

History of Victimization In Native Communities

March 2000



Native American Topic-Specific Monograph Series

Purpose

The purpose of the Native American Topic-Specific Monograph project is to deliver a variety of booklets that will assist individuals in better understanding issues affecting Native communities and provide information to individuals working in Indian Country. The booklets will also increase the amount and quality of resource materials available to community workers that they can disseminate to Native American victims of crime and the general public. In addition to the information in the booklet, there is also a list of diverse services available to crime victims and resources from the Department of Justice.

Acknowledgements

The Center on Child Abuse and Neglect (CCAN) acknowledges the assistance of the many consultants who contributed their expertise in the preparation of this series of monographs. These materials were developed and reviewed by individuals with diverse backgrounds, expertise and experience in victim services, legal experience, and mental health providers.

CCAN believes that the information contained herein is factual and that the opinions expressed are those of the consultants/writers. The information is not however, to be taken as warranty or representations for which the Center on Child Abuse and Neglect assumes legal responsibility. Any use of this information must be determined by the user to be in accordance with policies within the user's organization and with applicable federal, state, and tribal laws and regulations.

Project Staff

Project Director/Editor - Dolores Subia BigFoot, Ph.D., CCAN OUHSC
Project Coordinator - Lana Grant, CCAN OUHSC
Project Staff - Janie Denton and Lisa P. Rhoades, CCAN OUHSC
OVC Program Specialist - Cathy Sanders, OVC, OJP, DOJ

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Introduction

There is a prophecy held sacred by Native people which foretold the coming of a different people who would bring disease and sickness to the Great Turtle Island. The story tells that it would be the ancient traditions and teachings of past generations of Native people that would provide the ladder to help Native people climb and regain their heritage as proud and rightful Nations. The Native people hold to the promise of these sacred teachings. This is their promise; this is their hope; this is their heritage.

This prophecy has partially been fulfilled. It is impossible to capture and adequately explain the nature and extent of assaults experienced by Native families. It is even more difficult to give reason to what has happened to the indigenous Nations since the "discovery of the New World" some 500 years ago. Many attempts have been made to understand what happened collectively to Native people and to explain how Native people managed to survive. It has overwhelmingly given the many forms of assaults on Native people.

As recent as forty years ago the situation surrounding Native families was described as a "national tragedy," (Special Subcommittee on Indian Education, 1961). The tragedy identified for this generation has been a living legacy to Indian people over lifetimes of families. The tragedy remains. Today the situation of Native families continues to be one of deprivation and neglect with a disproportionate amount of crime being committed against them.

The unfair treatment of indigenous tribes, bands, villages, and rancherias is well documented by numerous publications regarding Native people and their well-being or ill-being (Beiser, 1974; BigFoot, 1998; Brandon, 1961; Deloria, 1985; Josephy, 1986; DOJ, 1999; Red Horse, Shattuck, & Hoffman, 1981; Unger, 1977). Yet, despite the deprivation and victimization, the population of Native people is rising rapidly, but paradoxically the average life expectancy is less when compared with the non-Indian population (PHS, 1998). These national statistics also indicate half the population of Native people is less than 20 years of age, while the median age for the non-Native population is approximately 30 years. Consequently, nearly half the Native population are minors who are in need of supervision, guidance, care, shelter, and financial support.

Description of Population

Native people service needs are well documented in Profiles of American Indian and Alaskan Native Populations in Various Settings, (US Census Bureau, 1986). This publication presents the wide variation in demographic characteristics for all tribes, villages, and rancherias, and includes descriptors of housing, population, sources of income, employability, education level, household members, and primary providers.

Native populations shifted from a primarily rural and reservation base to one where the majority of Native people are now located in urban areas, (US Census Bureau, 1990). Although many move from isolated and economically deprived rural or reservation settings to seek better living conditions, neither their employability or their skill level prove sufficient for them to secure adequate and reliable employment. They continue to retain jobs as unskilled laborers and often require additional assistance such as food stamps. The bitter reality is that they more often remain unemployed and untrained and increasingly vulnerable to crime.

