentences. Crimes that carry 8-12 years in prison are given a maximum of 1 year in prison for this offense in Native American communities (Amnesty International 2). This is another example of how the tribal courts and law enforcement are crippled by the federal and state government in establishing legitimate avenues and options for justice. Without collaboration between the government agencies and the indigenous communities, the laws and legislation are unhelpful and often hinder the tribal courts.

Significant court cases and laws

As discussed previously, the Major Crimes Act Public Law of 1953 established the limited sentencing for tribal courts. The following Supreme Court cases will address and discuss the impact these cases had on tribal courts and jurisdictions. These cases and their precedents are important to consider when discussing the authority of tribal courts and what role this has played into the violence against Native American women.

Oliphant v. Suquamish Indian Tribe 435 191 (1978) set the precedent that tribal courts cannot and do not have the power to prosecute a nontribal member. The Suquamish tribe attempted to prosecute two non-Indian residents; one of them allegedly hit a tribal officer and the other alleged perpetrator endangered themselves and tribal members speeding on the highway and causing a multiple vehicle accident during a festival. The Supreme Court ruled that the tribal court did not have jurisdiction to prosecute them (*Oliphant v. Suquamish*). This further enforced the tribal subordination and the lack of authority tribal courts hold which began with the Major Crimes Act Public Law 280. This lack of power and autonomy has provided a loophole and lack of justice for victims of violence on the reservation at the hands of nontribal members. The prevalence of crime on reservation proves that the tribes are lacking the autonomy and power in their criminal justice system and the state and federal court are unable and unwilling to assist them (Zhang 252). The ruling of the Supreme Court on this case has created the precedent and belief that non-native perpetrators are able to engage in criminal acts on the reservation without repercussion.

Duro v. Reina 495 U.S. 676 (1990). set the precedent that tribal members of another reservation could not be prosecuted by another tribe for crimes committed on their land. Albert Duro, a member of the Torres Martinez Desert Cahuilla Indian tribe, resided on Salt River Pima Maricopa Indian Community with his girlfriend, working for a company on the reservation. He

was not eligible for tribal citizenship. He was accused of murdering a 14-year-old boy on the reservation; but because of his non-tribal membership to the reservation the crime was committed on, the tribal court under *Oliphant v. Suquamish*, the tribal courts did not have jurisdiction to punish him. The 9th circuit court decided that tribal courts are not able to prosecute tribal members of other tribes, further undermining tribal power; in response to this, Congress amended the Indian Civil Rights Act to allow tribal courts to have jurisdictions over all tribal members, regardless of the tribe they hold membership to (*Duro v. Reina* 495 U.S. 676, Legal Information Institute).

United States v. Lara 541 U.S. 193 (2004) involved Billy Jo Lara, a member of the Turtle Mountain Band tribe in North Dakota, living and married to a Spirit Lake member on her reservation ninety miles away. Lara was banned from the Spirit Lake reservations after numerous misdemeanors. He was arrested for the final time for public intoxication and assaulted a Bureau of Indian Affairs Officer. BIA officers serve as tribal and federal officers (*United States v. Lara* 541 U.S. 193 (2004), Legal Information Institute). The Supreme Court opined that a tribal member accused of a crime can be prosecuted by the tribal and federal court if they have grounds to be prosecuted by both entities; without the claim of double jeopardy.

These cases illustrate the lack of collaboration on the parts of the state and federal courts with the tribal courts and providing support and authority for the tribal courts. *Oliphant v. Suquamish* undermines the authority of tribal courts to fully prosecute nontribal members committing crimes on the reservations; leaving a jurisdictional loophole for nontribal members to commit crimes without repercussions. As discussed in the examples in the literature review, women were left without options if their nontribal husband assaulted them on the reservation. *Duro v. Reina* 495 U.S. 676 established initially that tribal courts extend exclusively to their

members but was amended to fix this issue. *United States v. Lara* 541 U.S. 193 (2004). established somewhat of a collaborative effort between the federal and tribal courts and assurance of prosecution be that by the federal or tribal court.

