



STOP THE POWER RAINING
OF A FREE MIND AND BODY

End the **VIOLENCE** *Against Women*



By Jeanne Ferris

EDITOR'S NOTE: THIS ARTICLE CONTAINS TRIGGERING AND EXPLICIT CONTENT.

AMONG THE TRIBAL nations of California, a vociferous demand for protection from perpetrators of rape and violence is deafening, its collective decibel level similar to that of a volcano spewing. This vocal eruption has been named *Missing and Murdered Indigenous Women and Girls (MMIWG)*. A public outcry is moving with the surety of molten lava out of Indian Country and overwhelming the mainstream consciousness in all of our metropolitan cities.

California has the largest American Indian population in the US, with 104 federally recognized tribes, 5 state recognized tribes, and 78 entities petitioning for recognition. There is also a high concentration of city-dwelling Indigenous people, commonly known as Urban Indians. Today, 72 percent of Native people reside in urban areas (the Bay Area alone has 140,000 Natives calling it home)—meaning they often live miles from tribal support, potential prey for a predator.

In the fall of 2018, a comprehensive thirty-two-page study came out of a desperate need to understand why Native women and girls were disappearing both physically and in the legal system. The Urban Indian Health Institute (a division of the Seattle Indian Health Board) studied data from seventy-two cities in ten states, chosen for the density of Urban Indians and their proximity to an American Indian health center.

According to UIHI, “California is sixth in the US with the highest number of *recorded* cases of MMIWG with San Francisco ranking at the top. More than 5,700 missing Indigenous females have been reported nationwide, but only 116 were logged into the federal missing persons database.”

This begs the question: how and why are so few cases recorded?

“You know, they call this ‘Cold Case’ Mendocino now,” Ronnie Hostler (Round Valley) said. His granddaughter, twenty-three-year-old Khadijah Rose Britton, has been missing since February 7, 2018, when she was last seen at a friend’s house in Covelo.

“A week before she disappeared, her boyfriend beat her with a hammer,” Mr. Hostler said, his voice choked with emotion. “She was trying to get away from him. Six eyewitnesses gave statements to the local sheriff confirming that she was abducted at gunpoint. But a week later, they all recanted. They’re all afraid of him. He is a very bad man.”

“After Khadijah’s disappearance, the car used in her abduction burned. No one knows how. Her recovered clothing was

turned over to tribal police but somehow got lost,” Mr. Hostler continued.

The lack of forensic evidence helped Khadijah’s abductor evade criminal charges. However, as a convicted felon with a firearm, he is behind bars for the next three years in a Susanville penitentiary.

“They searched the area for only six months,” Mr. Holster said. “Then the sheriff declared Khadijah dead. That was heartbreaking. It’s the last thing I think of before going to sleep and the first thing I think of when I wake up. I keep asking myself, is there something more that I can do?”

“I reached out to the California Indian Legal Services for help, which was hours away from my home. When I got there, I found out there they were unwilling to take the case. I told them they should take ‘Indian’ out of their name,” Mr. Hostler said in frustration. “And when I called the BIA [Bureau of Indian Affairs] for help, they wanted nothing to do with me.”

Several attempts were made to communicate with California Indian Legal Services (CILS). A message left on the directing attorney’s voicemail was unanswered. Three calls were answered by an automatic outgoing message stating what type of case CILS will not represent. Unfortunately for Mr. Hostler, family law, personal injury, and criminal cases are not in their realm of expertise.

BIA has had six tribal liaison officers serving in succession since Mr. Hostler contacted them in 2018. Today, the position remains vacant. Confidentiality laws prohibited the intake tribal liaison officer from speaking with anyone outside of the Hostler family.

For the record, California is one of six states under Public Law (PL) 280, a federal law granting states jurisdiction over reservation Indians. PL 280 gives the Mendocino County Sheriff’s Department jurisdiction ahead of BIA (federal agency) assistance or investigation.

Since 1970, only two deputies patrol two thousand square miles in the north sector of Mendocino County, which borders five other counties. The population in the region has more than doubled, which means caseload overages;

“understaffed” is a common word in the government sector. Often, deputies begin early morning investigations and by dinnertime receive a new case requiring them to pursue a search for thirty miles in another direction.

Mendocino County’s Sheriff Lieutenant Shannon Barney (Round Valley), a veteran of nearly thirty years—and cousin to Khadijah—shared his perspective: “We have invested six thousand hours looking for Khadijah. We have had search and rescue teams, cadaver dogs, and assistance using FBI resources. We did not declare Khadijah dead. Missing person cases are never closed, we continue to follow every tip or lead that comes in regardless if it sounds like a rumor or speculation.

