

SEXUAL ASSAULT ON NATIVE AMERICAN RESERVATIONS IN THE U.S.

Chrystal Begay and Tinesha Zandamela

FOOTNOTES

1. David Adams, "Certified Batterer Intervention Programs: History, Philosophies, Techniques, Collaborations, Innovations and Challenges," *Clinics in Family Practice* 5, no. 1 (May 2003), adapted and updated, https://www.futureswithoutviolence.org/userfiles/file/Children_and_Families/Certified_Batterer_Intervention_Programs.pdf.
2. Shelley Taylor, "Research Network on SES and Health, Psychosocial Notebook: Coping Strategies," The John D. and Katherine T. MacArthur Foundation, University of California, San Francisco, July 1998, <http://www.macses.ucsf.edu/research/psychosocial/coping.php>.
3. "Frequently Asked Questions," U.S. Department of the Interior: Indian Affairs, accessed December 22, 2017, <https://www.bia.gov/FAQs/>.
4. Ibid.
5. National Sexual Violence Resource Center, *Sexual Revictimization Research Brief* (2012), http://www.nsvrc.org/sites/default/files/publications_NSVRC_ResearchBrief_Sexual-Revictimization.pdf.
6. "Sexual Assault," The United States Department of Justice, Office on Violence Against Women, July 16, 2017, <https://www.justice.gov/ovw/sexual-assault>.
7. "Justice 101: Frequently Asked Questions," U.S. Department of Justice: Offices of the United States Attorneys, accessed February 27, 2018, <https://www.justice.gov/usao/justice-101/faq>.
8. Amy L. Casselman, *Injustice in Indian Country: Jurisdiction, American Law, and Sexual Violence Against Native American Women*, (New York: Peter Lang Publishing, Inc., 2016), 6, <https://www.amyhontalas.com/wp-content/uploads/2017/08/Casselman-Injustice-in-Indian-Country-Title-Pages-and-Chapter-1.pdf>.
9. "Frequently Asked Questions."
10. Ibid.
11. Tina Norris, Paula L. Vines, and Elizabeth M. Hoeffel, 2010 Census Briefs, *The American Indian and Alaska Native Population: 2010* (January 2012), <https://www.census.gov/prod/cen2010/briefs/c2010br-10.pdf>.
12. Ibid.
13. Ibid.
14. "Frequently Asked Questions."
15. Norris et al., 2010 Census Briefs.
16. Ibid.
17. Ibid.
18. National Center for Injury Prevention and Control, Division of Violence Prevention, *The National Intimate Partner and Sexual Violence Survey: 2010 Summary Results* (November 2011), https://www.cdc.gov/ViolencePrevention/pdf/NISVS_Report2010-a.pdf.