Violence Against Women Act and Tribal Law and Order Act

The Violence Against Women Act of 2006 allocated funding to tribal law enforcement. The funding at various reservations created hotlines and outreach for domestic violence incidents on reservations. On Standing Rock reservation, calls for assistance increased at 400% and arrests increased as a result of this funding and assistance (Luna-Firebraugh 129).

The Tribal Law and Order Act of 2010 was an attempt to allow tribes to impose longer than 1 year of punishment and assign fines for crimes committed on tribal lands. Tribal courts that engage in this must follow certain stipulations regarding the defendant. The defendant must be provided with attorney meeting the standards of the 6th amendment and the judge presiding over the trial must be trained and have experience practicing law. The punishment would have to be public record as well as the evidence, law, and criminal proceeding of the trial in question (Urbina and Tatum 2014). This act also gives outreach and funding to assist tribal officers to become certified as federal officers (Perry 54).

This Tribal Law and Order of Act works alongside the Special Domestic Violence Criminal Jurisdiction established in the authorization of Violence Against Women Act of 2013. This jurisdiction is voluntary for the tribes to participate in and protects specifically against dating and domestic violence that involves tribal members. This has given a framework to prosecute tribal as well as nontribal members (NCAI).

The first five tribes implementing the Special Domestic Violence Criminal Jurisdiction in 2013 before the full implementation rolled out in the VAWA of 2015 were the Assiniboine and

Sioux Tribes of Fort Peck in Montana, the Confederate Tribes of Umatilla in Oregon, the Pascua Yaqui Tribe of Arizona, the Sisseton Wahpeton Oyate of Lake Traverse and the Tulalip Tribe of Washington (Zhang 260).

To utilize this, one of the parties involved in the trial must prove their tribal heritage. It must involve domestic violence, protection order violation, or dating violence. Each tribe stipulates and defines each of these terms and what is covered under their terminology. All rights under the Indian Civil Rights Act must be covered. If the defendant is nontribal, they must have a mixed jury of native and nonnative peers (Urbina Tatum 7).

This stipulation in the VAWA is an attempt to balance cultural values with advocacy and cultural norms tailored per each tribe. The tribes write their definition for dating violence, domestic violence and protection orders and their violations (NCAI). This gives each tribe the protection and autonomy they haven't had access to because of the archaic and racially based court decisions and laws put into place previously.

Standing Rock Reservation has structured their courts with a chief judge and associate chief judge and their Supreme Court has four chief judges and two associate judges. They have funded an assistant liaison working between the court and victim to assist in clarity and communication. They also received funding from the Office of Violence Against Women (NCAI). The Office of Violence Against Women in 2016 created a grant program in which tribes apply for 300,000 to 450,000\$ in funding to increase protection orders, officer training, and assistance participating in the Special Domestic Violence Criminal Justice (United States Justice Department Press Release). At Standing Rock, the complaint must allege and make a motion concerning the jurisdictional facts of a victim and defendants tribal or nontribal status prior to the trial taking place (NCAI 64).

The Tulalip Tribe of Washington reported that prior to the implementation of SDVCJ, 17 defendants had 171 contacts with the police. The implementation gave the tribal justice system an opportunity to punish habitual offenders and upholding the due process of law (NCAI 14). The implementation has punished the habitual violators of protective orders and abuser. This also punished first-time offenders, leading to a decrease repeat offender. This illustrates the system and implementation specific to their tribe as working and decreasing crime rates.

The Pascua Yaqui Tribe of Arizona began utilization in February of 2014. The Pascua-Yaqui tribe has a reservation population of 5000; the majority of households comprised of single parents, specifically mothers. The average income is at \$9,000 while white counterparts in the area's income is at \$25,000. The highest occurring crimes on the tribal land is domestic violence when compared to aggravated assault, trespassing, and disorderly conduct (Urbina Tatum 10). From February to October, 20 nontribal defendant cases were brought before the tribal court In the eight-month period, 20 cases were prosecuted involving domestic and partner violence. This illustrates the prevalence of these crimes as well as the relevance and importance of the Special Domestic Violence Criminal Jurisdiction (Urbina Tatum 3).

