

MoNA Moments: *Hilary Edwards on MMIWG*

Transcript provided by George Luo.

Welcome to MoNA Moments, a podcast hosted by the Museum of Northwest Art, located in La Conner, Washington. The Museum of Northwest Art resides on the lands of the original inhabitants of this place, the Coast Salish peoples, specifically the Swinomish Indian Tribal Community, who since time immemorial have hunted, fished, gathered, and taken care of these lands. With gratitude, the Museum of Northwest Art respects their sovereignty and their right to self-determination and honors their sacred spiritual connection with the land and water.

In this episode of MoNA Moments, you will hear from Hillary Edwards, a member of the Swinomish Indian Tribal Community and descendant of the Tseil-Waututh Nation. After a social justice trip to Nepal, focusing on ethical tourism and the prevention of human trafficking, Hillary learned of the then grassroots movement of missing and murdered Indigenous girls. She dedicated a majority of her research work and law school to this very issue. Her lifelong goals are to continue bringing awareness to missing and murdered Indigenous women and girls and to provide a voice for our Indigenous relatives that are no longer with us and are still missing. This podcast uses the term Indigenous to refer to Native Americans, American Indians, and Alaskan Native people in the United States and Canada. Missing and murdered Indigenous girls are often referred to as MMIWG. However, we acknowledge that this is an issue affecting all Indigenous people, including our 2 spirited relatives. Thank you for listening to MoNA Moments.

Hilary Edwards: To begin, I would like to start with a moment of silence for all of our Indigenous relatives who have not made it home and for those who are healing from this epidemic.

Stolen, where is she, there is an epidemic of missing and murdered Indigenous people throughout the United States and Canada. This issue is not recent or a new phenomenon. Indigenous people, specifically women and girls, have faced disproportionate rates of violence, including sexual assault, since the first contact with European settlers. Why is it likely that indigenous women are likely to be murdered and go missing? Furthermore, why are the said cases ignored or mishandled by the authorities or media?

According to the National Congress of American Indians, Indigenous women will experience violence more commonly at the hands of non-native perpetrators and as

victims of such violence, they will be less likely to receive needed services. There is limited data on MMIWG. Therefore, the numbers that I'm about to share do not accurately reflect the magnitude of MMIWG but instead expose a foundation to such a devastating crisis.

Violence against women doesn't discriminate against age, location, relationship status, or ethnicity. However, Indigenous women are 2.5 times more likely to be raped or sexually assaulted when compared to other women in the United States. Furthermore, 1 in 3 Indigenous women will be raped during their lifetime. The figure in the US is less than 1 in 5. Due to limited data, it was recorded in 2018 that Indigenous women go missing at a rate 4 times that of white women in Washington state. This is not only a tribal nation's issue but a national issue. The treaties between tribal nations and the US federal government established a legal responsibility for the US government to protect the well-being of the Indigenous people.

One of the most troubling barriers Indigenous people face is the lack of criminal protection from non-Indians. The issue of criminal jurisdiction feeds into this dire issue. The crime locations and the perpetrators race determine which agency is authorized to arrest and prosecute the offender.

Indigenous women experience a more extreme level of physical violence. 50% of Indigenous women reported suffering physical injuries in addition to the rape, which is significantly higher compared to the 30% figure for women in general in the US. A perpetrator strikes an Indigenous woman during the rape 91% of the time. 41% of Indigenous women require significant medical care, such as treatment for bruising and broken bones and other significant injuries. Non-Indian perpetrators rape Indigenous women 57% of the time. These are not merely numbers, rather they represent Indigenous grandmothers, mothers, daughters, sisters, aunts, and members of a tribal nation.

Leslie Ianrod, a 20 year-old Indigenous woman, was violently beaten, raped, and murdered on an Indian reservation. She was a daughter, a friend, a woman, a human being that never made it home. Her beating was so horrific that she ingested medicine, hoping that if she were unconscious then the men would leave her alone. As a result of her attack, Leslie went blind. She named all of the people where she was attacked - all of the ones hitting her, the ones fighting her - in her statement for the police. Yet none of the authorities who could have investigated what could've happened to Ianrod did. The federal government nor the Bureau of Indian Affairs investigated her death. Justice was never served for the act of brutal rape and murder of Leslie Ianrod. A human life was taken without punishment.

Sadly, Ianrod's story is like many cases that go unreported, uninvestigated, and unprosecuted. Leslie Ianrod is not the first Indigenous woman to experience a deathly beating, rape, and murder. The failures of the legal system on reservations contribute greatly to the unbalanced rates of rape among Indigenous women. Murder is the third leading cause of death of Native women. Indigenous peoples disappear through the cracks not once, but three times - in life, in media, and in data. Such constant violence is a threat to safety, sovereignty, and the traditional way of Indigenous life.