19. "Tribal Affairs," The United States Department of Justice, Office on Violence Against Women, January 5, 2018, <https://www.justice.gov/ovw/tribal-affairs>.
20. "Victims of Sexual Violence: Statistics," Rape, Abuse and Incest National Network, accessed December 21, 2017, <https://www.rainn.org/statistics/victims-sexual-violence>.
21. Steven W. Perry, U.S. Department of Justice: Office of Justice Programs: Bureau of Justice Statistics, A BJS Statistical Profile, 1992—2002: American Indians and Crime (December 2004), <https://www.bjs.gov/content/pub/pdf/aic02.pdf>.
22. Ibid, 4.
23. Neal Salisbury, "The Indians' Old World: Native Americans and the Coming of Europeans," *The William and Mary Quarterly* 53, no. 3 (July 1996): 437—438.
24. Ibid.
25. "Overview of the First Americans," Steven Mintz and Sara McNeil, Digital History, accessed June 14, 2017, <http://www.digitalhistory.uh.edu/era.cfm>.
26. Francis Flavin, "Native Americans and American History," 2005, Southeastern Oklahoma State University Henry G. Bennett Memorial Library, Native American Historical Resources. https://www.nps.gov/parkhistory/resedu/native_americans.pdf.
27. Hillary N. Weaver, "The Colonial Context of Violence: Reflections on Violence in the Lives of Native American Women," *Journal of Interpersonal Violence* 24, no. 9 (October 2008): 1552—1563.
28. Diane K. Bohn, "Lifetime Physical and Sexual Abuse, Substance Abuse, Depression, and Suicide Attempts among Native American Women," *Issues in Mental Health Nursing* 24, no. 3 (July 2009): 333—352.
29. Weaver, "The Colonial Context of Violence," 1555.
30. Ibid.
31. Andrea Smith, "Not an Indian Tradition: The Sexual Colonization of Native Peoples," *Hypatia* 18, no. 2 (Spring 2003): 70—85, https://www.jstor.org/stable/3811012?seq=1#page_scan_tab_contents.
32. Wendy Wang, "Interracial marriage: Who is 'marrying out'?" (June 12, 2015), Pew Research Center, <http://www.pewresearch.org/fact-tank/2015/06/12/interracial-marriage-who-is-marrying-out/>.
33. Ronet Bachman, Heather Zaykowski, Christina Lanier, Margarita Poteyeva, and Rachel Kallmye, "Estimating the Magnitude of Rape and Sexual Assault Against American Indian and Alaska Native (AIAN) Women," *The Australian and New Zealand Journal of Criminology* 43, no. 2 (2010): 212, https://www.researchgate.net/profile/Heather_Zaykowski/publication/249916046_Estimating_the_Magnitude_of_Rape_and_Sexual_Assault_Against_American_Indian_and_Alaska_Native_AIAN_Women/links/5492d94a0cf2302e1d074407.pdf.
34. Perry, BJS Statistical Profile, v.
35. Casselman, *Injustice in Indian Country*.
36. U.S. Departments of Justice, Offices of the United States Attorneys, *Criminal Resource Manual* 687. Tribal Court Jurisdiction, 435 U.S. 191 (1978), <https://www.justice.gov/usam/criminal-resource-manual-687-tribal-court-jurisdiction>.
37. Ibid.
38. Ronet Bachman, Heather Zaykowski, Rachel Kallmyer, Margarita Poteyeva, and Christina Lanier, "Violence Against American Indian and Alaska Native Women and the Criminal Justice Response: What is Known," U.S. Department of Justice (August 2008): 83, <https://www.ncjrs.gov/pdffiles1/nij/grants/223691.pdf>.
39. Violence Against Women Act (VAWA) Reauthorization of 2013, title IX Â§ 204 (2013), <https://www.gpo.gov/fdsys/pkg/BILLS-113s47enr/pdf/BILLS-113s47enr.pdf>.
40. Ibid.

41. Kevin Meisner, "Modern Problems of Criminal Jurisdiction in Indian Country," *American Indian Law Review* 17, no. 1 (1992): 175—207, https://www.jstor.org/stable/20068722?seq=1#page_scan_tab_contents.
42. Jacqueline "Jax" Agtuca, "NCAI Update on VAWA 2012 Reauthorization," *Restoration of Native Sovereignty and Safety for Native Women* 20, (June 2012): 10—16.
43. United States Government Accountability Office, U.S. Department of Justice Declinations of Indian Country Criminal Matters (December 2010), <http://www.gao.gov/assets/100/97229.pdf>.
44. Bachman et al., "Violence Against American Indian and Alaska Native Women," 82.
45. Casselman, *Injustice in Indian Country*.
46. "Agency Overview," Indian Health Services, accessed January 5, 2018, <https://www.ihs.gov/aboutihs/overview/>.
47. Bachman et al., "Violence Against American Indian and Alaska Native Women," 82.
48. *Ibid.*
49. Alana Eichner and Katherine Gallagher Robbins, National Women's Law Center, *Poverty and Family Supports, National Snapshot: Poverty Among Women and Families, 2014* (September 2015), <https://nwlc.org/wp-content/uploads/2015/08/povertysnapshot2014.pdf>.
50. "B20017 Median Earnings in the Past 12 Months (in 2015 Inflation-Adjusted Dollars) by Sex by Work Experience in the Past 12 Months for the Population 16 Years and Over with Earnings in the Past 12 Months," *Universe: Population 16 years and over with earnings 2011-2015 American Community Survey American Indian and Alaska Native Tables*, https://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS_05_EST_B20017 prodType=table.
51. *Ibid.*
52. World Health Organization, "Sexual violence," in *World report on violence and health*, ed. Etienne G. Krug, Linda L. Dahlberg, James A. Mercy, Anthony B. Zwi, and Rafael Lozano (Geneva: World Health Organization, 2002), http://www.who.int/violence_injury_prevention/violence/global_campaign/en/chap6.pdf.
53. Donna Greco and Sarah Dawgert, *Poverty and Sexual Violence: Building Prevention and Intervention Responses; A Guide for Counselors and Advocates* (Pennsylvania Coalition Against Rape: 2017): 8, http://www.pcar.org/sites/default/files/pages-pdf/poverty_and_sexual_violence.pdf.
54. Bachman et al., "Violence Against American Indian and Alaska Native Women," 82.
55. Carrie L. Yodanis, "Gender Inequality, Violence Against Women, and Fear," *Journal of Interpersonal Violence* 19, no. 6 (2004): 662.
56. Deirdre A. Almeida, "The Hidden Half: A History of Native American Women's Education," *Harvard Educational Review* 67, no. 4 (Winter 1997): 757-771.
57. U.S. Department of Education, Institute of Education Sciences, National Center for Education Statistics, *Digest of Education Statistics* (2016), table 104.10, https://nces.ed.gov/programs/digest/d16/tables/dt16_104.10.asp.
58. Yodanis, "Gender Inequality," 662.
59. Elizabeth Bolton, American Association of University Women, "Native Women Have to Work 9 Extra Months to Make the Same Salary as Men Made Last Year," updated by Kevin Miller (September 2015), <https://www.aauw.org/2015/09/03/native-women-gender-pay-gap/>.
60. Yodanis, "Gender Inequality," 662.
61. Center for American Women and Politics, Eagleton Institute of Politics, Rutgers University, "Women of Color in Elective Office 2017: Congress, Statewide, State

