

The Epidemic of Missing and Murdered Indigenous Relatives (MMIR)
in the United States

Callum Cintron

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Content Warning

This report will contain language about abuse, rape, murder, and death. Please be advised.

Introduction

Missing and Murdered Indigenous Relatives (MMIR) is an awareness movement, remembrance of life, and an epidemic in the United States. Commonly written as MMIW (Missing and Murdered Indigenous Women), MMIR encompasses all lives as this is a multi-gender issue.

When European colonizers came to Turtle Island, the Indigenous name for North America, they claimed rights through the Doctrine of Discovery. The Doctrine was simple; when European, Christian nations “found” new land, they gained property rights and sovereignty over those lands (Miller 2005). Colonizers also claimed the rights and sovereignty of Indigenous bodies. To continue their legacy, settler colonialism was built into the foundations of all institutions in the United States (Monchalin et al., 2019).

Background

Jurisdiction and Data

Oliphant v Suquamish Indian Tribe (1978)

On March 6, 1978, the Supreme Court ruled that tribal courts do not have jurisdiction to try or punish non-Native offenders, even on Native land (Justia n.d.). In 2016, a study found that 96% of Native American and Alaskan Native women experienced violence by a non-Native perpetrator (Rosay 2016). If a Tribal government attempts to prosecute a non-Native offender, they risk a reversal of the conviction (Deer 2015). This ruling forces Native communities to rely on the government for protection, something that Hannon (2021) says historically has not worked out. Overall, the Department of Justice refused to send 30%-40% of cases involving crimes on Native land to prosecution. In 2016 35% of cases were not sent for prosecution (Gary 2019) and 37% of cases in 2017 (Martin 2019).

Data Sovereignty

Data sovereignty refers to Indigenous use and interpretation of data in culturally and communally appropriate ways (Dueñas et al. n.d.). In connection to MMIR, we will use this term to understand the misrepresentation of MMIR in governmental databases. The Department of Justice database logged 116 MMIR cases in 2016 despite 5,712 cases being reported (Mabie 2021). That is 2.03% of reported cases. Why is data not reflecting real case numbers? Jurisdiction laws mean that federal, state, local, and tribal agencies are tracking cases differently creating data gaps (Crouse 2020). In addition to this, when entering case data, many Indigenous people are listed as unknown or white under the race category

Statistics

MMIR

MMIWG2S

Land rights have a major effect on MMIWG2S. Due to the *Oliphant v Suquamish Indian Tribe* ruling, if a non-Indigenous individual rapes or trafficks a Native person, the Native person's tribe has no jurisdiction to punish the offender. Justice is hard to achieve due to the lack of law enforcement in Indian County, inequality in the number of prosecutions (Deer 2015) and confusion over jurisdiction.

“Even if jurisdiction is restored, my tribal government doesn't have the money to implement a comprehensive anti-rape strategy.” (Deer 2015)

What statistics do we see in regards to this epidemic?

- Native American women on some reservations are murdered at a rate 10 times the national average (Department of Justice 2012)
- Murder is the 3rd cause of death for Native women (Bartley & Pueblo 2014)
- 1.7x more likely to experience violence and 2x more likely to experience rape than white women (Bartley & Pueblo 2014)



(Deer 2015; SmithsonianNMAI 2019;
Urban Indian Health Institute 2017)
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Murdered and Missing Indigenous Women & Girls

MMIWG at the National Level

84% of AI/AN women have experienced violence in their lifetime.

- 56% experience **SEXUAL VIOLENCE**.
- 55% experience **PHYSICAL VIOLENCE** by an intimate partner.
- 48% experience **STALKING**.
- 66% experience **PSYCHOLOGICAL aggression** by an intimate partner.

AI/AN women are **1.2 times more likely** than non-Hispanic women to experience violence *in their lifetime*.

AI/AN women are **NEARLY 2 TIMES MORE LIKELY** to have experienced violence *in the past year*.



Number of AI/AN women entered as MISSING in the National Crime Information Center Data Base	5,711	in 2016.
	5,646	in 2017.
	2,758	in the first SIX MONTHS of 2018.

AI/AN peoples experience violence at more than **TWICE** the national average.