Conclusion

While the Special Domestic Violence Criminal Jurisdiction is groundbreaking, and tailored to each tribe, it comes with drawbacks as well. It exclusively covers intimate partner violence, excluding rape or assault by a stranger. It is an attempt to resolve the gap between the federal power and the tribal rights (Zhang 265).

The recent blocking of the VAWA in 2016 and the refusal to overturn *Oliphant v. Suquamish* indicates the attitude of policymakers and the public that the violence against indigenous women and the reservation autonomy is not a pressing issue (Perry 58). With the

2018 extension of the VAWA, Section 6545 covers sexual violence, child abuse, and violence against tribal officers expanding the authority of the tribal courts and assistance from the federal government (Onco). During the government shutdown in December of 2018, the Violence Against Women Act expired. A short-term renewal was extended until February, when it expired again. Domestic violence activists worry that this expiration signals to domestic violence survivors of their unimportance (Thayer). The 2019 reauthorization of the Violence Against Women passed a five-year authorization with an enhancement and funding for the Office on Violence Against Women within the Department of Justice (United States Congress).

The Special Domestic Violence Criminal Jurisdiction in the Violence Against Women Act offers a specific approach to addressing the violence, kidnapping, and murder of Native American women in the United States. This individualized approach has been tentatively successful and increased calls to the police, improved police training, and the tribal court system for reservations that engaged the program. But until *Oliphant v. Suquamish* are overturned, the precedent of tribal subordination will exist and continue to permeate and spread violence, poverty, and lack of justice for Native American communities. While the United States has done more in tangible legislation and funding, outreach and support from feminist organizations to advance policy to protect and assist would also prevent and protect indigenous women from violence.

CONCLUSION

As discussed in the literature review, the policy formulation and efforts of collaboration across various agencies are the most effective in addressing, preventing, and protecting indigenous women.

Violence against women is a complex issue that requires a complex multilayered approach to addressing, preventing and protecting women. The language of the issue is also important to note; in utilizing the terminology violence against women, it removes the perpetrator from the equation. Dr. Jackson Katz's in his 2012 TedTalk explains that in using the terminology violence against women, it also removes the men from the conversation when men actively need to participate in addressing and preventing this issue (Katz). The language of the issue must be fundamentally changed in order to fully address it.

Additionally, utilizing the terminology missing indicates the women's participation in her disappearance. Pamela Palmeter asserts that the terminology used 'missing' is a misnomer and indicates that their disappearance is somewhat voluntary; kidnapped would be a more appropriate term to use regarding these women. (Ibid 279). Palmeter asserts that this has "left behind a legacy of fear and mistrust and indigenous women experience difficulties accessing and understanding oversights, mechanisms of the police forces" and this impacts them in a systematic blocking of justice (Ibid 280). Another roadblock in seeking justice is the lack of training for law enforcement and sensitivity of language, creating a distrust of the agencies in place to protect women.

The investigations and inquiries in Canada are the first step in addressing this issue. The continued suggestions and solutions without implementation, legislation and funding are fruitless. While the gathering of information is crucial, the urgency of the issue is pressing and

without action, the genocide of Canadian indigenous women will continue, and continue to cripple and haunt the indigenous communities.

The Special Domestic Violence Criminal Jurisdiction and collaboration across the law enforcement, advocacy groups, and federal government to assist tribal communities is effective in addressing this issue in the United States. It provides outreach, access and specific tailoring per each indigenous community that voluntarily participates. State legislation passed such as Savanna's Law is another effective measure to bring specific, state-run information centers to address missing and murdered indigenous women.

The importance of addressing the epidemic of violence against indigenous women cannot be stated enough. It could be argued that this is the second wave of genocide. The first genocide being the forced assimilation of indigenous children in both regions resulting in the loss of children and the breakdown of family and community for the indigenous tribes. The second genocide is occurring now with the high rates of violence and murder against indigenous women in Canada and the United States. Collaborative and region-specific policy is the crucial and most effective way to address, protect and prevent this from occurring.

