UNIVERSITY OF OKLAHOMA

GRADUATE COLLEGE

"DECOLONIZING HUMANS, ENDING GENDER ABUSE, AND SEXUAL VIOLENCE, FROM DISCOVERY TO THE TWENTY-FIRST CENTURY AND BEYOND."

A THESIS

SUBMITTED TO THE GRADUATE FACULTY

In partial fulfillment of the requirements for the

Degree of

MASTER OF ARTS

BY

LIWI UGVWIYUHI LARRY LEE MYERS Norman, Oklahoma 2022

"DECOLONIZING HUMANS, ENDING GENDER ABUSE, AND SEXUAL VIOLENCE, FROM DISCOVERY TO THE TWENTY-FIRST CENTURY AND BEYOND."

A THESIS APPROVED FOR THE DEPARTMENT OF NATIVE AMERICAN STUDIES

BY

Dr. Raymond Orr, Chair

Dr. Laura Harjo, Member

Taiawagi Helton J.D. LL.M, Member

Dedication

The Abenaki (Abnaki, Abanaki, Abenaqui), Acatec, Achi, Achumawi (Achomawi), Acoma, Adai, Ahtna (Atna), Ais, Akimel O'odham, Alabama-Coushatta, Aleut, Alsea, Alutiiq, Algonquians(Algonkians), Algonquin (Algonkin), Alsea, Andoke, Anishinaabe (Anishinabemowin, Anishnabay), Antoniaño, Apache, Apalachee, Apalachicola, Applegate, Arabela, Arapaho (Arapahoe), Arara, Arawak, Arikara, Arua, Ashaninka, Assiniboine, Atakapa, Atikamekw, Atsina, Atsugewi (Atsuke), Avoyel (Avoyelles), Aymara, Aztec Babine, Bannock, Bare, Bari, Baure, Beaver, Bella Bella, Bella Coola, Beothuks, Bidai, Biloxi, Black Carib, Blackfoot (Blackfeet), Blood Indians, Bora, Bororo, Boruca, Bribri Caddo (Caddoe), Cahita, Cahto, Cahuilla, Calusa (Caloosa), Carib, Carquin, Carrier, Caska, Catawba, Cathlamet, Cayuga, Cayuse, Celilo, Central Pomo, Chahta, Chalaque, Chappaquiddick (Chappaquiddic, Chappiquidic), Chatot, Chawchilla, Chehalis, Chelan, Chemehuevi, Cheraw, Cheroenhaka, Cherokee, Chetco, Cheyenne (Cheyanne), Chiaha, Chickasaw, Chilcotin, Chimariko, Chinook, Chinook Jargon, Chipewyan, Chippewa, Chitimacha (Chitamacha), Choctaw, Cholon, Chontal de Tabasco, Chukchansi, Chumash, Clackamas (Clackama), Clallam, Clatskanie, Clatsop, Cmique, Cochimi, Cochiti, Cocopa (Cocopah), Coeur d'Alene, Cofan, Columbia (Columbian), Colville, Comanche, Comcaac, Comox, Conestoga, Coos (Coosan), Copalis, Coquille, Cora, Coree, Coso, Costanoan, Coushatta, Cowichan, Cowlitz, Cree, Creek, Croatan (Croatoan), Crow, Cuna, Cucupa (Cucapa), Cupa, Cupik (Cuit) Dakelh, Dakota, Dawson, Deg Xinag (Deg Hit'an), Delaware, Deline, Dena'ina, Dene, Dene Tha, Diegueno, Dine (Dineh), Dogrib, Dumna, Dunne-za Eastern Inland Cree, Eastern Pomo, Eel River Athabascan, Eeyou, Endeve, Eno, Entiat, Erie, Eskimo, Esselen, Etchemin,

Euchee, Excelen, Eyak Flathead Salish, Fox Gabrielino, Gae, Galibi, Galice, Garifuna, Gitxsan (Gitksan), Gosiute (Goshute), Grand Ronde, Grigra, Gros Ventre, Guarani, Guarijio, Gulf, Gwich'in (Gwichin, Gwitchin), Haida, Haisla, Halkomelem, Hän, Hanis, Hare, Hatteras, Haudenosaunee, Havasupai, Hawaiian, Heiltsuk, Heve, Hiaki, Hichiti (Hitchiti), Hidatsa, Hocak (Ho-Chunk, Hochunk), Hoh, Holikachuk, Hoopa, Hopi, Hualapai, Huichol, Huichun, Humptulips, Hupa, Huron Illini (Illiniwek, Illinois), Inca, Ingalik, Innoko, Innu, Inuktitut (Inupiat, Inupiaq, Inupiatun), Iowa-Oto (Ioway), Iroquois Confederacy, Ishak, Isleño, Isleta, Itza Maya, Iynu Jagaru, James Bay Cree, Jemez, Juaneno (Juaneño), Jumano Kalapuya (Kalapuyan), Kalina, Kallawaya, Kanien'kehaka (Kanienkehaka), Kalispel, Kansa (Kanza, Kanze), Karankawa, Karkin, Karok (Karuk), Kashaya, Kaska, Kaskaskia, Kathlamet, Kato, Kaw, Kawki, Keres (Keresan), Kickapoo (Kikapu), Kiliwa (Kiliwi), Kiowa, Kiowa Apache, Kitanemuk, Kitsai, Klallam, Klamath-Modoc, Klickitat, Koasati, Konkow, Kootenai (Ktunaxa, Kutenai), Koso, Koyukon, Kulanapan, Kumeyaay (Kumiai), Kuna, Kupa, Kusan, Kuskokwim, Kutchin, Kwakiutl (Kwakwala), Kwantlen, Laguna, Lake Indians, Lakhota (Lakota), Lassik, Laurentian (Lawrencian), Lenape (Lenni Lenape), Lillooet, Lipan Apache, Listiguj (Listuguj), Lnuk (Lnu), Lokono, Loup, Lower Umpqua, Luckiamute, Luiseño, Lumbee, Lummi, Lushootseed Maca, Macuna, Madi, Mahican, Maidu, Makah, Mako, Maliseet, Mam, Manao, Mandan, Mangue, Mapuche (Mapudungun), Marawa, Mariate, Maricopa, Mataco, Matis, Matlatzinca, Mattole, Mayan, Mayo, Meherrin, Menominee (Menomini), Meskwaki (Mesquakie), Methow, Miami-Illinois, Mical, Miccosukee, Michif, Micmac (Mi'gmaq), Mikasuki, Mi'kmaq, Minsi, Miskito (Mosquito), Missouria, Miwok (Miwuk), Mixe, Mixtec (Mixteco, Mixteca), Mobile, Mobilian Jargon, Mococo, Modoc, Mohave,