The new welfare reform programs create additional concerns when one considers that the Native population is younger and bear children longer. Although living expenses are considerably higher for those families who relocate to urban areas, their income has not increased significantly beyond those families remaining on tribal or reservation lands.

The statistical data also indicate that the heads of households for the majority of Native families are women. Obligations of Native women appear more overwhelming because their skill level is less marketable when compared to other populations; meanwhile their familial responsibilities tend to increase (LaFromboise & Boesch, 1985). Native women often retain tribal/family connections without full realization of the tremendous burden they labor under to maintain extended family obligations and responsibilities. These family obligations are evident by findings that the majority of Native single households contain more than two generations (US Census Bureau, 1990). It is also an unfortunate fact that Native women are the victims of violent crime at a rate that is 50% higher than Black males (DOJ, 1999).

Crime and Victimization in Indian Country

Crimes against Native people are higher than for other populations. According to the recent publication by the Department of Justice (1999) the average annual violent crime rate among American Indians 12 years and older is approximately 2.5 times the national rate. The rates of violent victimization for both males and females are higher among Native Americans than for all races. Native Americans experience approximately one violent crime for every eight residents age 12 or older compared to one violent victimization for every 16 black residents, one for every 20 white residents, or one for every 34 Asian residents. This report also indicates that approximately one substantiated report of child abuse or neglect occurs for every 30 Native children.

The factors contributing to the current conditions of injustices toward the Native population has evolved from various activities. Being the most vulnerable of populations did not evolve in isolation. Invariably Native families vulnerable to criminal acts are also lost by the political, economic, and social inequalities. Policies dictated by federal, state, or other regulatory agencies continue to present barriers to services. Until recently many of those policy-making agencies lacked a clear understanding of tribal traditions, an appreciation of cultural differences, or the willingness to open a dialogue with Native leaders. This led to the complete disregard for service delivery or produced biased services that proved ineffective and inappropriate to Native victims of crime.

Historical Overview of Social Order

Before the onset of European contact with the indigenous Nations of North America Native families were not immune from mistreatment or violence toward each other, however survival of tribes depended on the interdependent-relationship among its members. The need for group survival outweighed the hostility of individuals to disrupt the balance of relationships. Legends tell the tale that if mistreatment occurred toward a member, that individual would be taken away by a spirit or turned into an animal. In this manner, individuals would be safe and cared for away from someone who would harm them or injure them in some way. When there was an infraction or violation, everyone knew the penalty and what was necessary to make restitution. Justice was simple and easily understood.

It was not unheard of for people to be harmed; violence was not random but was allowed and circumscribed in ritualistic ways. Tribes were known to kill a twin, starve a physically deformed child, sacrifice members, or abandon elders. However, as a whole, Native families practiced the belief that each member was an important part of the Sacred Circle. Children were the center of the Circle and that each member came from that Circle; therefore to care for each other was an important duty and obligation for all members. The survival of the tribe depended on the goodwill between members. Many times a tribe would adopt or bring non-tribal children or adults into the tribe. Those individuals became a dedicated, integral part of the tribe and afforded the same devotion as other tribal members. That devotion would not have developed if they were consistently mistreated or violated.

One must not assume that life was without consequence. Everyone had a social role to fulfill and performed their role in accordance with strict adherence to tribal protocol and practices. If one violated their expected role or harmed others, depending on the infraction, punishment could then be swift and unforgiving. Consequences were logical and natural. For instance, a child that disrespected fire would be allowed to test the fire and may actually be burned to learn to respect fire and be used as an example to teach others. A woman would destroy her husband's hunting and fishing tools if he was unable to provide for her and their children. A husband could be left without shelter or family if he violated a taboo such as touching the wrong kind of animal. A wife could be given away if she ignored prescribed teachings or cultural practices regarding her interaction with other males. Consequences for misdeeds were often very harsh but the community controlled the law and the law was understood. Everyone understood the law because the entire community enforced the (laws) mores and rules.