Rates of violence on reservations can be up to **10x** the national average

MURDER is the **THIRD** leading cause of death of AI/AN women.

MMIWG in New Mexico & the Southwest



According to the 2010 Census, New Mexico has the **fifth largest AI/AN population** in the US. Yet, New Mexico has the **highest number of MMIWG cases** in the country.

32% of sexual violence cases occur on the reservation.
57% occur in urban areas.

In the Southwest, **46%** of Native American women surveyed reported that they had been the **victim of sexual assault or violence in their lifetime**.

Average age of victims: **31 years old**.
25% of victims were **under the age of 18**.
ONE THIRD of victims had **NO** relation to the perpetrator.

Prepared by:



NATIVE AMERICAN
BUDGET & POLICY
INSTITUTE



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SOCIAL POLICY

Legal Jurisdiction: A Major Challenge

>> In 1978, the U.S. Supreme Court held that Tribal Nations **DO NOT** have criminal jurisdiction of non-Indians for crimes committed on tribal lands.

Tribal governments can only exercise jurisdiction if a perpetrator is a **known AI/AN person**.

In Partnership With:

New Mexico Indian Affairs Department

VIOLENCE AGAINST WOMEN ACT (VAWA)

The 2013 reauthorization of VAWA restored Tribal jurisdiction over non-Indians for domestic violence and dating violence within Tribal lands. This jurisdiction has not been extended for crimes such as murder or sex trafficking.

After expiring in 2019, the reauthorization of VAWA is still pending in the U.S. Senate.

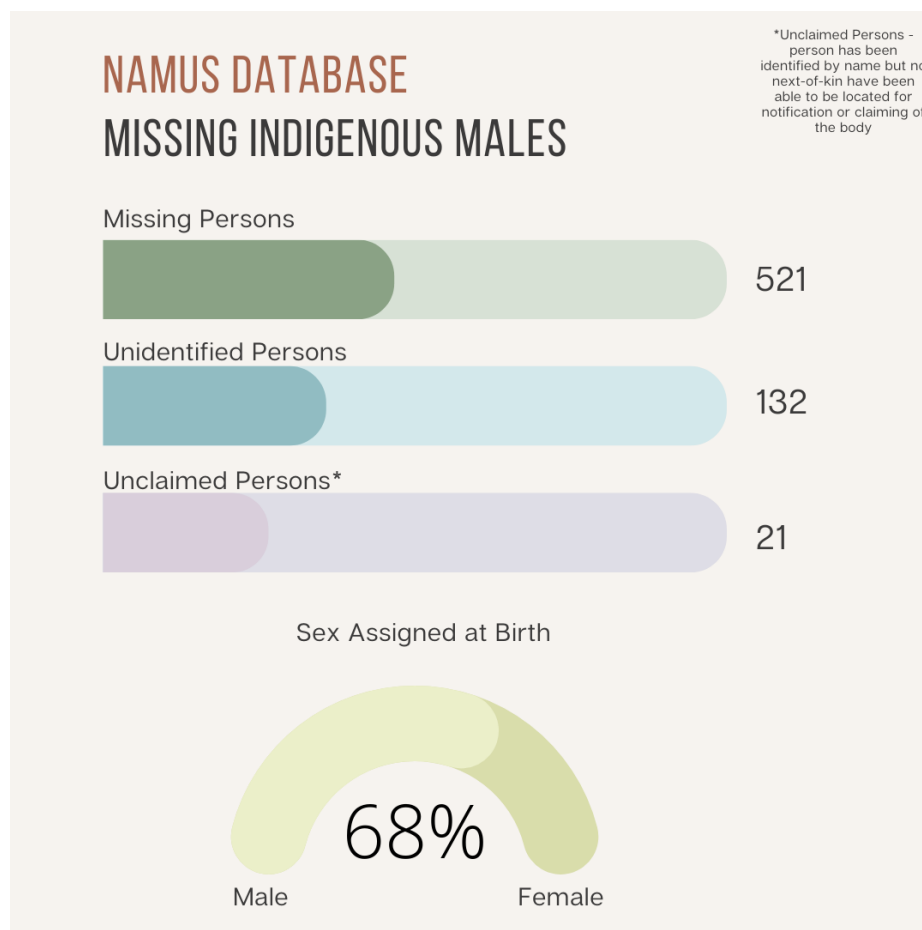


For more information on this issue and to view a full list of sources and citations, see "Missing and Murdered Indigenous Women & Girls: A Briefing Paper".
Lead Author: K. Huyser
UNM Native American Budget & Policy Institute
nabpi.unm.edu/research