Mohawk, Mohegan, Mohican, Mojave, Molale (Molalla, Molala), Monacan, Monache (Mono), Montagnais, Montauk, Multnomah, Munsee (Munsie, Muncey, Muncie), Muskogee (Muscogee, Myskoke) Nahuatl, Nakoda (Nakota), Nanaimo, Nanticoke, Narragansett, Naskapi, Natchez, Natchitoches, Nauset, Navajo (Navaho), Nawat, Nespelem, Neutral, Nez Perce, Niantic, Nipmuc, Nisga'a (Nisgaa), Nlaka'pamux (Nlakapamux), Nooksack (Nooksak), Nootka (Nutka), Nottoway, Nuuchahnulth, Nuxalk Oconee, Odawa, Ofo, Ohlone, Ojibwa (Ojibway, Ojibwe, Ojibwemowin), Okanagan (Okanogan), Okmulgee, Omaha-Ponca, Oneida, Onondaga, O'odham (Oodham), Opata, Osage, Otchipwe, Otoe, Ottawa, Ozette Pai, Paipai, Paiute, Palouse, Pamlico, Panamint, Papago-Pima, Pascua Yaqui, Passamaquoddy, Patuxet, Patwin, Paugussett (Paugusset), Pawnee, Pecos, Pee Dee, Pennacook, Penobscot (Pentagoet), Pensacola, Peoria, Pequot, Petun, Picuris, Pima, Pima Bajo, Pipil, Piscataway, Pit River, Plains Indian Sign Language, Pojoaque, Pomo (Pomoan), Ponca, Poospatuck (Poosepatuck), Popoluca (Popoloca), Potawatomi (Pottawatomie, Potawatomie), Powhatan, Pueblo, Puquina Quapaw (Quapa), Qualicum, Quechan, Quechua, Queets, Quilcene, Quileute, Quinault, Quinnipiac Raramuri, Red Indians, Restigouche, Rumsen, Runasimi Saanich, Sac, Saliba, Salinan, Salish, Samish, Sanpoil, Santee, Santiam, Santo Domingo, Saponi, Sarcee (Sarsi), Sasta, Satsop, Savannah, Sauk, Saulteaux, Sechelt, Sekani, Seminoles, Seneca, Seri, Serrano, Shakori, Shanel, Shasta, Shawnee (Shawano), Shinnecock, Shoshone (Shoshoni), Shuar, Shuswap, Siksika, Siletz, Sinkyone, Sioux, Siuslaw, Skagit, Skin, S'Klallam, Skokomish, Slavey (Slave, Slavi), Sm'algyax, Snohomish, Sooke, Southern Paiute, Spokane (Spokan), Squamish, Steilacoom, Stockbridge, Sto:lo, Stoney, Suquamish, Suruwaha, Susquehannock, Swampy Cree, Swinomish Tachi (Tache),

Tagish, Tahltan, Taino, Takelma, Takla, Tanacross, Tanaina, Tanana, Tangipahoa, Tano, Taos, Taposa, Tarahumara, Tataviam, Tehachapi, Ten'a, Tenino, Tepehuano, Tequesta, Tesuque, Tewa, Thompson, Tigua, Tillamook, Timbisha, Timucua, Tinde, Tiwa, Tiwanaku, Tjekan, Tlahuica, Tlingit, Tohome, Tohono O'odham, Tolowa, Tongva, Tonkawa, Towa, Tsalagi (Tsa-la-gi), Tsilhqot'in, Tsimshian, Tsuu T'ina, Tualatin, Tubar (Tubare), Tulalip, Tunica, Tupi, Tuscarora, Tutchone, Tutelo, Tututni, Twana, Twatwa, Tygh Uchi (Uche), Ukiah (Uki, Ukia), Umatilla, Unami, Unkechaug, Uru, Ute Virginia Algonquian Waco, Wahkiakum, Wailaki, Walapai, Walla Walla, Wampanoag, Wanapam, Wanki, Wappinger, Wappo, Warm Springs, Wasco-Wishram, Washo (Washoe), Wateree, Waxhaw, Wea, Wenatchee, Wendat, Weott, Wichita (Witchita), Willapa, Winnebago, Wintu (Wintun), Wishram, Wiyot, Wyandot (Wyandotte), Wynoochee Yakama (Yakima), Yamasee, Yamel, Yanesha, Yaquina, Yavapai, Yaqui, Yellowknife, Yokuts (Yokut), Yoncalla, Yucatec Maya (Yucateco, Yucatan), Yuchi, Yuki, Yuma, Yupik (Yuit), Yurok Zapotec, Zia, Zoque, and Zuni. As well as all Indigenous tribes that are not federally or state recognized that are not listed here.

Acknowledgements

Were it not for the patient and caring professors and staff from the Native

American Studies Program at the University of Oklahoma, my goals for academic

achievement may have never come to fruition. The following people have made this

journey both enlightened and a joy for me. Each and every one of the following people

share in my academic and personal success. Christine Armer, Katie Bayless, Brian

Burkhart, Amanda Cobb-Greetham, Evelyn Castro Cox, Patrick Del Percio, Laura Harjo,

Raina Heaton, Raymond Orr, Warren Queton, Gina Stuart-Richard, and Heather Shotton.

I would especially like to thank my Thesis Committee for their assistance, council, and guidance, keeping me grounded, focused, and accountable, Chair Dr. Raymond Orr, Dr. Laura Harjo, and J.D. Taiawagi Helton.

Finally, I would like to thank my family and friends for their support, and especially my children for their unselfish sacrifice of my time to see my dreams come true. I love you all.

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Abstract

To understand "Decolonizing Humans, Ending Gender Abuse, and Sexual Violence, from Discovery to the Twenty-First Century and Beyond." We will look at the mechanisms from time immemorial to the present that that buoy colonialism and imperialism in our country today. This thesis will briefly examine how America's Indigenous Peoples and communities have pushed back against colonialistic and imperialistic mechanisms in the 20th and 21st centuries by exposing the harsh truths that have greatly diminished the Indigenous populations across the country. This thesis focuses on Missing and Murdered Indigenous Women [MMIW] and looks at how we have arrived at this long-standing travesty to understand how through the efforts of social and political activism, Indigenous people and organizations have been able to educate and inform the general population. We will examine the policies and laws that have allowed the states and federal government to systematically remove Indigenous children from their homes. Unscrupulously coerced thousands of Indigenous women of childbearing age into sterilizations while lying to thousands more about operations that also resulted in sterilizations without the knowledge of adolescent females, and women, young and old.

Finally, we will conclude this thesis by examining how we may approach the difficult process of dismantling the mechanisms of settler colonialism, and imperialism to address the violence perpetrated on Native America women, Native communities, as well as all people of color that have been subjected to centuries of sexual assault and violence to divest them from sovereignty, liberty, resources and life.

Chapter 1: Introduction

Background

The Athenian philosopher Plato believed that human reproduction should be monitored and controlled by the state. Paternalistic and racist beliefs about who should and should not reproduce can be traced to Plato's writings in his *Republic*, where Plato states that social stratification through controlled breeding was necessary to produce a superior race. In a society that would leave the weak and less than perfect children to be left to die from exposure, others would be educated and trained to adulthood in order to place each person into their appropriate class. The most intelligent would become the philosopher kings who would utilize their superior abilities to lead and govern over the population while the worker class will carry out their directions (Shapiro, 1985).

Centuries after Plato, and expanding on his ideology, English political economist Thomas Malthus theories would become the foundations of most modern family planning programs. Malthus believed that sexual restraint and stronger moral standard would be sufficient in controlling rising population rates. These theories also advanced that government and science should be in charge of family planning programs and contraceptive methods. These beliefs and theories increased debates over who controls reproductive rights, individuals or government (Hasian, 1996).

