

# WE ARE NOT INVISIBLE

Improving Awareness of Human Trafficking  
Issues in Indigenous Communities

Justice Anne K. McKeig and Senator Mary Kunesh



# 574 Federally recognized tribal nations in the United States



# Native Population

- ◆ In 2020, the number of people who identified as Native American and Alaska Native (AIAN) alone and in combination with another race was 9.7 million, up from 5.2 million in 2010. They now account for 2.9% of all the people living in the United States, according to the Census Bureau.

“We are going missing; we are being murdered. We are not being taken seriously. I am here to stress to you we are important, and we are loved, and we are missed. We will no longer be the invisible people in the United States of America, we have worth.”

– Ms. Kimberly HeavyRunner-Loring before the Senate Committee on Indian Affairs



# Amber Hopkins

- ◆ Minneapolis, Minnesota
- ◆ 31-year-old expectant mother (5 weeks pregnant)
- ◆ Missing for 10 weeks
- ◆ Member of the Sisseton Wahpeton Oyate tribe
- ◆ Found covered in brush, trash, and debris in a snow pile when the snow began to melt



# Samantha Rios

- ◆ Yakima, Washington
- ◆ Disappeared in 1992
- ◆ Found deceased in 2016 in an area her husband once worked
- ◆ Evidence that she was stabbed to death



# Rosenda Strong

- ◆ Wapato, Washington
- ◆ 31-year-old mother of four
- ◆ Disappeared October 2, 2018
- ◆ Still missing





# Death and Disappearance in Indian Country



We want answers, we want  
justice



# Trafficking and Indigenous Communities

- ◆ “I think we have to understand the current day sex trade and exploitation of American Indian/Native women and girls in context of a long historical span of settler colonialism and genocide. And understanding those historical patterns are still with us today.” (Researcher, key informant)
- ◆ Law enforcement agencies reported 173 sex trafficking incidents in 2017. **Twenty-three percent of those victims were American Indian.** (Minnesota Statistical Analysis Center, 2019)
  - 401 victims
  - 182 arrests made



# Trafficking and Indigenous Communities

“There is a natural association that happens wherever there are a lot of extractive industries. Wherever there are oil wells or uranium mines, the violence toward Native women increases exponentially and in direct relationship. Something needs to be challenged in looking at American society. We need to challenge the normalization.” (Public comment)



# Trafficking and Indigenous Communities

## Extraction Industries and MMIW



# A Human Rights Crisis

- ◆ Native women are murdered at rates ten times the national average. One in three are sexually or physically assaulted in their lifetime.
- ◆ Homicide is the third leading cause of death for Native women between 10 and 24 years old
- ◆ Affects women and girls of all ages
- ◆ Disappearances or murders are often linked to crimes of domestic violence, sexual assault, and sex trafficking.
- ◆ Non-Native men commit the majority of assaults against Native women.



# A Human Rights Crisis

- ◆ In Minnesota
  - American Indian women and girls are only **1% of the Minnesota's population** but make up **8% of all murdered women and girls.**
  - **Between 27 to 54 American Indian women and girls in Minnesota were missing** in any given month from 2012 to 2020.



# Four-Part Crisis

- ◆ Part One: A Data Crisis
- ◆ Part Two: An On-Reservation/Village Crisis
- ◆ Part Three: An Urban Crisis
- ◆ Part Four: A Historical Crisis





# Part One: A Data Crisis

- ◆ Awareness is growing, but data is still scarce.
- ◆ There is little data on the number of missing Indigenous women in the United States.
- ◆ There is no comprehensive data collection system in place to report or track missing Indigenous women.
- ◆ Improvement needs to be made in the recording of Tribal enrollment information or affiliation.
- ◆ National Crime Information Center (2016): 5,612 reports of missing Indigenous women and girls.
- ◆ U.S. Department of Justice Federal Missing Persons Database (2016): 116 logged cases of missing Indigenous women and girls.