Works Cited

- Ambler, Stella. "Invisible Women; a Call to Action. A Report on Missing and Murdered Indigenous Women." *2014 Report of the Special Committee on Violence against indigenous women in Canada, 41st Parliament, 2nd Session*, 15 March 2019, www.publications.gc.ca/pub?id=9.579219&sl=0. Accessed 2 March 2019.
- Amnesty International. "Maze of Injustice; Failure to protect indigenous women in the United States." *Amnesty International USA*. 2007, www.amnestyusa.org/reports/maze-of-injustice/. Accessed 10 May 2019.
- Braga, Anthony A, Brandon C Welsh, Cory Schnell, and Gerben J. N Bruinsma. "Can Policing Disorder Reduce Crime? A Systematic Review and Meta-analysis." *Journal of Research in Crime and Delinquency* vol.52, no.4, 2015, pp. 567-88. doi:10.1177/0022427815576576.
- Brake, Justin. "People who kill indigenous women punished less than those who kill non-indigenous women, senators study finds". *APTN News Canada*, 28 Nov. 2018, www.aptnnews.ca/2018/11/28/people-who-kill-indigenous-women-punished-less-than-those-who-kill-non-indigneous-women-senators-study-finds-2/. Accessed 28 May 2019.
- Brookings Institution "Meriam Report: The Problem of Indian Administration." Johns Hopkins Press. 1928. Retrieved at the National Indian Law Library narf.org/nill/resources/Meriam.html.
- British Columbia Province. "Highway 16 transportation Symposium focused on practical solutions." *Province of British Columbia*, 9 Oct. 2015, www.news.gov.bc.ca/09546. Accessed 9 April 2019.

Canadian Press. "British Columbia Highway of Tears study polls hitchhikers' habits." *CBC News*, 25 May 2014, www.cbc.ca/news/canada/british-columbia/b-c-highway-of-tears-study-polls-hitchhikers-habits-1.2653808. Accessed 15 May 2019.

Carrier Sekani Family Services. "Highway of Tears Symposium Recommendations Report." *Highways of Tears Organization*, 1 Oct. 2015, www.highwayoftears.org/resources/documents-and-reports. Accessed 20 March 2019.

Cornell Law School. "25 U.S. Code 1304. Tribal Jurisdiction over crimes of domestic violence. U.S. Code." *Legal Information Institute*, 1992, www.law.cornell.edu/uscode/text/25/1304. Accessed 17 April 2019.

Crepelle, Adam. *Concealed Carry to Reduce Sexual Violence against American Indian Women*. 2017. *Kanas Journal of Law and Public Policy*. vol. 26, no. 2, 2017, pp. 236-261. Retrieved from *EBSCOhost Legal Host Collection*, Ebscohost.com/login.aspx?direct=true&db=lgh&AN=121734970&site=ehost-live.

Dairymple, Amy "U.S. Senate unanimously approves Savanna's Act." *Bismarck Tribune*, 7 Dec. 2018, www.bismarcktribune.com/news/state-and-regional/u-s-senate-unanimously-approves-savanna-s-act/article-6163f373-340e-5e46-8677-0baca8397b6c.html. Accessed 28 March 2019.

Dairymple, Amy. "Savanna's Act aims to bring justice for murdered native American women." *Bismarck Tribune*, 5 Oct. 2017, www.bismarcktribune.com/news/state-and-regional/savanna-s-sact-aims-to-bring-justice-for-missing-murdered/article-3b-b5c17-b40d-58f3-8c34-3d30bf6fccce.html. Accessed 28 March 2019.