In 1907 Sir Francis Galton Founded the Eugenics Education Society. Galton first used the word "eugenics" in 1883 when he described the use of genetics to improve the human race. Eugenics is the concept of selective breeding and sterilization to remove undesirable characteristics and traits of the "unfit" from the population. These concepts

made their way into mainstream thought in the United States at the turn of the century and may have remained interesting parlor conversation had it not been for the support of eugenics research funded by organizations like; The Carnegie Institution, The Kellogg Foundation, and the Rockefeller Foundation (Hasian, 1996). Back in England, researcher Karl Pearson was cautioning, that the over compensating of "practical eugenics" in that country could have a negative impact on the child labor needed to maintain the industrial output of the nation's factories (Pearson-Galton, 1912).

In America the science of "race improvement" or eugenics became so popular in controlling such things as feeblemindedness, destitution, poverty, and racial ethnic populations, that some American states introduced compulsory sterilization statutes. By the mid 1930's the majority of the states in America had some form of compulsory sterilization statute (Pearson-Galton, 1912).

America's eugenics research and sterilization laws caught the attention of doctors, scientists, lawyers, politicians, and a rising political party from Germany (Seldon, 1999). Delegations of German leaders traveled to Stanford University in California on the west coast and the Eugenics Record Office (ERO), Cold Springs Harbor campus in New York on the east coast to study the American race betterment principles and practical applications (Miller, 2019). The delegations and observers were so impressed with what they had seen and learned, that upon their return home to Germany the Nazi government issued a formal letter thanking the American researchers for sharing how the United States was responding to their "Indian" problem (Weiss, 2010).

Chapter 2: Addressing the Issues

Discovery and Activism

By the 1960's Congress was holding hearings on the authority exercised by tribal governments. Congressional members listened to testimony about the abuses many tribal members endured from incompetent, corrupt, and tyrannical tribal officials. Senator Sam Erwin, recognizing that individual Indians on reservations were not subject to the same rights and protections as other American citizens and Indians as American citizens off reservations, sponsored legislation attempting to correct the perceived inequities.

Realizing that the legislation could create more problems than it would solve, especially in regards to blood quantum requirements to tribal membership and tribal voting rights etc., Congressional subcommittees eventually amended the legislation to become the Indian Civil Rights Act enacted in 1968 (Pearldaughter, 1978).

Although the Indian Civil Rights Act [ICRA] can be argued to be both assimilationist and pro self-determination the selectful inclusion of some protections and the obvious omission of others, while expecting the tribes to enforce the legislation is at the least subliminal assimilation by proxy.

Between 1965 and 1974 the Federal Governments role in family planning shifted from non-intervention to active involvement. Two political movements evolved in the post war era, one promoting women's rights to safe, legal birth control, and one promoting population control. These two movements facilitated the federal government's attempts to bring family planning more squarely under the government's purview and control (Theobald, 2019).

The 1970's was a crucible of activism in the United States. Indian groups like, the American Indian Movement [AIM] and Women of all Red Nations [WARN] were very active and outspoken, often active in the same acts of protests and political activism.

These groups were present in the 1971 occupation of Mount Rushmore in South Dakota, the Bureau of Indian Affairs offices in Washington D.C. in 1972 and the occupation at Wounded Knee Creek, South Dakota in 1973. Important Indian legislation coming out of this era was, The Indian Civil Rights Act of 1968, The Self-Determination Policy in 1970, and the Indian Child Welfare Act of 1978 (Theobald, 2019).

In 1977, elders and young activists met in Loon Lake, New York to discuss the meaning of Native American Sovereignty. A Seneca scholar named John Mohawk, laid out a five-part definition of sovereignty in which he identified "control of reproduction" as one of the essential elements (Theobald, 2019).

In her book, Reproduction on the Reservation: Pregnancy, Childbirth, and Colonialism in the Long Twentieth Century, Brianna Theobald cites that self-determination begins in the womb. Theobald recounts how several Native American women medical professionals came to discover un-necessary and coerced tubal ligations and hysterectomies that resulted in an estimated sterilization of nearly 42% of Native American women by the mid 1970's (Theobald, 2019).

The studies and reports promoted by these women also revealed that Native

American children were being removed from Native homes at five times the rate of any
other demographic. These children had been taken and placed in non-Native Foster

Homes and later adopted out to non-Native families at an alarming rate (Theobald, 2019).

Sally Torpy has recounted these same detailed findings in her paper *Native*American Women and Coerced Sterilization: On the Trail of Tears in the 1970s. In it she cites that the majority of American protest efforts of the 1970's was focused on feminist, civil rights, and anti-government movements. On a smaller scale, Native American activists were initiating their own campaigns and engaging the media to show scenes of confrontation with the federal government to a growing public audience. The occupation of Alcatraz led by Richard Oakes, LaNada Means, and John Trudell in 1969, lasted nineteen months while spotlighting public awareness toward a consistent objective of regaining treaty rights that had been violated by the United States government and private corporations. However, little publicity was given to another form of Native American civil rights violations, the abuse of women's reproductive freedom (Torpy, 2000).

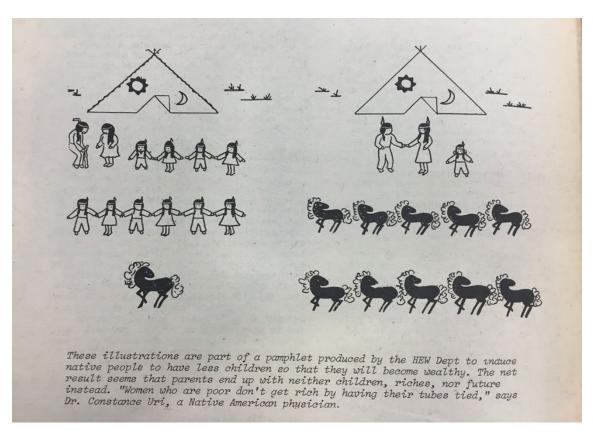
In the late 19th Century the federal government shifted its policy from killing Indians to a campaign to assimilate or "Americanize" them. The goal of politicians and reformers was to kill off the markers of Indianness: language, clothing, and cultural and spiritual practices. In this context, the federal government criminalized Native healers and disparaged midwives and their birthing knowledge. Under pressure, ceremonial practices, including women's coming-of-age ceremonies, were circumscribed, driven underground or ceased.

Through treaties, executive orders, and Congressional legislation, the federal government was forced to accept the responsibility of providing health care to tribal members on reservations. The Office of Indian Affairs constructed rudimentary hospitals and encouraged Indian women to use them for childbirth. By the 1950's, The Indian Health Services [HIS] was created and the majority of Native women were giving birth in

these hospitals. The number of births in these hospitals were nearly reaching the rate of births on a national level. However, disappointed that the objectives of absolving the federal government from any responsibility for Indian affairs, politicians began chipping away at federal services that only benefited Indians. Soon, many of these hospitals were closed and were replaced with contracted services with off reservation hospitals to provide health care services to tribal members (Theobald, "A 1970 Law Led to the Mass Sterilization of Native American Women. That History Still Matters." 2019).

Consent or Coercion

Planning Your Family



Pamphlet from the Department of Health and Education urging Native American individuals to be sterilized. (Credit: Department of Health and Education) Reprinted in Akwasasne Notes (1974) and Caduceus (Winter 1974) (Torpy, 2000).