“For now, we have run out of investigative leads. Based on lack of evidence and without Khadijah, the district attorney (DA) did not feel comfortable with the inconsistencies in some of the statements given by the witnesses. If the DA loses the case, Khadijah’s abductor will be acquitted. In the event we do find her, he can never be charged or sentenced for that same crime again.”

In other words, the door to conviction with a harder sentence for Khadijah’s abductor is propped open with a firm foothold.

Mr. Hostler’s testimony, however, brings home one of many points made in the UIHI report: that “tribal nations must have the ability to advocate for their citizens living in urban areas when they go missing or are killed. This is a courtesy extended to all other sovereign nations....”

“When a citizen is killed while living or traveling outside the [country] of which they are a citizen, the nation is notified of their death and [are] able to advocate for their citizen’s case and family. This basic right must be afforded to tribal nations as well [within the US], so they are able to fully practice their inherent sovereignty by advocating for the health and safety of all their citizens, regardless of where they reside [whether on or off the reservation].”

To paraphrase, the US government needs to cooperate with American Indian communities in helping to recover missing or murdered tribal members with the same respect that is given to any other US citizen in possession of a dual passport who is traveling or living abroad.

THE UIHI REPORTED MANY GAPS, INCLUDING INSUFFICIENT DATA SHARING BETWEEN LOCAL, STATE, AND FEDERAL AGENCIES. EVERYWHERE, IMPROPER DATA ENTRIES MADE BY LOCAL POLICE DEPARTMENTS HAVE BECOME COLD CASES. UIHI ATTRIBUTES THE LACK OF POOR DATA TO:

- Underreporting.
- Racial misclassification (the incorrect coding of an individual’s race or ethnicity; for example, an American Indian may be incorrectly coded as white, but the reverse misclassification for the larger race is rare).
- Poor relationships between law enforcement and American Indian communities (lack of data sharing creates inconsistencies in reporting).
- Poor record-keeping protocols.
- Institutional racism in media.
- A lack of substantive relationships between journalists and American Indian communities.

Also, media coverage on MMIWG in urban areas is scanty and irresponsible at best. Reporting on reservation-based violence that perpetuates negative stereotyping, victim blaming, and inaccuracies are all part of the institutional bias found throughout the 934 feature articles examined by UIHI.

With more than 95 percent of the cases never covered by national or international media, the study demonstrates how MMIWG cases are made to disappear in life, in the media, and in data. Manual inaccuracies are recorded in an inefficient data system that cannot identify and filter out colonial Hispanic names from Native names; updated data software and decolonized intake forms that ask for specific tribal information are necessary.

Using the data released from UIHI, a California alliance of Indigenous women called Red Earth Women’s Society has dedicated themselves to raising awareness of the injustices affecting Native communities through social media and community event rallies.

This year, Assemblymember James C. Ramos (Serrano/Cahuilla; D-Highland) helped to elevate public awareness of the MMIWG crisis by passing Assembly Concurrent Resolution 83 (ACR 83), designating May as the month for MMIWG

awareness. As the first California Indian elected to the California State Assembly, he introduced the historic resolution by opening with an American Indian prayer. Red Earth Women's Society gave full support for ACR 83.

Domestic and sexual violence is the dominating factor for most of the MMIWG identified in the UIHI report. Some crimes occur off the reservation, some in isolated areas lacking basic resources like a paved road, running water, and/or electricity. Often, it can take as long as forty minutes to receive help. And if help does come, it may be a tribal chairman and not tribal law enforcement—and sometimes, tribal law enforcement is a person related to the perpetrator, and the case then becomes biased against the victim.

UIHI has also "identified 153 cases that currently do not exist in law enforcement records." Egregious neglect in case management is occurring on and off the rez. With no threat of prosecution and no system to collect or protect evidence, crimes against Native women and girls will continue.

Not reporting a crime is a crime in itself.

This widespread apathy is not only in Indian Country. It has created a resounding tagline

in US school campuses, businesses, and

social settings: "If you SEE SOMETHING,

SAY SOMETHING." Using your eyes and

voice is the most effective tool one person

can have to help another in crisis or

extreme duress.