# Part Two: An On-Reservation/Village Crisis

- ◆ Lack of communication between:
  - State law enforcement
  - Local law enforcement
  - Tribal police departments
- ◆ Lack of resources for Tribal Law Enforcement agencies
- ◆ Complicated jurisdictional scheme
  - Requires commitment and cooperation among Tribal, Federal, State, and Local law enforcement



# Part Three: An Urban Crisis

- ◆ Also impacts Indigenous women and girls living in urban areas
- ◆ Lack of data creates a false perception that Indigenous women and girls living off-reservation/village and in urban areas are not impacted.
- ◆ Approximately 71 percent of Native women live in urban areas.
- ◆ Experience violence in two ways:
  - Losses they experience
  - Losses experienced by extended family and community on reservations



## Part Four: A Historical Crisis

- ◆ Historical Trauma – The collective emotional and psychological injury both over the life span and across generations, resulting from a cataclysmic history of genocide
  - Healthy parenting was impacted – Generations learned to parent from boarding school staff who were abusive; use of corporal punishment
  - Historical Trauma Response (HTR) is to **avoid** government entities for family and self-preservation
  - HTR often includes depression, self-destructive behavior, suicidal thoughts, anxiety, low self-esteem, anger, difficulty expressing emotions, and substance abuse issues



## Part Four: A Historical Crisis

- ◆ Poverty – American Indians and Alaska Natives live in poverty at higher rates than all other races (U.S. Census Bureau)
- ◆ Other disparities – Indigenous people experience a variety of disparities from health (Urban Indian Health Institute, 2010) to education (National Center for Education Statistic, 2008)
  - One of the most alarming is their overrepresentation in out of home placements, including child protection, children's mental health, developmental disability, and some delinquency foster care placements



# U.S. Congressional Action

## Indian Child Welfare Act (1978)

- ◆ Attempt to address the historical trauma of forced family separation from boarding schools and state-sponsored adoption projects
  - Goal was to prevent further unwarranted removal of Indian children from their families and Tribes and to protect the best interests of Indian children
- ◆ ICWA applies whenever an Indian child is the subject of a “Child Custody Proceeding” 25 U.S.C. § 1903



# U.S. Congressional Action

- ◆ Indian Child means any unmarried person who is under age 18 and is either:
  - a member of an Indian tribe, or
  - is eligible for membership in an Indian tribe and is the biological child of a member of an Indian tribe.
- ◆ Tribe determines eligibility and can change their designation. 25 U.S.C. § 1903(4)
- ◆ ICWA includes limits on State Court Jurisdiction and provisions for transferring proceedings to Tribal Court. 25 U.S.C. § 1911



# U.S. Congressional Action

## Indian Child Welfare Act (1978)

- ◆ Requires notice to Tribes and appointment of counsel for Indian parents or custodians.
- ◆ Requires State to make “active efforts” to prevent the breakup of the Indian family.
  - Consideration of the prevailing social and cultural conditions and way of life.
  - Involve and use the available resources of the extended family, the tribe, Indian social services, and individual Indian caregivers.
- ◆ A Qualified Expert Witness is required before removal of a child from their parent or Indian custodian or a termination of parental rights.  
25 U.S.C. § 1912(e)-(f)
- ◆ Courts must follow placement preferences when placing an Indian child.





# U.S. Congressional Action

Hanna's Act (2017): Hanna Harris, a member of the Northern Cheyenne Tribe, was reported missing and later found murdered. Designated May 5, 2017, as “National Day of Awareness for Missing and Murdered Native Women and Girls.”

Savanna's Act (2020): Savanna Marie Greywind, a tribal member of Spirit Lake, North Dakota, who was murdered.

- Clarifies responsibilities of Federal, State, Tribal, and local law enforcement agencies in responding to cases of missing and murdered Native women and increases coordination and communication among law enforcement agencies;
- Provides Tribal governments with resources and information;
- Increases collection of data and data sharing for cases of missing and murdered Native women and men.