The potential for coercion as it matters to Native American reproductive health did not just suddenly appear in the 1970's. Health care workers like Susie Yellowtail had witnessed firsthand unethical practices that instilled in her a sense of vigilance that evolved into a lifetime of reformist activism. By the late 1960's the HIS had contracted with tribal governments to establish the Community Health Representative programs [CHP]. Many of the Native health care workers that worked with Native women through this program went on to become vocal activists for not only Native women's health rights but all women's reproductive health issues whether black, brown, red or white. One such state CHR coordinator from Wisconsin, a Ho-Chuck woman named Arvina Thayer who noticed through her family planning interviews that there were a lot of sterilizations taking place in her area. Thayer also found that upon investigation that the institutional protocols surrounding sterilizations greatly lacked transparency. It seemed that institutions were ignoring the guidelines set by the Department of Health, Education, and Welfare [HEW] that dealt with reproductive surgeries (Theobald, 2019).

Like Thayer's experiences in the Wisconsin CHR, a Choctaw-Cherokee Doctor named Connie Pinkerton-Uri, became aware of ethically questionable circumstances involving sterilization through a professional experience in 1972. Upon a visit to Pinkerton-Uri's office a Native woman asked for a "womb transplant." The woman had received a hysterectomy several years earlier when she was suffering from alcoholism. Six years later the woman was sober, engaged to be married, and wanted to start a family. Doctor Pinkerton-Uri was certain that the woman did not understand the implications of her procedure. Although shocked at what she was told by the woman, Doctor Pinkerton-Uri thought that the woman's unfortunate experience was an anomaly until she

encountered similar instances and became convinced of the existence of a much larger problem. Doctor Pinkerton-Uri's growing awareness of sterilization abuses redirected the trajectory of her career. Doctor Pinkerton-Uri went to law school and founded Indian Women United for Social Justice to investigate the issue of sterilization abuse and provide support for the women who had been sterilized coercively. Activism was gaining momentum among Indian health care workers and by the early1970's the American Indian Nurses Association [AINA] was formed with the help of Susie Yellowtail to advocate for Native American women's health care (Theobald, 2019).

In 1973 Doctor Pinkerton-Uri was asked to come to the HIS hospital in Claremore, Oklahoma by nurses that were protesting discriminatory labor practices and poor patient care. After reviewing the Claremore hospitals records Doctor Pinkerton-Uri uncovered what she considered to be a "sterilization factory." The evidence discovered at Claremore, Oklahoma gave Doctor Pinkerton-Uri the positive proof she needed to take her concerns to legislators. Touting the courage of the nurses and the AINA at a rally in Los Angeles, California she explained that without the help of health care professionals and the AINA feeding her information her work would not be possible. Advocating that more Native Americans are needed inside the system to act as watchdogs against abuses (Theobald, 2019).

While Doctor Pinkerton-Uri was pursuing South Dakota Senator James Abourezk, the Chair of the Subcommittee on Indian Affairs, Marie Sanchez, one of the founding members of WARN, was advocating to the United Nations for protections from government coerced sterilizations. Sanchez, along with Lorelei DeCora Means, Madonna Thunderhawk, Phyllis Young, Janet McCloud, and others founded WARN in 1974.

Sanchez and many of the others had been with AIM members in 1973 at the Occupation of Wounded Knee Creek. WARN and its supporters also advocated against the forced sterilization of Indian women and the adoption of Indian children by non-Indians (Theobald, "A 1970 Law Led to the Mass Sterilization of Native American Women. That History Still Matters." 2019).

The pressure from Doctor Pinkerton-Uri, the AINA, WARN, and several other Native organizations eventually forced the federal governments attention to their issues. Senator Abourezk called for the Government Accountability Office [GAO] to investigate the allegations of sterilizations and abuses in government run hospitals brought by Doctor Pinkerton-Uri and the Native organizations. After an investigation into hospitals in Albuquerque, Phoenix, Oklahoma City, and Aberdeen, South Dakota the GAO released its report. The investigation into the medical records along with doctor's interviews produced conflicting evidence. Although some of the complaints did appear legitimate and merited further investigation the conclusion fell short of declaring that HIS had coercively sterilized Native women, but did find several problems in the consent process. However, Doctor Pinkerton-Uri and the Native activists had investigated the allegations by interviewing the women that had been sterilized (Theobald, 2019). The combined investigations had revealed that HIS within the Department of HEW had forced the sterilization of possibly tens of thousands of Native American women of childbearing age, some as young as 15 years old. It was also found that nearly 35 percent and possibly as much as 40 percent of all Native American children had been removed from their Native homes (Theobald, 2019).

Interviews with victims of these mass sterilizations reflected how social workers, health and welfare workers seemingly teamed with doctors to threaten removal of existing children from their homes if mothers would not agree to sterilization procedures. Others recounted that they had gone to the hospital for routine procedures only to find out later that they had been sterilized. Doctors and/or health care workers would say that they had found some problem and had to perform procedures while the patient was under anesthesia. Some victims stated that they had gone into the hospital for simple, routine medical procedures and didn't find out until much later that they had been sterilized (Torpy, 2000).

One of the reoccurring themes of these interviews was the threat of child removal or the actual cases of child removals that continued to surface during the course of the investigations. The number of removed children were as alarming as the number of sterilized women. The stories themselves were heartbreaking as these women would describe the fear and confusion that would accompany these child removals. Many times, women and or the families would have no idea of where the children were being taken or for what purpose. Child removals were fairly commonplace on reservations. Often people would just show up and inform the families that their children were going to be taken to compulsory or boarding schools. Native Americans on reservations were very aware of boarding schools and the fact that most often these children seldom returned to their homes and families. Interviews revealed accounts of families hearing the sounds of trucks and fearing for their children would rush to hide them or steal them away to another building or dwelling so that they could not be found and removed (Torpy, 2000).

Indian Boarding Schools

By the beginning of the twentieth century the full effects of the federal governments aggressive Indian assimilation was well underway. Allotment as set out by the Dawes Act, Ch. 119, 24 Stat. 387 (1887) had already taken a toll on Indian lands, the Curtis Act, Ch. 517, 30 Stat. 495 (1898) resulted in the break-up of tribal governments, disbanded communal lands, and effectively abolished any remaining tribal courts and or tribal authority. Thus, began the era of assimilation, or the progressive era (Prucha, 1986).

After years of fighting and forcing American Indians onto reservations the U.S. government determined that the best way to assimilate the Indians was to take their children from them (Piccard, 2013). The United States government created and funded the American Indian boarding schools for the purpose of assimilation of American Indian youth into White society and civilized culture. The Bureau of Indian Affairs was responsible for the boarding schools and carried out the government's mandates by forcibly taking children from their families and sending them to the boarding schools. The premise was simple enough. Stripped of their tribal clothing, the students were then given haircuts and indoctrinated to strict militaristic discipline. The agency forbade the speaking of American Indian languages and prohibited traditional religious and cultural practices and activities that identified American Indian youth with their tribes. All aspects of American Indian life and traditional government were outlawed (Piccard, 2013). American Indians were made to feel ashamed of who they were and punished severely for violating any of the rules of the school or the agency. Harsh corporal punishment was applied to the youths as they were brutalized physically, emotionally, spiritually, and

psychologically. Every effort was made to eradicate any trace or semblance of American Indian life (Piccard, 2013).