DeKesseredy, Walter S., Alvi, Shahid, Schwartz, Martin D., and Perry, Barbara. "Violence against and the Harassment of Women in Canadian Public Housing: An Exploratory

- Study.(Statistical Data Included)." *The Canadian Review of Sociology and Anthropology*, vol. 36, no.4, 1999, pp. 517-540. Retrieved from *Academic OneFile*, link.galegroup.com/apps/doc/a58177940/AONE?u=indi68545&sid=AONE&xid=96d9a7f3.
- Deloria, Vine. *Custer Died for Your Sins: An Indian Manifesto*. New York, Macmillan, 1988.
- Deloria, Vine., and Clifford M. Lytle. *The Nations within: The past and Future of American Indian Sovereignty*. New York, Pantheon, 1984.
- Dhilion, Sunny. "The Story of Highway 16 is a tale of poverty, vulnerability and violence, yet surprisingly little action." *The Globe and Mail*, 5 June 2017, www.theglobeandmail.com/new/british-columbia/the-story-of-highway-16-is-a-tale-of-poverty-vulnerability-and-violence-yet-surisingly-little-action/article18930960. Accessed 15 May 2019.
- Dierwechter, Yonn, and Brian Coffey. "Assessing the Effects of Neighborhood Councils on Urban Policy and Development: The Example of Tacoma, Washington." *The Social Science Journal*, vol. 47, no. 3, 2010, pp. 471-91. doi:10.1016/j.soscij.2010.01.007.
- Duro v. Reina 495 U.S. 676. *Legal Information Institute*. Cornell Law School, www.law.cornell.edu/supremecourt/text/495/676. Accessed 23 March 2019.
- Fear-Segal, Jacqueline and Susan D. Rose. *Carlisle Indian Industrial School: Indigenous Histories, Memories and Reclamations*. University of Nebraska Press, 2016.
- Finch, Terry. "Indian Women Call for Prompt Action". *Native Voice*, April 1968. Retrieved at <http://www.fnesc.ca/wp/wp-content/uploads/2015/07/IRSR11-12-DE-1967-1969.pdf>. Accessed 10 May 2019.

Government of Canada. "Plain text description of Bill S-3." *Government of Canada*, 1 January 2018, www.aadnc.aandc.gc.ca/eng/1478177979520/1478178031024. Accessed May 2nd 2019.

Green, Donald E., and Thomas V. Tonnesen. *American Indians: Social Justice and Public Policy*. Milwaukee, University of Wisconsin System, Institute on Race and Ethnicity, 1991.

Hinkle, and Weisburd. "The Irony of Broken Windows Policing: A Micro-place Study of the Relationship between Disorder, Focused Police Crackdowns and Fear of Crime." *Journal of Criminal Justice*, vol. 36, no. 6, 2008, pp. 503-12. doi: 10.1016/j.jcrimjus.2008.09.010.

Holzman, Harold R, Robert A Hyatt, and Joseph M Dempster. "Patterns of Aggravated Assault in Public Housing: Mapping the Nexus of Offense, Place, Gender, and Race." *Violence Against Women*, vol. 7, no.6, 2001, pp. 662-84. doi:10.1177/10778010122182659.

Jain, Sonia, Stephen L Buka, S V Subramanian, and Beth E Molnar. "Neighborhood Predictors of Dating Violence Victimization and Perpetration in Young Adulthood: A Multilevel Study." *American Journal of Public Health*, vol.100, no.9, 2010, pp. 1737-744. doi: 10.2105/ajph.2009.169730.

Joe, Jennie. "The Delivery of Healthcare to American Indians: History, Policies and Prospects." Editors Green and Tonnesen. University of Wisconsin System 1991, pp. 149-179.

Kelling, George L., Wilson, James Q. "Broken Windows; the police and neighborhood safety." *The Atlantic*, March 1982, www.theatlantic.com/magazine/archive/1982/03/broken-windows/304465/. Accessed 28 May 2019.

Kondo, Michelle C., Elena Andreyeva, Eugenia C. South, John M. MacDonald, and Charles C. Branas. "Neighborhood Interventions to Reduce Violence." *Annual Review of Public*

Health, vol. 39, no. 1, 2018, pp. 253-71. doi: 10.1146/annurev-publhealth-040617-014600.