(New Mexico Indian Affairs Department 2019)

Men and boys

Data for men and boys is sparse compared to women, girls, and two-spirit individuals. However, the National Institute of Justice found that 80% of Native American and Alaska Native men have experienced violence totaling 1.4 million individuals (U.S. Department of Interior n.d.). Native males are also 1.3x more likely to face violence than non-Hispanic, white males. The Navajo Nation keeps a list of those who go missing on or off the reservation, dating back decades. As of 2020, the list contained 160 names, 60%-70% of them being males (Fonseca 2020).

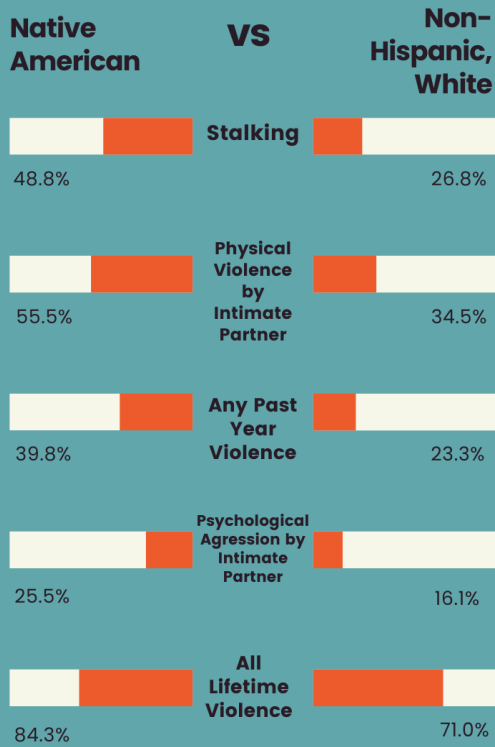


(NamUs n.d.; NamUs 2022) ©Callum Cintron

Comparisons Across Racial Identities

Violence Against Women

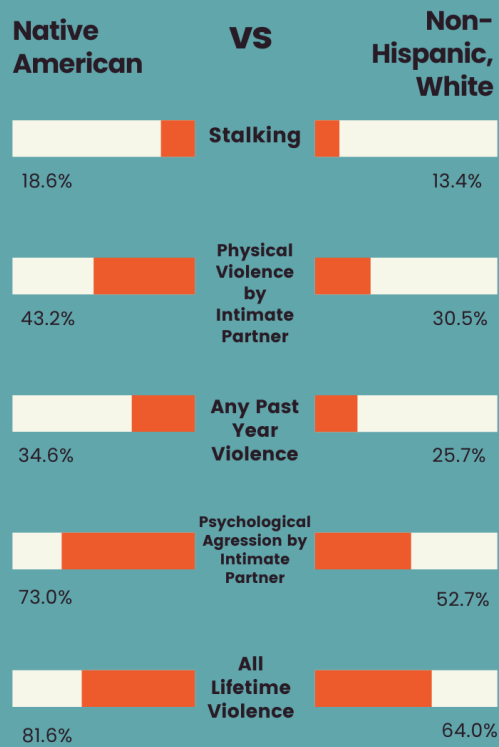
Native American versus Non-Hispanic, White



Reference (Rosay 2016)

Violence Against Men

Native American versus Non-Hispanic, White



Reference (Rosay 2016)

Sectors of Harm

Extractive Industries and Man Camps

Pipelines

Proposed in 2008, the Keystone XL (KXL) was planned to transport tar sands oil. The existing pipeline system and the Keystone XL project would run through Montana, North Dakota, South Dakota, Nebraska, Kansas, Missouri, Illinois, Oklahoma, and Texas (Denchak and Lindwall 2022). The Sovereign Bodies Institute (SBI) found that within North Dakota, South Dakota, Montana and Nebraska there were 411 MMIWG cases. In a two-year period between 2017 and 2019, there were approximately 30-40 cases per year. Of the 411 cases, 20% were in counties of or adjacent to the proposed KXL pipeline. With 4 in 5 of these cases going unsolved, this region is not adequately prepared to deal with the consequences on MMIR if this pipeline is built (SBI and Brave Heart Societ n.d.).