To appreciate a Native American woman's deep-rooted fear of losing her children to a foster family, boarding school, or adoption, one can look back in history and find ample examples of families losing their children (Torpy, 2000).

The federal boarding school system was established by the Indian Service and in operation from the late 1800's to the present. For the federal government, boarding schools were a possible solution to the so called "Indian Problem." But for tens of thousands of Indians who went to boarding schools they remember only a time of abuse and desecration of culture. After years of fighting and forcing American Indians onto reservations the U.S. government determined that the best way to assimilate the Indigenous People was to take their children from them. The United States government created and funded the American Indian boarding schools for the purpose of assimilation of American Indian youth into White society and civilized culture. The Bureau of Indian Affairs was responsible for the boarding schools and carried out the government's mandates by forcibly taking children from their families and sending them to the boarding schools. It is estimated that 100,000 Indian youth passed through these schools between 1879 and the 1960's. Many of these children and young adults never returned to their homes (Lomawaima, 2018).

The brutality and abuse in these schools were more the rule than the exception.

The schools often utilized an Outing program where students were leased out to white homes and businesses as menial labor during the summers rather than being sent back

home. Indian labor from these schools was always exploited as free labor at these institutions. Housing conditions were always a problem due to overcrowding and pour health conditions. Disease would often turn into epidemics and what didn't kill the residents would leave them scarred and weakened (Lomawaima, 2018).

By 1879 the federal government undertook the goal to destroy American Indian culture. The model for schools established by the Bureau of Indian Affairs was the Carlisle Indian Industrial School located in Carlisle, Pennsylvania, founded by Army Officer Richard Henry Pratt in 1879. In a speech delivered by Pratt in 1882, Pratt spoke the following: "A great general has said that the only good Indian is a dead one. In a sense, I agree with the sentiment, but only in this: that all of the Indian there is in the race, should be dead. Kill the Indian in him and save the man. Pratt professed "assimilation through total immersion." This was to be the federal government's and the country's final solution to the American Indian problem. The boarding schools were not designated to provide an education in any sense of what the word means today, and very little education was achieved (Crow, 2011).

These philosophies and ideologies changed very little through the 1960's and 1970's. Girls and young women were targeted by the Bureau and the schools because they represented the best opportunities to affect prolonged change in their culture. If the females were properly assimilated they would in turn help to ensure that their children would be properly assimilated as well. As one former student commented, "If you change a people, you rob their identity." As some of the students attest, they became "in between cultures" (Crow, 2011).

Erasure Through Adoption

Through the investigations and interviews by Doctor Pinkerton-Uri and the GAO, of the witnesses and records another glaring statistic began to emerge. Babies and young children were being removed from Native women and families by state social agencies and placed in foster care and or put up for adoption. Records also showed that there was an apparent preference to place these Native children with non-Native families over locating them within existing family units or homes with Native American families. The lack of white, blue eyed babies for adoption had created a demand for adoptable American Indian babies. Records indicated that nearly 13,000 had been adopted to white families by 1976. According to a 1976 report by the Association on American Indian Affairs, as many as one third of American Indian children were separated from their families between 1941 thru 1967 (Theobald, 2019).

Armed with the statistical evidence and reports, Senator Abourezk, Doctor Pinkerton-Uri, and other Native organizations pressured Congress to hold hearings on the adoption practices that ultimately led to the passage of the *Indian Child Welfare Act* (24 Stat. 306) in 1978 authored by Senator Abourezk, to end the massive widespread removals of American Indian children from their communities (Torpy, 2000) (De Bourbon, 2013).

Statistical Awareness

Today, nearly four in every five Indigenous women and girls have experienced abuse or sexual violence in some form. Unfortunately, the reporting and data collected is not uniform across jurisdictions or state or federal law enforcement agencies. It is widely

feared that there is significant under-counting of cases that could drive the numbers even higher than the four times the national average of Native American victims over non-Native victims. Provided is several links to the MMIW National Database (The Missing and Murdered Indigenous Women Database, nd).

Chapter 3: Understanding Violence Against Women

Violence against women has been a growing epidemic in the United States since the mid 1970's. There are many gaps in the understanding of violence against women. The importance of violence against women as a national problem was acknowledged by Congress with its passage of the Violence Against Women Act in 1994 as part of the Violent Crime Control and Law Enforcement Act and with President Clinton's establishment of an Office on Violence Against Women in the U.S. Department of Justice. Crowell and Burgess provide a detailed overview of the background research that helped to shape the legislation as well as the short falls that are a direct result of how these crimes are investigated and documented. Although the research does an excellent job of stating the complex ramifications, causes, and consequences, of violence against women (Crowell & Burgess, 1996).

There is little data available about how women of color are affected and/or how that may differ from the data collected on women of non-color. However, the cause and effect of the violence perpetrated on women contained in the research provides valuable data that can be used to reach many women who do not report violence and feel helpless in their particular situations. Prevention and intervention are the goals of the research and the legislation. The material collected in the study is imperative to understanding the problems and issues that can help us to facilitate a dialog that may help to decrease the rampant course of the epidemic that plagues women in our country and the consequences that go far beyond the individual female victims, affecting their children, families, and friends, as well as society at large (Crowell & Burgess, 1996).

Confronting Sexual Violence in Native America

A different perspective of the use of the term "epidemic" when referring to today's awareness of the issue. Sarah Deer's perspective in *The Beginning and End of Rape*, is focused on sexual violence perpetrated on Native American women. Deer uses essays of documented cases and stories from abuse victims to illustrate the issues connected to the methodological limitations of conventional reporting and data gathering on the sexual violence perpetrated on Native women.

Taking issue with the concept of sexual violence as an "epidemic" on Native women, Deer explains that the term depoliticizes an historic issue rooted in the colonialization of the treatment of Native Americans as a whole and Native woman in particular. The author wishes to make clear that we should not delegitimize the abuse and sexual violence in Indian Country on Native women as something that is a new problem with growing reoccurrence. Instead, this is a centuries old case of state sponsored abuse and violence that has been directed toward Native women and Native Americans to subjugate a race of people by degrading their women and attempting to destroy the family unit as well as the broader cultural community.

Deer, a Muscogee lawyer, painstakingly uses these stories to show a line of abusive strategies and tragedies that has come forward from pre-colonization and into the twenty-first century. By documenting law and policy, Deer takes the reader from the historical perspective of trauma infused upon Native women and their communities to the human trafficking and sex trafficking industry that networks across our county and the globe.

Deer's work in this book is a vital asset to everyone across multiple disciplines attempting to gain and grasp a better understanding of sexual violence towards Native American women and the Missing and Murdered Indigenous Women and children issues before us today (Deer, 2015).

Chapter 4: A New Administration Brings Focus and Awareness to MMIW in the 21st Century

Having established that violence against Native American women is a deeply embedded colonialized attitude brought to this country by Anglo-Europeans, we have observed some movement toward awareness and accountability. Through the hard work of advocates appealing to the country's lawmakers, progress has been made however begrudgingly.