## Senate Committee on Indian Affairs Oversight Hearing (December 12, 2018)

- ◆ Titled “Missing and Murdered: Confronting the Silent Crisis in Indian Country.”
- ◆ Testimony from:
  - Mr. Charles Addington – Director of the Bureau of Indian Affairs.
  - Mr. Robert Johnson – Assistant Director of the Criminal Investigative Division of the FBI.
  - Mr. Gerald LaPorte – Director of the Office of Investigative and Forensic Sciences at the National Institute of Justice.
  - The Honorable Amber Crotty – Delegate from the Navajo Nation Council, Window Rock, AZ.
  - Ms. Patricia Alexander – Co-Chair of the VAW Taskforce of the Central Council of Tlingit and Haida Indian Tribes of Alaska.
  - Ms. Kimberly HeavyRunner-Loring – Sister of a Ashley, a woman missing from the Blackfeet Reservation in Montana.

## SURVIVE Act (Securing Urgent Resources Vital to Indian Victim Empowerment) (currently in Congress)

- Amends the Victims of Crime Act of 1984 by creating a tribal grant program for Indian crime victim services.
- 5 percent of funds from a federal crime victims fund allotted for grants used to help tribes assist survivors of violent crimes.

# Minnesota Legislation

## H.F. 70, 111, 1212 (2019)

- ◆ Introduced by Rep. Mary Kunesh-Podein, a descendent of the Standing Rock Lakota tribe.
- ◆ Created a “Task Force on Missing and Murdered Indigenous Women” that must report on:
  - The systemic causes behind the violence indigenous women and girls experience, including historical, social, economic, institutional, and cultural factors;
  - Methods for tracking and collecting data;
  - Policies and practices, including investigation and prosecution of crimes of gender violence, that impact indigenous women and girls;
  - Measures to address and reduce violence against indigenous women and girls; and
  - Measures to help victims, families, and communities prevent and heal from

# Requirements of the MMIW Task Force

- ◆ **Examine systemic causes** behind violence that Indigenous women and girls experience.
- ◆ **Examine appropriate methods for tracking and collecting data** on violence against Indigenous women and girls.
- ◆ **Report on policies and institutions** such as policing, child welfare, coroner practices, and other governmental practices that **impact violence against Indigenous women and girls** and the **investigation and prosecution of crimes** of gender violence against Indigenous people.
- ◆ **Report on measures necessary to address and reduce violence against Indigenous women and girls.**
- ◆ **Examine measures** to help victims, victims' families, and victims' communities **prevent and heal from violence.**



# MMIW Task Force Members

## State Entities:

- ◆ 2 Representatives
- ◆ 2 Senators
- ◆ MN BCA
- ◆ MN Sheriffs' Assoc.
- ◆ US Attorney's Office
- ◆ MN 2<sup>nd</sup> Judicial Court
- ◆ MN County Attorney's Assoc.
- ◆ MDH Epidemiologist

## Resource Organizations:



# MMIW Task Force Members

## Tribes:

- ◆ Bois Forte Band of Chippewa
- ◆ Fond du Lac Band of Lake Superior Chippewa
- ◆ Grand Portage Band of Lake Superior Chippewa
- ◆ Leech lake Band of Ojibwe
- ◆ Lower Sioux Indian Community
- ◆ Mille Lacs Band of Ojibwe
- ◆ Prairie Island Indian Community
- ◆ Red Lake Nation
- ◆ Shakopee Mdewakanton Sioux Community
- ◆ Upper Sioux Community



# What the MMIW Task Force did

- ◆ In-person and virtual Task Force meetings
- ◆ Including expert presenters and
- ◆ Public comment sessions
- ◆ Literature review of Interviews with 32 experts
- ◆ Review state data about the issue
  - Child welfare (DHS)
  - Deaths and human trafficking (MDH)
  - Missing persons and crimes (BCA)





# What the MMIW Task Force found

- ◆ Colonization and historical trauma.
- ◆ Racism.
- ◆ Sexism and sexual objectification of Indigenous women and girls.
- ◆ The system does not have adequate **culturally responsive healing resources** for Indigenous victims/survivors, families, and communities.
- ◆ **Systemic risk factors** (NOT “bad lifestyle choices”) increased risk of violence and abuse for Indigenous women and girls:
  - Poverty and lack of housing
  - Lack of Prevention and healing
  - Involvement in the **child welfare system and the criminal justice system**
  - Being a victim of **domestic violence**