In 1855, the rape and murder of a young Yakama woman, her teenage daughter, and young baby became the first official recorded instance of an MMIWG case. Tribal Nations have been fighting for justice ever since. Why didn't the tribes step in and help Leslie Ianrod's case? Tribal nations lost the right of criminal jurisdiction over non-Indians who committed crimes on their reservations in the 1978 Supreme Court case of *Olyphant vs Suquamish Indian Tribe*. Consequently, tribal nations were at the mercy of state and federal law enforcement agencies to respond and seek prosecution of non-Indian crimes committed on reservations. The race of a criminal is the only determining factor for a tribal nation seeking prosecution. Tribal governments are seen as equals to the United States government, yet there is no other place in the United States that faces this troubling matter. Two governments can exercise the same authority at the same time and at the same place. The United States and individual states both coexist to arrest and prosecute offenders who commit crimes within their respective territories. Tribal nations and states exercise similar subject matter jurisdiction over different subjects. Each government entity has personal jurisdiction over different people. As a separate government of the United States, tribal nations need the same authority. The lack of criminal jurisdiction has significantly contributed to sexual violence against Indigenous women in Indian Country. The *Olyphant* decision completely devastated Indigenous tribal decisions, longing to protect missing women and girls, especially from violence. Congress continues to seek solutions that end the epidemic of MMIWG. Nevertheless, the priority must be to understand the root of the issue before finding the resolution. Tribal leaders in Indian country do not simply make decisions for the present, but instead they consider how their choices will impact the next seven generations to come. Unfortunately, there isn't only one solution that will eliminate the epidemic of sexual violence in Indian country.

So what is Washington state doing? In 2021, the Washington State Missing and Murdered Indigenous Women and People Task Force was created in partnership with native activists, advocates, and tribal leaders. In 2022, Washington state legislature provided funding for the task force to ensure that the work continues to progress. Additionally, activists, advocates, and tribal leaders in 2022, Washington state legislatures provided funding for the Task Force to ensure that the work continues to

progress. Additionally, House Bill 1725 was passed to create an alert system for missing Indigenous people. On July 1st, 2022, the Washington State Patrol launched the missing Indigenous person alert system. This is the first of its kind in the country.

The Washington State Patrol works with many state agencies in addition to tribal, local, and federal law enforcement. The Washington State Patrol has two full-time tribal liaisons that work with the tribal law enforcement and advocacy groups to coordinate state communications and respond to the issue. Kary Gordon, the Washington State Patrol Missing and Unidentified Person's Unit Director said, "the new missing Indigenous person alert system will be one more tool in rapid response by the state that will hopefully allow us to find and assist Indigenous people who are in danger. Hopefully, like other alerts, the system will not be needed very often, but when it is needed and used, we feel it can be a very helpful tool in recovery."

There are three ways to qualify for the alert system. First, an Indigenous person is missing due to unexplained involuntary or suspicious circumstances and/or is believed to be in danger because of age, health, adverse weather or other circumstances and is believed to be unable to return to safety without assistance. Two, there is enough descriptive information available that could reasonably assist with the safe recovery of the person, such as photos, height, weight, age, hair color, distinguishing physical characteristics, clothing, and more. Third, the incident has been reported to and is being investigated by law enforcement. Once an alert is activated, Washington law enforcement will be notified electronically, and the missing person's unidentified unit will be distributed information via email and fax it to a list of subscribers. The investigating agency will notify the national center for missing and exploited children if the missing person is 21 years-old or younger. Washington State Department of Transportation will then display known vehicle information on the variable message signs and highway advisory radios in appropriate areas. In addition, cable and local broadcasters will be alerted and have the information for appropriate distribution to their audiences. Bob Ferguson, Washington State Attorney General, stated in the MMIWG interim report 2022, "as we do this critical work, we commit to holding families and survivors at the center of this work. The goal of the task force is to end the epidemic."

What is the federal government doing? On March 15th, 2022, President Biden signed the Violence Against Women Reauthorization Bill, also known as VAWA 2022. As of October 1st, 2022, Tribal Nations will have an inherent criminal jurisdiction for non-Indians for child violence, sexual violence, stalking, sex-trafficking, assaults on tribal justice personnel, and obstruction of justice. Tribal nations will have jurisdiction even if the victim is non-Indian for cases involving obstruction of justice, or assaults against tribal justice personnel by a non-Indian. These amendments in VAWA 2022 are

great strides to reinstating complete criminal jurisdictions over non-Indians for tribal nations.

Nevertheless, there are still gaps. In response to correcting some of these gaps, Congress has executed two additional pieces of federal legislation: Savannah's Act and the Not Invisible Act. Savannah's Act was signed into law on October 10th, 2020. As a result, the Department of Justice is to train employees on the entry of Native American women into missing and unidentified person's databases, conduct outreach until tribal nations on how to enter missing women into databases, develop guidelines for missing persons cases, train and assist tribes in implementing the policies, report statistics on missing and murdered Indigenous women and have the FBI include gender in its annual statistics of missing and murdered persons. The act focuses on the data collection of missing Indigenous women. Furthermore, the act works toward establishing a uniform database between tribal nations and the state and federal governments.

The Not Invisible Act was also signed into law on October 10th, 2020 and aims to form better interim government relationships, specifically to amend any trust issues. The Bureau of Indian Affairs is designated to elect an official to take the lead of tracking missing and murdered Indigenous people. Said official will provide training and experience outside groups who are culturally sensitive. Finally, an advisor committee to address violent crimes within Indian lands is established. The act compliments the data collected under the Savannah's Act. Collectively, the federal government and Washington state are making great strides at the issue.

I would like to share the meaning behind the red handprint over the mouth that is commonly seen on Indigenous people or on Indigenous artwork. The red handprint has come to represent the thousands of missing and murdered Indigenous relatives who have been horribly silenced from unreported, uninvestigated, and unsolved cases. Indigenous people will be silenced no more. Future generations must know that with every discussion, every meaning, every act, there is eventually justice. I raise my hands to all who are contributing and continuing to strive towards ending MMIWG. Our work does not stop with this podcast or the exhibition. I call on our community to move forward, hand and hand, to continue to search for answers and holding the systems accountable. We need to rise and be the voice for Indigenous relatives that no longer have a voice. We still have to make noise.