In this chapter we will examine how after one of the most violent periods towards people of color in recent history, a new administration brings focus and awareness to the issue of Missing and Murdered Indigenous Woman.

President Joe Biden: "Everyone deserves to feel safe."

"After years of little movement, the Biden administration is taking additional steps to address the crisis of missing and murdered American Indians and Alaska Natives in hopes of putting the focus back on survivors, families and tribal nations. For the Biden administration, one step in solving the problem is a new commission being established through the "Not Invisible Act." When she served in Congress, Haaland led introduction of the bill, which was the first to be sponsored by all four tribally-enrolled citizens in the U.S. House of Representatives (Agoyo, 2021)."

Missing and Murdered Native cases should be a higher priority, Stanton tells Garland

Arizona Rep. Greg Stanton's frustration over his two terms in office to get the

Department of Justice [DOJ] to prioritize the epidemic of missing and murdered Indigenous women and persons. Stanton has been pushing agencies to take a stronger role in solving cases or determining accurate numbers of missing people of color.

Stanton also discussed the government's response to cases like Gabby Petito's, (a young white woman), whose disappearance and death received national attention and the focus of federal law enforcement, while similar cases in Indian Country are virtually neglected. The disparity has become a source of great frustration in tribal communities (Krol, 2021).

Other Federal Agencies Step Up Efforts

While the Justice Department's response has been static, other agencies have instituted or expanded programs to get a better handle on the ongoing crisis of missing and murdered Indigenous women and persons.

In April of 2021, Interior Secretary Deb Haaland announced the formation of a new Missing and Murdered Unit within the Bureau of Indian Affairs Office of Justice Services to oversee and direct interagency operations in the work of solving cases of missing and murdered Indigenous people in the U.S.

Interior Secretary Deb Haaland is using her platform to bring action and legislation through the Department of the Interior [DOI] to address MMIW. The Bureau of Indian Affairs also has brought on staff to oversee investigations and collaborate with other government law enforcement agencies to ensure accurate data collection and better

community outreach. This action has resulted in two new cold case offices being opened in Oklahoma and Washington (Red Lake National News, 2021).

Biden calls for action on epidemic of Missing or Murdered Indigenous People

In April, during the first Tribal Nations Summit since 2016 and the first summit to be hosted by the White House, President Biden signed an executive order directing administration officials to develop a strategy to address the epidemic of missing or murdered Indigenous people.

President Biden was joined in support by First Lady, Jill Biden, Attorney General Merrick Garland, Homeland Security Secretary Alejandro Mayorkas, Health and Human Services Secretary Xavier Becerra and Interior Secretary Deb Haaland — the first Native American to ever serve as a Cabinet Secretary. This Summit illustrates a commitment by the federal government to address systemic racism and the issue of MMIW as well as missing Indigenous people (Keith, 2021).

The Issues are Greater than MMIW

The story "Exchange Indian Reservations-Child Abuse" by Derr, Kirk Mickey, Vaughn, Leavens and Fitzpatrick, illustrates the greater scope of abuse and sexual violence in Indian Country. These issues are complex and reflect the difficult nature of child sexual abuse in general and tribal courts limitations by U.S. law in the kinds of cases they may try. The federal government must step in when the crime is considered major, such as child sexual abuse, or when it occurs on a reservation and the suspect is non-Native. On reservations in a handful of states, including Alaska and California, that

authority has largely been handed over to the state. Jurisdictional issues are just the tip of the iceberg when dealing with abuse of Native children. "There are a lot more child sexual abuse cases than are being reported," said child psychologist Dolores Subia BigFoot, a Caddo Nation member who directs the Native American Programs at the Center on Child Abuse and Neglect at the University of Oklahoma. "There's a lot of child sexual abuse cases that are not being investigated, and there's a lot of child sexual abuse cases that are not being prosecuted." Native communities need help to address the growing number of cases that are falling through the cracks of the judicial system that is already overburdened. The issue of MMIW is broader than the abuse and sexual violence perpetrated on Native women and girls. The issue extends to all Native people regardless of sex, age, or physical location. (Derr, 2021).

Understanding How the Laws Encourage Violence in the History of MMIW

The history of sexual violence and colonialization has directly influenced the futures of Native Americans from "Discovery" to today. This history reveals how the violence perpetuated on Native American women was systematized and institutionalized to subjugate an Indigenous population. To resolve the issues of physical and sexual violence that plagues Native American women, children, and families, we must first recognize and address the institutions that support and produce violence against Native American women (Bono, 2018, Deer, 2015).

We have Previously discussed in this thesis the long history and background, both philosophically and physical practice of how cultures have perceived and dealt with their perceived undesirable cultures and races. We have also discussed how these institutions

have come to be as well as how they were able to continue to operate. Native American activists can break down institutionalized violence to help create a decolonialized future. But until we understand the long history of physical and sexual violence against Native American women we cannot take the first steps needed to attain a positive and progressive future (Bono, 2018, Deer, 2015). What we have not discussed in detail is that from first contact, the first Europeans brought physical and sexual violence against the Indigenous populations with them. As an act of war on a community, Europeans knew that the way to subjugate a community was to break it down by using sexual violence on the women and children to create a demoralization throughout the population. Europeans attacked Indigenous women with impunity (Axtell, 2001; Kolodny, 2012).

The degradation of Indigenous females and the legal system that allowed sexual violence to go unpunished was a useful tool that propagated the acquisition and or theft of resources and wealth from Native Americans (Deer, 2015). Europeans (settler colonialists) used rape and violence as a tool to expand their territory and colonize much of the Americas. Colonial laws were written to not only erode the sovereignty of the tribes, but to reverse the social construct of the tribe from a matriarchal system to a patriarchal system. Devaluing women in Native communities was the work of Anglo-American laws well after the founding of the United States (Trexler, 1995, Deer, 2015)

Over time, the United States would write and re-write Native American policy and law. But the combination of diminishing tribal sovereignty and restructuring Indigenous communities into patriarchy societies would work to build a solid foundation on which the current climate of physical and sexual violence against Native American women could succeed, thrive, and persist (Bono, 2018, Casselman, 2015).

A call for Awareness, A call to Action

By using our platforms and our privilege, we can bring significant awareness to the issue of MMIW, MMIWG, and MMIWR. If we consider our place in society and the opportunities afforded us by our attributes through career, hobbies, sports, clubs, and organizations. We have a multitude of platforms that allow us to bring awareness and advocacy to issues that struggle to find an empathetic audience. At the very least, be an ally. When a president and members of an administration gather in support of an issue they are using their platforms and privilege to bring awareness and advocacy to an issue. When Interior Secretary Deb Haaland holds public hearings to discuss MMIW and connecting issues, she is using her platform and privilege to advocate for those issues. We witness public figures, musicians, and actors, using their platforms and privilege to advocate for justice and human rights we often wonder what we as one individual can do to advocate for critical issues that affect huge swaths of our communities and society as a whole.