# Ongoing Work

- ◆ Following the Task Force's findings and recommendations, Missing & Murdered Indigenous Relatives Office created:
  - Juliet Rudie, ED
  - 3 staff
  - Develop implementation action plan
- ◆ MN Dept. of Health – psychological autopsies
- ◆ Established Missing and Murdered African American Task Force
- ◆ Ongoing efforts to raise awareness of the MMIW injustice



# Social Media

## #NotInvisible Campaign

- Launched by North Dakota Senator Heidi Heitkamp
- Campaign to address violence experienced by Native women to increase awareness of Missing and Murdered Indigenous Women and Girls
- Asked to take a photo of yourself with a sign displaying “#NotInvisible” to post on Facebook, Instagram, or Twitter along with one of the below statistics:



**5,712**

The number of known incidents of missing & murdered Native American women in 2016.

SOURCE: National Institute of Justice

**#NotInvisible**

**84%** OF **NATIVE WOMEN**

have experienced violence in their lifetime.

SOURCE: National Institute of Justice

**#NotInvisible**

On some reservations, Native American women are murdered at a rate of

**10 TIMES**

the national average.

SOURCE: U.S. Department of Justice

**#NotInvisible**

## REDress Project

- ◆ Launched by Jamie Black, a Manitoba-based artist and member of Métis Tribe
- ◆ Expression of grief and feeling of connectedness to Missing and Murdered Indigenous Women
- ◆ Travelling art installation



# MMIW Database

- ◆ Creation of an online database logging cases from 1900 to the present
  - Originally only cases from the U.S. and Canada
  - As of 2019, expanded to include all Indigenous women, girls, and two spirit people
- ◆ Logs information about:
  - Victims – Name, Indigenous name and translation, tribal affiliation(s), etc.
  - Perpetrators – Race, gender, relationship to the victim
  - Violence – Missing or murdered, incident date, other relevant issues (domestic violence, foster care, etc.)
  - Police and Court Response – Reward amount (if any), case classification, conviction status
  - Geography – City, state/province, country, location type (tribal land, rural, urban)
- ◆ Submit reports online

# Looking Ahead

- ◆ To address the crisis, it needs to be acknowledged.
- ◆ Make legislation accessible to Tribes.
- ◆ National Inquiry?
  - In 2016, Canada launched an independent National Inquiry into Missing and Murdered Indigenous Women and Girls.
  - Narrow the focus: if it is too broad, particular harms will not be addressed
- ◆ Individual stories are tragically common and incredibly important in sharing the impact of this crisis.
- ◆ The Indigenous community should not be viewed just as victims, but as allies with important stories, information, testimony, and experiences.

# Take Action – The Personal Approach

- ◆ Learn more about tribal, state, and local programs and services that support survivors of sexual assault, rape, and violence and/or work to address MMIW cases.
- ◆ Amplify Native voices and information about the MMIW crisis on social media.
- ◆ Talk to friends, family, coworkers, and community members about the crisis, and help dismantle myths, misconceptions, and stereotypes about Indigenous peoples.
- ◆ Acknowledge the land you reside on– what tribal nations originally inhabited your area?



# Take Action – The Political Approach

- ◆ **Operation Lady Justice:** President Trump established this task force in November 2019 to address the MMIW crisis.
  - **Status:** Flawed, underfunded, and facing several coordination and logistical issues.
- ◆ **Studying the Missing and Murdered Indian Crisis Act:** A bill directing the head of the Government Accountability Office to submit a report on law enforcement agencies' response to reports of missing or murdered Native peoples.
  - **Status:** Held in Senate Committee on Indian Affairs
- ◆ **National Day of Awareness for Missing and Murdered Native Women and Girls:** A Senate resolution to formally designate May 5th as the National Day of Awareness for Missing and Murdered Native Women and Girls.
  - **Status:** Passed in 2019 with unanimous support