Levy Dan. "Dozens of Women Vanish on Canada's Highway of Tears and most cases are unsolved." *The New York Times*, 24 May 2016, www.nytimes.com/2016/05/25/world/americas/canada-indigenous-women-highway-16.html. Accessed 17 May 2019.

Luna-Firebraugh, Eileen. "Violence Against American Indian Women and the service training officers' prosecutor's violence against Indian Women program." *Violence Against Women*, vol. 12, no.2, 2006, pp. 125-136. doi: 10.1177/1077801205280932.

Mawhiney, Anne-Marie. *Towards Aboriginal Self-government: Relations between Status Indian Peoples and the Government of Canada, 1969-1984*. Garland, 1994.

Menard, Anne. "Domestic Violence and Housing: Key Policy and Program Challenges." *Violence Against Women*, vol.7, no. 6, 2001, pp. 707-20. doi: 10.1177/10778010122182686.

National Congress of American Indians. "VAWA 2013's Special Domestic Violence Criminal Jurisdiction 5 Year Report." *NCAI*, 2013. Retrieved at www.ncai.org/resources/ncai_publications/vawa-2013-special-domestic-violence-criminal-jursidiction-five-year-report. Accessed 10 April 2019.

Native Women's Association of Canada. "Fact Sheet; Violence Against Aboriginal Women. Understanding Missing and Murdered Indigenous Women and Girls." NWAC, 2008, www.nwac.ca/national-inquiry-mwiwg/understanding-mmiwg/. Accessed 2 March 2019.

Native Women's Association of Canada. "Missing and Murdered Aboriginal Women. Understanding Missing and Murdered Indigenous Women and Girls." *NWAC*, 2008, www.nwac.ca/national-inquiry-mwiwg/understanding-mmiwg/. Accessed 2 March 2019.

Nielsen, Marianne O., and Robert A. Silverman. *Criminal Justice in Native America*. University of Arizona Press, 2009.

O'Brien, Sharon. "The Concept of Sovereignty: The Key to Social Justice". Editors Green and Tonnessen. University of Wisconsin System, 1991, pp. 44-82.

Joe, Jennie. "The Delivery of Healthcare to American Indians: History, Policies and Prospects. Editors Green and Tonnessen. University of Wisconsin System 1991, pp. 149-179.

United States Department of Justice. "Office on violence against women announces new program to support tribal government exercise Special Domestic Violence Criminal Justice." *Department of Justice Office of Public Affairs*, 9 May 2004, www.justice.gov/opa/pr/office-violence-against-women-announces-new-program-support-tribal-governments-exercise. Accessed 2 June 2019.

Onco, Lacina Tangaqudo. "Tribal Provision in the Reauthorization of the Violence Against Women Act." *Friends Committee on National Legislation*, 31 July 2018, www.fcnl.org/updates/tribal-provisions-in-the-reauthroization-of-the-violence-against-women-act-1583. Accessed June 2nd, 2019.

Oliphant v. Suquamish Indian Tribe 435 191 (1978). *Justia Legal Resources*, supreme.justia.com/cases/federal/us/435/91. Accessed 3 March 2019.

Oppal, T. Wally. "Forsaken; the Report of Missing Women: Commission of Inquiry Executive Summary." *Commissioner of British Columbia*, 19 Nov. 2012,

www.missingwomeninquiry.ca/wp-content/uploads/2010/10/Forsaken-ES-web-RGB.pdf.

Accessed 1 June 2019.

Paglione, Giulia. "Domestic Violence and Housing Rights: A Reinterpretation of the Right to Housing." *Human Rights Quarterly*, vol.28, no.1, 2006, pp. 120-47. doi: 10.1353/hrq.2006.0012.

Palmeter Pamela. "Shining Light on Dark Places: Addressing Police Racism and Sexualized Violence against Indigenous Women and Girls in the National Inquiry." *Journal of Women and the Law*, vol. 28, no. 2, 2016, pp. 253-284. Retrieved from *Project MUSE*, muse.jhu.edu/article/629375. Accessed 5 April 2019.