- Legislature, Mayors” (2018),
<http://www.cawp.rutgers.edu/women-color-elective-office-2017>.
62. United Nations Office of the Special Adviser on Gender Issues and Advancement of Women and the Secretariat of the United Nations Permanent Forum on Indigenous Issues, “Briefing Note no. 1, Gender and Indigenous Peoples: Overview,” (United Nations: New York, February 2010): 2,
http://www.un.org/esa/socdev/unpfii/documents/BriefingNote1_GREY.pdf.
 63. Ibid.
 64. Julie Collins, “The Status of Native American Women: A Study of the Lakota Sioux,” accessed September 1st, 2017,
<http://www.drake.edu/media/departments/offices/dussj/2006-2003documents/StatusCollins.pdf>.
 65. Save the Children, “Every Last Girl: Free to Live, Free to Learn, Free from Harm,” (London: Save the Children, 2016): 23-24,
http://www.savethechildren.org.uk/sites/default/files/images/Every_Last_Girl.pdf.
 66. World Health Organization, “Violence Prevention: The Evidence; Promoting Gender Equality to Prevent Violence Against Women,” (Geneva: World Health Organization, 2009): 3-4, http://www.who.int/violence_injury_prevention/violence/gender.pdf.
 67. Sarah K. Kastelic, “American Indian/Alaska Native Children Exposed to Violence in the Home,” National Indian Child Welfare Association, December 9, 2013,
https://www.nicwa.org/wp-content/uploads/2016/11/NICWATestimonyTaskForceonAIANChildrenExposedtoViolence_Dec2013.pdf.
 68. Diane K. Bohn, “Lifetime Physical and Sexual Abuse, Substance Abuse, Depression, and Suicide Attempts Among Native American Women,” *Issues in Mental Health Nursing* 24, no. 3 (2003): 343.
 69. Stevan E. Hobfoll, Anita Bansal, Rebecca Schurg, Sarah Young, Charles A. Pierce, Ivonne Hobfoll, and Robert Johnson, “The Impact of Perceived Child Physical and Sexual Abuse History on Native American Women’s Psychological Well-Being and AIDS Risk,” *Journal of Consulting and Clinical Psychology* 70, no. 1 (2002): 252-257,
https://www.researchgate.net/profile/Stevan_Hobfoll/publication/11501992_The_Impact_of_Perceived_Child_Physical_and_Sexual_Abuse_History_on_Native_American_Women's_Psychological_Well-Being_and_AIDS_Risk/links/55d1e63708ae2496ee658658/The-Impact-of-Perceived-Child-Physical-and-Sexual-Abuse-History-on-Native-American-Women's-Psychological-Well-Being-and-AIDS-Risk.pdf.
 70. Bohn, “Lifetime Physical and Sexual Abuse,” 344.
 71. Antonia Abbey, “Alcohol’s Role in Sexual Violence Perpetration: Theoretical Explanations, Existing Evidence, and Future Directions” (author manuscript, September 1, 2012), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3177166/>.
 72. “Effects of Sexual Violence,” Rainn, accessed March 26, 2018,
<https://www.rainn.org/effects-sexual-violence>.
 73. “Victims of Sexual Violence: Statistics,” Rainn, accessed March 26, 2017,
<https://www.rainn.org/statistics/victims-sexual-violence>.
 74. Karen Saylor and Nalini Daliparthi, “Native Women, Violence, Substance Abuse, and HIV Risk,” *Journal of Psychoactive Drugs* 37, no. 3 (October 2005): 273-280.
 75. Diane K. Bohn, “Lifetime and Current Abuse, Pregnancy Risks, and Outcomes Among Native American Women,” *Journal of Health Care for the Poor and Underserved* 13, no. 2 (May 2002): 184-198.
 76. Greco, Poverty and Sexual Violence, 15.
 77. Ibid, 28.
 78. Ibid, 1.