Just this year, the Centers for Disease Control and Prevention reported that over half of the killings of American women are related to intimate partner violence. Adding to this statistic, the Department of Justice (DOJ) reported that Indigenous women between the ages of ten and twenty-four living on tribal lands are ten times more likely to be murdered than the national average. The true number is underreported. This combative and tyrannical climate is not much different from war-torn countries like Eritrea or the Democratic Republic of Congo where anarchy reigns while children, women, and even men suffer through unspeakable acts of horror.

Recently, the Cahuilla Band of Indians hosted a family services program. Guest speaker Opal Singleton, president and CEO of Million Kids, spoke on "How Predators Use Technology to Exploit Kids."

Singleton is a training and outreach coordinator for the Riverside County Anti-Human Trafficking Task Force. She and her team have been successfully identifying sex trafficking rings and recovering abducted victims for the last ten years.

Her personal belief is insightful: What is the common denominator that most of the victims lacked in their upbringing? "One strong moral male," Ms. Singleton said. "And do you know what the four most powerful words are that combat sex trafficking? I believe in you."

These words sound facile, but when heard often enough can empower a Native child growing up in today's technological climate to become discerning, caring adults. The Natives Nationwide Networking Group (3NG) facilitated Ms. Singleton's introduction to the Cahuilla community. 3NG is a grassroots nonprofit that is working to bring solutions to Native issues by utilizing health professionals and bringing task force outreach coordinators to anyone willing to listen. In effect, 3NG is tribal sovereignty in action.

Based out of Pala, 3NG was formed a year ago by Maria Rodriguez (Apache Mescalero) with good friends and staunch Indian rights activists Julian Rodriguez Jr. (Cupeño) and Summer Elliott (Kumeyaay).

Ms. Rodriguez is a domestic violence/human trafficking/sexual abuse survivor and a DV Court Advocate.

Content Warning: explicit, triggering content follows.

While most four-year-olds were playing with dollies in pink tulle and hosting imaginary tea parties, Ms. Rodriguez earned money as a sex slave. Her adopted mother trafficked baby Maria to degenerate pedophiles for years, until Maria was old enough for self-awareness to kick in.

"In middle school, I went over to friends' houses. I realized mine wasn't normal. I ran away several times, but with nowhere to go, came back, ran away again because it [sexual abuse] kept happening," Ms. Rodriguez said. "Out on my own, I got into drugs to escape the pain, married a man at sixteen who turned violent, had my children with him, and when he almost killed me, his best friend called the police, who arrested him."

Despite the fact that she had changed her mind about pursuing legal action, the charges against him resulted in prosecution and incarceration by the DA. Ms. Rodriguez was in fact saved because someone said something.

"It was in 2016 when I went on The Longest Walk that everything changed. I got involved with our Native traditions and I felt it was time to share my story and help others. Walking the Red Road and opening up with my story at the Talking Circle really helped. After, I was gifted a beautiful blanket from Wounded Knee and Dennis Banks. While on The Walk, I also connected with my birth mother. She had been forced to give me up." Ms. Rodriguez's courage continues with her advanced studies regarding the Indian Child Welfare Act.

The Cahuilla Consortium (CC) is comprised of the Cahuilla Band, Los Coyotes Band, and the Santa Rosa Band. Their DV/SA advocates were present at Singleton's internet predator program. The advocates offered free assembled escape kits with supply checklists to support an escape plan. For the protection of incoming victims, the name of the partner company sponsoring the escape kits is being withheld from this article. Escaped victims are provided with transitional housing and emergency shelter.

"The most important thing you can do to help a victim is to believe their story,"

Terri LaFountain, CC DV/SA advocate said.

"Victims become runners in fear for their lives. Testifying takes a lot of courage with financial support and that is what we help with—supporting the survivor."

Riverside County Sheriff's Department (RCSD) has had a Tribal Liaison Unit (TLU) in place since 2008. Tribal members needing assistance can contact RCSD for any crimes. They can also reach out to the TLU unit to assist them with the resources available.

"The unit was created to better the relationships between RSO and all twelve tribes in Riverside County. Since the inception of the unit, PL 280 has been taught to over ten thousand employees, tribal members, and LB agencies," Deputy Robyn Flores, RCSD public information officer, said. "The government-to-government relationship with the tribes has improved and continues to do so. Training, Service, and Relationships are the three components focused on by the unit.

"The biggest challenge within the unit is having the funds to be able to do more. Especially with the youth. Some of the tribes are very poor. Being able to fund a center where the youth can get homework assistance, interact with other youths (explorers), go on field trips as incentives to do better in school, participate in tours of the jail, juvenile hall, courts, etc. Many do not have transportation," Deputy Flores added. "Reaching the younger people is [important]."