Perry, Anne. "Conquering Injustice: An Analysis of Sexual Violence in Indian Country and the Oliphant Gap in Tribal Jurisdiction." *The Federal Lawyer* vol. 65, no. 3, 2018, pp. 52-60. Doi: 10.1092.65-APR.FEDRLAW/52.

Philp, Kenneth R. *Termination Revisited: American Indians on the Trail to Self-determination, 1933-1953*. University of Nebraska Press, 1999.

Potera, Carol. "The VAWA Makes American Indian Women Safer." *American Journal of Nursing: The Leading Voice of Nursing Since 1990*, no. 5, 2014, pp. 19-20. doi: 10.1097/01.NAJ.0000446768.09825.a0.

Raphael, Jody. "Public Housing and Domestic Violence." *Violence Against Women*, vol.7, no.6, 2001, pp. 699-706. doi: 10.1177/10778010122182677.

Rosay, Andre B. "Violence Against American Indian and Alaska Native Women and Men: 2010 Findings from the National Intimate Partner and Sexual Violence Survey (NISVS): Archival Version." *National Archive of Criminal Justice Data*, 2016. doi: 10.3886/ICPSR36140.

- Ross, Kristen M. "Eviction, Discrimination, and Domestic Violence: Unfair Housing Practices against Domestic Violence Survivors." *Hastings Women's Law Journal*, vol.18, no.2, 2007, pp. 249-68. Retrieved from *Hastings Women's Law Journal* at repository.uchastings.edu/hwlj/vol18/iss2/7.
- Royal Canadian Mounted Police. "National Operational Overview, 2014." *Royal Canadian Mounted Police*, 2014, www.rcmp-grc.gc.ca/en/missing-and-murdered-aboriginal-women-national-operational-overview. Accessed 16 March 2019.
- Royal Canadian Mounted Police. "Missing and Murdered Aboriginal Women: 2015 Update to the National Operational Overview." *RCMP*, 2015, www.rcmp-grc-gc-ca/en/missing-and-murdered-aboriginal-women-2015-update-national-operational-overview. Accessed 16 March 2019.
- Native Women's Association of Canada. "Missing and Murdered Aboriginal Women. Understanding Missing and Murdered Indigenous Women and Girls." *National Women's Association of Canada Organization*, 2008, www.nwac.ca/national-inquiry-mwiwg/understanding-mmiwg/. Accessed 2 May 2019.
- Sampson, Robert J, and Stephen W Raudenbush. "Seeing Disorder: Neighborhood Stigma and the Social Construction of "Broken Windows." *Social Psychology Quarterly*, vol. 67, no.4, 2004, pp. 319-42. doi: 10.1177/019027250406700401.
- Smith, Dean Howard. *Modern Tribal Development: Paths to Self-sufficiency and Cultural Integrity in Indian Country*. AltaMira, 2000.
- Statistics Canada. "Aboriginal Peoples Fact Sheet for British Columbia." *Statistics Canada*, 14 March 2016, [www.150.statcan.gc.ca/n1/pub/89-656-x/89-656-x2016011-eng.htm](http://www150.statcan.gc.ca/n1/pub/89-656-x/89-656-x2016011-eng.htm). Accessed 9 April 2019.

Statistics Canada. "British Columbia [Province] and Canada [Country] (table). Census Profile. 2016 Census" *Statistics Canada*, 29 November 2017, www12.statcan.gc.ca/census-recensement/2016/dp-pd/prof/details. Accessed 4 April 2019.

Stuart, Paul H. "Organizing for Self Determination: Federal and Tribal Bureaucracies in an era of Social and Policy Changes. Editors Green and Tonnessen. University of Wisconsin System, 1991, pp. 83-108.

Thayer, Kate. "Violence Against Women Act has expired. Advocates say that sends a dangerous message and are pushing a permanent protection." *Chicago Tribune*, 10 February 2019, www.chicagotribune.com/lifestyles/ct-life-violence-against-women-act-expired-20190220-story.html. Accessed 18 May 2019.