# Take Action – The Political Approach

- ◆ **Not Invisible Act:** Led by four Native American members of Congress, it would establish an advisory committee on violent crime comprised of law enforcement, tribal leaders, federal partners, and survivors to make recommendations to the DOI and DOJ. It would also introduce a position in the BIA charged with coordinating these efforts across agencies.
  - **Status:** Held in the House
- ◆ **Justice for Native Survivors of Sexual Violence Act:** An amendment to the Indian Civil Rights Act of 1968 that would extend tribal jurisdiction to cases involving sexual violence, trafficking, and stalking.
  - **Status:** Held at the Committee on Indian Affairs
- ◆ Support other relevant legislation: **Violence Against Women Act (VAWA) and ICWA.**



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# The RED LAKE NATION

A Report to the People of the Red Lake Band of Chippewa Indians

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## Red Lake Nation & Mille Laacs Band of Ojibwe Present Tribal Flags to Hennepin & Dakota County Judges

Courtesy of Hennepin County Attorney website. Photos by Barb Beaudin



Red Lake Chairman Darrell Seki, Sr. speaking on behalf of the Red Lake Nation.

Representatives from the Red Lake Nation and the Mille Laacs Band of Ojibwe presented their tribal flags to Hennepin County and Dakota County judges in a ceremony today.

The flags and ceremony are a way to acknowledge the sovereignty of the tribal nations and recognize the government-to-government relationships between the tribal nations and the state courts. The flags also symbolize the inclusion of native people in the two counties as they appear before judges in the courts of Hennepin and Dakota counties.

The flags were presented by Melanie Benjamin, chief executive of the Mille Laacs Band of Ojibwe and Darrell Seki, tribal chairman of Red Lake Nation. The flags were presented to Hennepin County District Court Judges David Piper, the presiding judge of Juvenile Court and Charlene Hatcher, assistant presiding judge of

Family Court. Chief Judge Kathryn Meserich, chief judge of the First Judicial District and Judge Jamie Cork, of Dakota County District Court received the flags for the courthouse in Hastings.

Judge Hatcher is the former deputy Hennepin County Attorney and Judge Cork is a former prosecutor in the office. They were joined by Hennepin County Attorney Mike Freeman, Deputy County Attorney Leitta Ulloa, Lori Whittier, managing attorney for the Child Protection Division and Tom Arneson, managing attorney for the Juvenile Prosecution Division.

The flags will be installed in the buildings where juvenile and child protection cases are heard, as well as the Family Justice Center. That is significant because in 1978, Congress passed the Indian Child Welfare Act, designed to keep families unified instead of automatically removing Indian children from their homes.



Honor Guard from Mille Laacs Band and Red Lake Band



Melanie Benjamin, Chief Executive of Mille Laacs Band

## At the Sugar Bush: Red Lake Students Take Part in Traditional Way to Tap the Trees

By Joe Bowen, Bemidji Pioneer



A pair of Red Lake Middle Schoolers were inspecting a tree trunk when Ryan Jorgenson approached them.

"See these little sticks?" Jorgenson, their science teacher, asked. "They put 'em in the tap holes when they're all done. You can put beeswax and stuff in there, too."

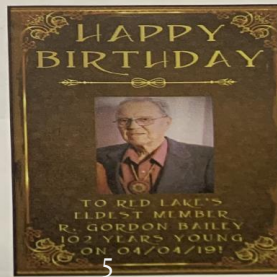
On Wednesday, about 20 eighth-graders in Jorgenson's earth science class visited a patch of forest about two miles south of Red Lake, where they chopped wood for a fire, munched on "outside bread", which school staff helpfully explained is bread that's baked out of doors, and collected sap from maple trees there.

Their hour-plus field trip is an outgrowth of Giikendaasowin "Ojibwe knowledge" a five-year initiative to integrate more Ojibwe language and culture into classes at Red Lake School District, where virtually every student is American