79. "Native Women," Minnesota Women's Consortium, accessed March 26, 2017, <http://www.mnwomen.org/native-women/>.
80. Greco, Poverty and Sexual Violence, 15.
81. "Effects of Sexual Violence," Rainn, accessed March 26, 2017.
82. Bohn, "Lifetime Physical and Sexual Abuse," 333-352.
83. Saylor, "Native Women," 273-280.
84. Bohn, "Lifetime Physical and Sexual Abuse," 333-352.
85. U.S. Department of Justice, Indian Country Investigations and Prosecutions, Washington: 2014, 3, <https://www.justice.gov/tribal/file/796976/download>.
86. Tribal Law and Order Act, title 2 (2010), [https://www.justice.gov/sites/default/files/usao-az/legacy/2010/10/14/Tribal Law Order Act 2010.pdf](https://www.justice.gov/sites/default/files/usao-az/legacy/2010/10/14/Tribal%20Law%20Order%20Act%202010.pdf)
87. U.S. Department of Justice, "Violence Against Women (VAWA) Reauthorization Act 2013," updated March 26, 2015, <https://www.justice.gov/tribal/violence-against-women-act-vawa-reauthorization-2013-0.25> U.S.C. Â§ 1304.
88. Ibid.
89. U.S. Department of Justice, Indian Country, 4.
90. National Congress of American Indians, Special Domestic Violence Criminal Jurisdiction Pilot Project Report (2016), http://www.ncai.org/attachments/NewsArticle_VutTUSYSfGPRpZQRYzWcuLekuVNeT AOBWwGyvkWYwPRUJOioqI_SDVCJ Pilot Project Report_6-7-16_Final.pdf.
91. U.S. Department of Justice, Indian Country, 4.
92. U.S. Department of Justice, "Violence Against Women."
93. Jasmine Owens, "'Historic' in a Bad Way: How the Tribal Law and Order Act Continues the American Tradition of Providing Inadequate Protection to American Indian and Alaska Native Rape Victims," *Journal of Criminal Law and Criminology* 102, no. 2 (Spring 2012).
94. U.S. Department of Justice, Offices of the United States Attorneys, "Department of Justice Announces Expansion of Program to Enhance Tribal Access to National Crime Information Databases," *Justice News* (December 2016), <https://www.justice.gov/opa/pr/departement-justice-announces-expansion-program-enhance-tribal-access-national-crime-0>.
95. "Intro," Native Love, accessed March 26, 2018, <http://nativelove.niwr.org/>.
96. "SAFESTAR (Sexual Assault Forensic Examinations, Services, Training, Advocacy, and Resources)," Southwest Center for Law and Policy, accessed March 26, 2018, <http://www.swclap.org/safestar/>.
97. Joshua Armstrong, "Native American Women Face High Rate of Sexual Assaults," *Tucson Sentinel*, December 23, 2011, http://www.tucson sentinel.com/local/report/121511_az_safestar_rape/native-american-women-face-high-rate-sexual-assaults/.
98. U.S. Department of Justice, "Tribal Access to National Crime Information Databases."
99. "The Poverty Cycle," *Running Strong for American Indian Youth*, accessed March 26, 2018, <http://indianyouth.org/american-indian-life/poverty-cycle>.
100. "Programs," Reach, accessed March 26, 2018, <https://reachcounseling.com/programs/>.
101. "Home," StrongHearts Native Helpline, accessed March 26, 2018, <http://www.strongheartshelpline.org/>.
102. ACLU Women's Rights Project, the Human Rights Institute at Columbia Law School, and the Human Rights Clinic at University of Miami School of Law, *Domestic Violence and Sexual Assault in the United States: A Human Rights Based Approach and Practice*

Guide (August 2014),

http://www.law.columbia.edu/sites/default/files/microsites/human-rights-institute/files/dv_sa_hr_guide_reduce.pdf.

103. Diane K. Bohn, "Lifetime and Current Abuse," 184-198