While the KXL pipeline project has not caused harm yet, we can see the consequences of extractive industries on MMIR with the Bakken oil region. From 2006 to 2012 violent crimes increased by 70% in the region. Counties outside the oil region saw an 8% reduction in crime in the same time period. Homicide, rape, sexual assault, robbery, and aggravated assault increased in the Bakken region by 30% while declining by 4% in the other counties outside the region. Unlawful sexual contact experienced by women rose by 54%. Native American individuals in the oil region had rates of violent victimization 2.5x higher than their white counterparts (University of Colorado Boulder 2020). 2009 to 2011 saw another rise in this region with a 70% increase in federal case filings. It has been noted that since the Bakken oil region began, Native communities have noticed an upsurge in rates of sex trafficking and missing and murdered Indigenous women (Nobiss 2019).

Man Camps

Man camps are defined as temporary housing units for primarily male workers hired on to extractive industry projects. Resource extractive projects are often in close range to Indigenous communities and their workforce is comprised of mostly non-Indigenous males (Secwepemcul'ecw Assembly n.d.).

“They don’t respect Native people because history has portrayed us as savages, as drunks, as homeless people. As disposable. That’s what this country has said, time and time and time again, they have sent this message out that we are not protected. You can go and take the life of an indigenous woman or girl, you can murder a Native man, and nothing will happen to you.” - Roxanne White (Clabots 2019)”

Men housed at man camps target Native women due to the assumption that they will not be prosecuted (Condes 2021) due to federal law. In February of 2021, Enbridge’s Line 3 had pipeline workers who were arrested for sex trafficking (Robinson 2021).

Case Studies

Idaho

A project report given by the Idaho Coalition Against Sexual & Domestic Violence (2021) found staggering results in the state's MMIR population. Unlike most data shows, the MMIR population in Idaho is mostly men. The rate of MMIR is 18.99 per 100,000 people compared to 10.38 per 100,000 people for the white population. Native Americans comprise 2.45% of Idaho’s population but account for 4.40% of missing persons. Rates of misidentification in police reports are higher than the national average for nonidentified individuals.

Nebraska

A study by Sutter et al. (2020) revealed issues in data misinformation, jurisdiction, and high rates of violence against Native peoples. Poor reporting and investing have led to exacerbations in Native American missing person cases. Jurisdictional complexity leads to a lack of communication between law enforcement agencies and agencies racially misclassifying cases in databases. Nebraska sees a rate of 7.9%-13.1% per 10,000 people go missing for Native communities. White communities in the state have a missing person rate of 2.0%-2.5% per 10,000 people. Males make up the majority of the state's Native missing persons with an average age of twenty years old.

Conclusion

MMIR is a historical and current epidemic plaguing the United States. 5,712 Native Americans went missing in 2016, 2.03% were reported (Mabie 2021) and 35% of the cases were not sent for prosecution (Gary 2019). Rates of incidents range from four to ten times higher than in white populations. All genders are impacted by this epidemic as we see with the Navajo Nation whose missing persons list is 60%-70% male (Fonseca 2020). As a country reliant on fossil fuels, we are perpetuating the dangers Native American communities face. During Keystone XL, rates of homicide, rape, sexual assault, robbery, and aggravated assault increased in the oil region while rates of crime in locations surrounding the oil region decreased. Lack of legal sovereignty, jurisdictional confusion and data misrepresentation allows for the epidemic to go unnoticed.

A history of Manifest Destiny and power has caused non-Native populations to see Native communities are expendable, less worthy and for the taking. MMIR began when settlers stepped

ashore and claimed Discovery of already inhabited land. Settlers ravaged Native populations, the land, sovereignty, jurisdiction and bodies. This mentality has lasted over 500 years resulting in MMIR being a modern form of Indigenous genocide (Joseph 2021). An Ojibwe colleague once told me “if they’re willing to rape the Earth, they’re willing to rape anything” (Ojibwe Colleague, personal communication 2021).

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