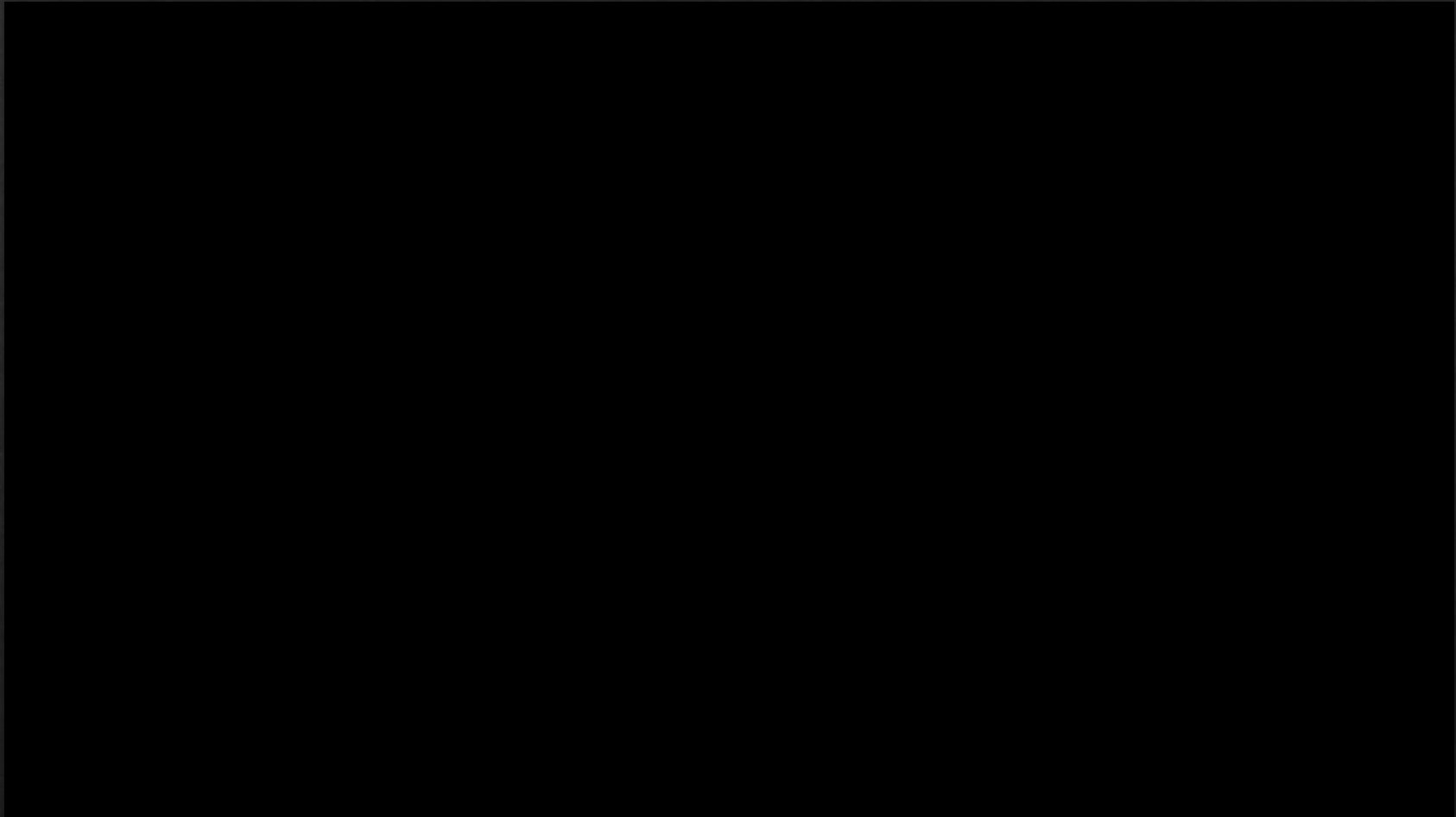
Indian, according to Minnesota Department of Education data.

"We're trying to get it into the core curriculum of math, science, language arts," Giniwgiizhig, a principal in the school district who oversees the initiative, told the Pioneer.

Some Red Lake students headed out last week to help tap the trees. Others came through the day before Jorgenson's class (At the Sugar Bush continued to page 3)



# We Shall Remain



We Shall Remain

**Video: We Shall Remain**

(6:16 min.)

<https://www.youtube.com/watch?v=G50iwY6YjSk>

# Miigwech Pilamayaye Wopila Tanka



Twin Cities MMIW March, February 14, 2020.