Thurston, Wilfredae, Amrita Roy, Barbara Clow, David Este, Tess Gordey, Margaret Haworth-Brockman, Liza McCoy, Rachel Rapaport Beck, Christine Saulnier, and Lesley Carruthers. "Pathways Into and Out of Homelessness: Domestic Violence and Housing Security for Immigrant Women." *Journal of Immigrant & Refugee Studies*, vol.11, no.3, 2013, pp. 278-98. doi: 10.1080/15562948.2013.801734.

Tyler, S. Lyman, and United States. Bureau of Indian Affairs. *A History of Indian Policy*. Washington, United States Department of the Interior, Bureau of Indian Affairs, 1973.

Truth and Reconciliation Commission. "Truth and Reconciliation Commission Report: Volume 1." *Stand Canada Organization*, 2008, www.standcanada.org/truth-reconciliation-commission-report-summary/. Accessed 5 June 2019.

Truth and Reconciliation Commission. "Truth and Reconciliation Commission Report: Volume 2." *Stand Canada Organization*, 2008, www.standcanada.org/truth-reconciliation-commission-report-summary/. Accessed 5 June 2019.

- Vancouver Province. "Indians Reject Plan" *Vancouver Province* 7 July 1969,
<http://www.fnesc.ca/wp/wp-content/uploads/2015/07/IRSR11-12-DE-1967-1969.pdf>.
Accessed 5 June 2019.
- Weaver, Sally M. *Making Canadian Indian Policy: The Hidden Agenda 1968-70*. Toronto,
University of Toronto, 1981.
- Weldon, S. Laurel, Htun Mala. "Feminist mobilization and progressive policy change. Why
Governments take action to combat violence against women." *Gender and Development*.
vol. 21 no. 2, 2013, pp. 231-247. doi: 10.1080/13552074.2013.802158.
- Weisman, Jonathan. "Measure to Protect Women stuck on tribal land issue" *New York Times*, 10
Feb. 2013, www.nytimes.com/2013/02/11/us/politics/violence-against-women-act-held-up-by-tribal-land-issues.html. Accessed 10 May 2019.
- United Nations. "Convention on the Elimination of all Forms of Discrimination against
Women." *United Nations Committee on the elimination of discrimination against women*,
30 March 2015, www.un.org/womenwatch/daw/cedaw/cedaw/htm. Accessed 17 June
2019.
- United Nations. "Speaker raises alarm about high murder rates, myriad forms of violence against
indigenous women as permanent forum continues discussions." *United Nations* 19 April
2018, www.un.org/press/en/2018/hr5390.doc.htm. Accessed 10 May 2019.
- United States v. Lara 541 U.S. 193 (2004). *Legal Information Institute*,
www.law.cornell.edu/supct/html/03-107.ZO.html. Accessed 3 June 2019.
- United States Congress. "H.R. 1585. Violence Against Women Reauthorization Act of 2019."
Congress.gov.org, 2019, www.congress.gov/bill/116th-congress/house-bill/1585/text.
Accessed 18 June 2019.

Urbina, Alfred and Tatum, Melissa. "Considerations in Implementing VAWA's Special Domestic Violence Criminal Jurisdiction and TLOA Enhanced Sentencing Authority; a Look at the experience of the Pascua Yaqui Tribe." *NCAI*, Oct. 2014, www.ncai.org/tribal-vawa/getting-started/Practical_Guide_to_Implementing_VAWA_TLOA_letter_revision_2.pdf.

Zhang, Margaret H. "Special Domestic Violence Criminal Jurisdiction for Indian Tribes: Inherent Tribal Sovereignty versus Defendants' Complete Constitutional Rights." *University of Pennsylvania Law Review*, vol.164, no.1, 2015, pp. 243-280. Retrieved from *EBSCOhost International Security and Counterterrorism Reference Center*
EBSCOhost.search.ebscohost.com/login.aspx?direct=true&db=tsh&AN=110843784&site=ehost-live.