In 2019, a young Native woman participating in a high school track and field event gained national and international attention when she competed with a red hand print painted over her mouth, and the fingers extending across her cheekbones. On her leg were painted the letters "MMIW." Rosalie Fish, a member of the Cowlitz Indian Tribe, explained to reporters that the red hand over the mouth represented the silenced voices of Native women whom have been abused both in the past and present. The "MMIW" on her leg represented her support for the strong Native women that advocate to bring awareness and justice for America's missing and murdered Indigenous women. When first asked at the track and field meet if the red paint she was wearing was her war paint

to protect her and help her compete at the track event, Fish was offended that this stereotypical attitude was being projected upon her. Fish was less offended when asked if the paint was something traditional and painted for protection. However, Fish didn't feel very protected. Fish explained that the first day when she was getting ready to put the paint on her face she was very nervous, stating, that "the paint was making me feel really vulnerable," Fish went on to say that "everybody was looking at me; I was scared to make eye contact with anybody because of what they may say about my paint." The young Fish found the words to effectively advocate and explain that MMIW seeks to address the issue of the thousands of Indigenous women who were missing and murdered. Fish's advocacy at the track meet was inspired by the actions by Jordan Marie Brings Three White Horses Danial, a Boston Marathon runner who had dedicated each mile of her run to a different missing or murdered Indigenous woman (Fish, 2020). Fish continued to wear the red handprint on her face and MMIW painted on her leg after graduating from high school competing in community college and then as a member of the University of Washington Huskies track team. Rosalie Fish now speaks at events sharing her advocacy through running to audiences around the country (Fish, 2020).

We Can Make a Difference

The historical trauma that has been woven into the cultural reality of Native women, girls and communities, is well documented and recognized. Yet we continue to struggle with how to reverse or end the continued cycle of abuse and violence perpetrated on Indigenous victims with little help or recourse (Smith, 2005).

Legislators write and pass laws and legislation that favor the non-Indigenous males in crimes committed against Native Americans. A sense of color and gender seems to diminish how the equality of rights and protections have been and still are exercised in our states and communities throughout our country (Casselman, 2015). Settler-colonialism is very much alive in North America and around the world.

It is evident that until Indigenous communities have an active and equal role in writing the laws and legislation that affect them, the laws and legislation written and passed for them will continue to fall short of the needed and desired affects for their citizens. It seems that there is still a hesitancy to acknowledge the sovereignty of Indigenous People or the equality of these people as equal members of our society (Casselman, 2015).

In the video hearing on Missing and Murdered Indigenous Women, Rep. Deb Haaland gets emotional while questioning a witness at the hearing, choking back tears, Haaland asked North Dakota State Rep. Ruth Buffalo about a garment she presented during her testimony that was handmade to represent members of Indigenous groups who were missing or murdered. "The silent crisis of missing and murdered Indigenous women has been my top priority since long before being sworn into Congress," Haaland said (Roll Call, 2019).

As advocates and allies, we all possess the ability to make an impact in our sphere of influence. The documented history of the United States' decisions over the course of well over 200 years of Federal American Indian policy shows an ongoing disregard for the existence of American Indian people (Deer, 2015). The necessity for Native

American advocates and the advocacy of Native men and women is essential. The inherent sovereign rights as well as basic human rights is continually under political and social duress. The constant struggle to hold a place in a land that was inhabited by Indigenous people from time immemorial is never ending. The very survival of life, culture, religion, tradition, and self-determination is dependent upon the stewardship and activism of Native American men and women warriors, as well as those who would advocate on their behalf. You can make a difference (Deer, 2015).

Chapter 5: Conclusion

The Native American response and activism to colonialism and the attempted genocide of Indigenous Peoples is filled with men and women warriors that have led organizations and people through an educational awareness that has impacted not only Native lives, but the lives of all members of society both marginalized and suppressed. Generations of social strengthening theories have moved forward ideologies and policies that promote erasure and the societal cleansing of the races, the weak, and the undesirable. Among the civilized populations, elite and forward-thinking members have promoted the betterment of their societies through selective breeding and sterilization (Espino, 2018).

In America, we have witnessed how Native Americans have evolved from victims to activists and political leaders to protect and ensure personal and political sovereignty. The long history and stories of genocidal acts perpetuated on Native American communities did not end in the 1800's. The methodical and systematic attempts to erase a people and their culture only became more legalized and sophisticated. The abuses and atrocities have carried into the twentieth and twenty-first centuries (Robyn, 2018).

The massive sterilizations performed on Native women, often without consent or through coercion, is as dark a moment in the history of the country as any other.

Thousands upon thousands of Native women became victims of sterilization to reduce the Native population across the country (Robyn, 2018). In one case, two 15-year-old Native girls on the Northern Cheyenne Reservation in Montana were admitted to the local clinic for appendectomies and released with tubal ligations. The devastation of sterilization was

so complete that the 1970 census revealed that the average Native woman bore 3.29 children, whereas the median for the entire US was 2.48 children. Following the end of the forced sterilization period, the 1980 census showed that the average number of children born per Native woman had plummeted to 1.3 (Theobald, 2015).

Trauma inflicted on Native Americans and their communities from boarding schools continued well into the 1970's. The twentieth century coined the phrase "kid catching" where the phrase still reverberates on reservations today (Torpy, 2000).

Through time among Indian families. The phrase referred to the stockmen, police, farmers, and mounted men who came on their reservation to literally round up school-age children to attend faraway white schools and or government boarding schools (Garrity, 2019).

Erasure through adoption was another of the abuses discovered by Dr. Pinkerton-Uri and other Native American women and Native activist groups. With the help of Senator James Abourezk who authored and submitted the bill to Congress to create the *Indian Child Welfare Act* of 1978, Native American children ceased being removed from Native women and Native families at the disproportional rates prior the adoption of the Act (Bourbon, 2013).

Unfortunately, the case of *Adoptive Couple vs Baby Girl* reflected the vulnerability of the *Indian Child Welfare Act*. Although an early test of the Act, it was apparent that the interpretations and mishandlings of the state courts greatly influenced the eventual outcome in the case (Kruck,2015). The unwillingness of lower courts to properly research and grasp the significance of the *Indian Child Welfare Act* is on

complete display in the Colonialist holdings of a Texas Judge citing that the Native American adoption law discriminates against non-Native Americans. The case is making its way through the higher courts presently (Flynn, 2016).

A Case for Genocide

In 1977 Marie Sanchez, chief tribal judge on the Northern Cheyenne Reservation, arrived in Geneva with a clear message to deliver to the United Nations Convention on Indigenous Rights. American Indian women, she argued, were targets of the "modern form" of genocide. "Sterilization" (Theobald, 2019).

According to the current guidelines and definitions from the Genocide Convention of the United Nations General Assembly (United Nations, 1948), there is enough evidence available from documented and published accounts of the treatment of North America's Indigenous population along with published treaties, laws, and reports available, that it is a viable claim that the United States government has enacted an intentional genocide upon Indigenous peoples inhabiting North America through settler colonization (Theobald, 2019). The definition is as follows:

Any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

- a. Killing members of the group;
- b. Causing serious bodily or mental harm to the members of the group;
- c. Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- d. Imposing measures intended to prevent births within a group;

e. Forcibly transferring children of the group to another group;

The documented history of the United States' decisions over the course of well over 200 years of Federal American Indian policy shows an ongoing disregard for the existence of American Indian people. The necessity for Native American advocates and the advocacy of Native men and women is essential. The inherent sovereign rights as well as basic human rights is continually under political and social duress. The constant struggle to hold a place in a land that was inhabited by Indigenous people from time immemorial is never ending. The very survival of life, culture, religion, tradition, and self-determination is dependent upon the stewardship and activism of Native American men and women warriors (Deer, 2015).