An ability to engage in enrichment programs in a safe and encouraging environment has proven effective in keeping at-risk youth from gang violence, sexual predators, and drug abuse. As was the case with Ms. Rodriguez's testimony, hopelessness and despair often lead to unhealthy and dangerous choices. Nationally, Native youth face rates of abuse higher than any other demographic. The National Congress of American

Indians reports that in 60 percent of arrests, children were witnesses or victims. While tribes can now arrest perpetrators of domestic violence, tribes cannot arrest those same perpetrators for abusing children.

I initiated a formal request for public records through the RCSD, asking for the exact number of MMIWG. Below is the official response after three weeks of being forwarded to proper channels:

"RECORDS DO NOT EXIST. Homicides are part of the monthly Uniform Crime Reporting but we do not actively track victims based on race. Also, the victim information input into the Records Management System does not include tribe data. If we were able to identify any missing female/male or female/male homicide victims as Native American we would have to pull each incident report and read it to see if there is any reference to what tribe they are a part of, with no guarantee there is a reference to a specific tribe. There are likely hundreds of missing people and homicide victims from January 2018 to present. To pull and read individual reports department wide would be a significant burden on staff and would require several hours of staff time to complete," Riverside County Sheriff-Coroner Chad Bianco said.

Again, the information above substantiates a critical need for the ability to identify tribal affiliation immediately by updating computer data intake to not only assist law enforcement agencies but also help tribal families recover information on missing and murdered loved ones more easily.

Currently, a federal policy aimed at ending violence against women is up for renewal. The Violence Against Women Reauthorization Act (VAWR) of 2019 passed the House of Representatives on a 263-to-158 vote this past April. Of interest, there are 127 women in the House. Two are American Indian women, Sharice Davids (Ho-Chunk) of Kansas and Deb Haaland (Laguna Pueblo) of New Mexico.

The VAWR Act has yet to be voted on by the Senate. There are currently twenty-five women in the Senate, which has one hundred members. One of the important provisions of this bill is closing the little-known "boyfriend loophole" by preventing physically abusive ex-boyfriends and convicted stalkers from purchasing firearms. Previously, in some states a boyfriend was able to buy a gun in spite of a domestic violence record.

Under Title IX, "Safety for Indian Women," this fourteen-year-old bill (renewed every five years) builds on the progress made since its initial passing by closing some of the remaining jurisdictional loopholes that have left Native women exceptionally vulnerable to violence:

- Restores tribal jurisdiction over crimes of sexual assault, stalking, trafficking, child abuse, resisting arrest, or intimating a witness—this also includes non-Native offenders committing said crimes on tribal lands.
- Improves data collection and response to missing and murdered Indigenous women by requiring the DOJ to

list tribal affiliation in its national databases for murdered Native women and expand data sharing with tribes within the Tribal Access Program. The DOJ will also be required to create, in consultation with tribes, new guidelines for response protocols.

- Creates federal punishments for violating tribal exclusion orders. Tribal banishment has been a form of punishment for perpetrators of violence against women since time immemorial. Many tribal justice systems are returning to banishment or exclusion orders to restore safety to their communities. With this final measure in place, tribal jurisdiction will now include violators of exclusion orders.

To symbolize a missing or murdered female, many Native women have effectively adopted the color red or “REDress” to express solidarity.

Red dresses billow mournfully in the breeze from trees in Indian Country now. Sometimes, in the distance, a red dress hangs in sorrow inside a window, like curtains of blood—a disturbing depiction of anguish. Stories, theater, music, cinema, and dance are also reflecting these dresses not in cultural misappropriation, but in memoriam for the hundreds of thousands brutally silenced.

“Until there is cooperation and better tracking systems at all government levels, the data on missing and murdered Indigenous women will never be 100 percent accurate, which is what we need to strive for in order to protect our mothers, daughters, sisters, and aunts,” says UIHI direct Abigail Echo-Hawk (Pawnee).

Tribal sovereignty is one small step in the big picture for all of California’s First Nations. Uniting in agreement on how to punish repeat abusers within each tribe is of paramount importance. Freedom is always threatened with extinction.

Stop protecting convicted felons. Start restoring the supreme power of a free mind and body by collaborating eyes and voices to say something—end the violence against Indigenous women and girls.

If you or someone you know is in an abusive relationship, get free, confidential support and referrals to resources by contacting the National Domestic Violence Hotline at (800) 799-7233 or www.ndvh.org, or the Strong Hearts Native Helpline at (844) 762-8483 or www.strongheartshelpline.org.