However, Native Americans have come full circle, managing to heal and forgive. Generations who were taught to be ashamed of their ways have brought forth new generations who, once again, celebrate and embrace their culture. Some of the same institutions still exist but now work for the benefit of Native Americans, not in the white man's way, but in their way (Crow, 2011).

There is More to be Done

Marie Sanchez and many more have advocated for stronger legislation to protect the rights of Indigenous Peoples. In a victory for all Indigenous people, on June 15, 2016, the United Nations General Assembly at their third plenary session adopted the "American Declaration on the Rights of Indigenous Peoples." However, being an aspirational member, the United States is not bound by these articles. As citizens in a free

democracy we should be actively lobbying and advocating on behalf of Indigenous men, women, and children for our legislators to move the United States to full members of the United Nations Declaration on the Rights of Indigenous Peoples [UNDRIP] and the American Declaration on the Rights of Indigenous Peoples [ADRIP].

Settler Colonialism is the bedrock to this country's foundation that acts as a moral compass to guide Anglo-American interests over protections and rights for Americas Indigenous people and Americas people of color in general (Parisot, 2019) (Robertson, 2005). In the present when there is so much awareness for "Black Lives Matter" [BLM], we must recognize that the same issues that are at the center of BLM are the same issues affecting Native Americans and the MMIW (Walker, Spohn, and DeLone, 2007) (Evans, 2021). In the past Native Americans and Americans of color have allied themselves to advocate to resolve and change issues of commonality to all non-Anglo-Americans (Theobald, 2019). The time to ally ourselves to the task of de-colonialization of America and its institutions is now.

We must use our privilege and platforms for advocacy in our communities as volunteers, educators, school board members, council members, and voters. We must add our voices to the existing collective to bring about awareness, understanding, and support. We must change the perspective that we are only one voice alone in the crowd, but rather adding our voice to the multitude as one voice to bring about change.

We must also stand together as a united body and united voice, because at the very moment we are witnessing a significant change in the winds of political policy that could strike a blow to colonialism in our country, we are also witnessing the re-

emergence of political attacks on "critical race theory" [CRT]. Republican lawmakers in more than 20 states have either introduced or passed legislation that directly denigrate and diminish the proven principles, and banning schools from teaching about the structural racism that built our country. Laws are being passed demonizing the teaching of CRT in our schools from K-12 as well as into our colleges and universities. Support for these efforts are gaining ground following a national reckoning with racism, following the murders of George Floyd and Breonna Taylor, as well as the ensuing protest that erupted across the nation (Crenshaw, Thomas, Williams, 2021).

While speaking at a conference held by the Faith and Freedom Coalition on June 18th of 2021, former Vice President Mike Pence said that "critical race theory is racism." Senator Ted Cruz, at the same conference, compared the theory to the Ku Klux Klan saying the curriculum is "every bit as racist" as the white supremist hate group. Critical race theory," the senator said, "says every white person is a racist" (Crenshaw, Thomas, Williams, 2021).

Critical race theory is a movement that initially started at Harvard University by Professor Derrick Bell in the 1980s. It evolved in reaction to critical legal studies, which came about in the 70s and dissected the idea that law was just and neutral. Over time, the movement grew among legal scholars, mostly of color, at law schools across the country, including at UCLA, where Crenshaw lectured on critical race theory, civil rights, and constitutional law, and later at Columbia, where she was appointed a full professor in 1995, alongside Williams, a former student, research assistant (Crenshaw, Thomas, Williams, 2021).

These issues are not only directed toward African Americans and the issues of slavery, in the time of BLM, but includes a broader perspective of ignoring issues, and suggesting a homogenization of America's history. There are those that wish to retell the history of this country from an Anglo-American Christian perspective, while glossing over the treatment of America's Indigenous People as well as every non-Anglo race that has contributed to the history of this country.

Crenshaw calls us to pay attention to the things that have happened around our country and how these politically charged issues and events continue to create differential outcomes, so that we can become the democratic republic we say we are. "We believe in the promises of equality, and we know we can get there if we confront and talk honestly about inequity" (Crenshaw, Thomas, Williams, 2021, pg. 1, para 6).

Merriam-Webster defines colonialism as: the practice of extending and maintaining a nation's political and economic control over another people or area, often in an effort to depose them of their resources and wealth.

Anderson suggests that to begin decolonialization in America, we should begin by separating the written histories of the settler-colonialist from the histories of Indigenous political sovereignty and visa versa. Instead of focusing time and effort on trying to resolve the combined histories we should focus on two perspectives of our history to gain an understanding of settler-colonialism and its effects from pre-discovery, discovery, and co-occupation of one land into the twenty-first century (Anderson, 2020).

Acknowledgment

Acknowledging the foundations of settler-colonialism and confronting the colonialistic attitudes and institutions that persist in the threshold of the twenty-first century is the obstacle we as a country must overcome. Recognizing where and how settler-colonialism exists helps us to confront the multitudes of platforms and entities in which settler-colonialism exist and thrive (Dahl, 2018).

One of the main arguments against accepting responsibility of settler-colonialism and for past transgressions held by politicians is that by accepting responsibility, the blame and guilt laid upon impressionable youth and society could have negative psychological and emotional impacts that serve no real purpose other than pointing fingers to lay blame (Ward, 2011).

It is not the intent of educators to point out blame, but to educate and communicate the truth about the lived experiences of Indigenous peoples in our own country and around the world. Educators have the opportunity to cultivate in their students a sturdy and vigorous understanding about how people are treated by one another, and by institutions. The idea is to place equity rather than cultural diversity at the center of their conversations for programs and curriculums (Gorski & Swalwell, 2015). We should strive to learn how to be more aware to the humanitarian and civil rights of all people in our communities.

It is imperative that school systems allow their students to learn the accurate history of American colonization and European settlers' treatment of and attitudes toward the Indigenous peoples of this country as part of an equity literacy framework

undergirded by justice initiatives. This is the only way they will truly understand the dynamics of diversity, equity, and cultural acceptance, and how those complex dynamics apply to how they view themselves and the world community in which they live (Gorski & Swalwell, 2015).

The answers to the issues are as complicated as the issues themselves. Wherever you look in our great social experiment, one can observe the deeply ceded examples of settler colonialism, and imperialism that diminishes the sovereignty and freedoms of Indigenous people and people of color in our American society.

In 2020, the Center for American Woman and Politics that has tracked female candidates for the last thirty years, identified a record 18 Native women that ran for congressional seats with two winning House seats. Although being under represented in Congress, Native women are working diligently to improve their political standing to become electable candidates not only to Congress, but to positions across the country that could afford them voices to advocate for laws and legislation that they have a hand in writing. Workshops and advocacy boot camps offer Native women the tools to become political warriors for Indigenous issues (Golden, 2022).

However, it is clear that if we are to effectively dismantle settler-colonialism and imperialism, that is at the root of gender abuse and sexual violence against Native Americas, Native women, and people of color in our communities, we must both individually and collectively use our privilege and platforms to effectively advocate for acknowledgement, responsibility, and accountability for our past, present, and future.

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