Relationship to Victimization

The disproportionate amount of victim vulnerability that is recognized today can be traced to the policies and procedures initiated by early explorers and missionaries, and sustained by the federal government. The government has not had a consistent policy toward Native people but rather haphazardly shifted policy. The effect on the Native population has been devastating. The transition that Native people have experienced has changed the political, economic, social, cultural, and spiritual pathways that previously served to hold tribal groups together and provided the structure for recourse and control. The government used boarding schools, missions, agents, treaties and removal to undermine

the structure of tribes, which eventually impacted unity and stability of the family and the ability of the Native communities to govern themselves, hold criminal behavior accountable, and determine justice. These policies and procedures have created a vast wasteland that has jeopardized Native communities' ability to function in a protective manner. Native people struggle and find it nearly impossible to respond adequately to violence in their communities. Cultural colonialism was the process that preceded the disintegration of the traditional concept of Native communities and the ability for them to care and protect their members.

Contributing Factors to Victimization

Victimization is defined as injury or harm against an individual or family and is the result of someone else's actions. The result being life threatening, traumatic, and can be a harmful life-changing experience. Native people have been the recipient of harm and injury as individuals, as families, as communities, and as a nation. Injustice and harm were the result of actions by others and were beyond the control of Native people. Justice for crimes committed against Native people have only recently begun to be addressed (Reno, 1997). The apathy, neglect, and direct assaults toward Native people resulted in them being conditioned not to make demands, not to call attention to themselves, not to fight back because each time they did, something was taken away:

- children
- food
- shelter
- land
- warmth
- religion
- language
- homes
- elders
- signature
- name

Native communities experience victimization in various ways, and their ability to function effectively was compromised by their past and the spiraling rate of criminal assaults. Thus, Native families contend with a multitude of problems:

- Increased stress and limited coping behaviors,
- Unemployment and limited marketing skills,
- Limited resources (personal, family & community),
- Harsh and inappropriate discipline toward children,
- Excessive drug and alcohol usage by adolescents and adults,
- Unexpressed anger and aggression from cultural oppression,
- Inability to adequately address issues of shame, grief, or sorrow,
- No sanctions against abuse due to jurisdictional boundaries, limitations, or confusion,
- Tribal jurisdiction that limits penalties for crimes against members,
- Lack of value toward children plus the inadequate ability to protect them,
- Helplessness and hopelessness due to cultural oppression, lateral violence, and multiple deaths,
- Expressed anger and aggression in the form of domestic violence, suicides, and homicides,
- Gang violence that evolves out of general apathy or no or limited parental supervision,
- Hate crimes due to prejudice and racism,
- Higher incarceration rates that foster criminal mentality,
- Undiagnosed and undetected Fetal Alcohol Syndrome and Fetal Alcohol Effects, and
- Secondary disabilities of FAS/FAE creating more susceptibility to inappropriate and/or illegal behavior.

Generational Cycles of Abusive Behavior

The risk factors for abusive and criminal behavior did not evolve in isolation. Today, survival of Native people is remarkable given that entire tribal cultures were destroyed. The atrocities continued unabated by removal from the traditional lands; introduction of old world diseases; disregarding consensus in decisions; encouragement of alcohol usage; confinement with limited resources; removal of children; murdering for bounties; greed for land, gold, water and other natural resources; and, increased military and civil conflicts that diminished members. It was against this framework of inconsistent, unpredictable, non-supportive policies of an emerging government that began a period of regulation, legislation, and control that contributed to Native victimization. Governmental attitudes and policies

contributed to the vulnerable position of Native tribes and created the opportunity for other demoralizing circumstances that increased the risk for later injustice. The cycle of violence has been fostered. Sanctions for illegal or criminal behavior directed at Native people was non-existent or held limited consequences.

The effects upon Native families were devastating. Children were taken from their homes to be “civilized” under the assumption that given enough education they would no longer consider themselves Indian. What was once accepted and taught to children about who they were as a tribal person became distorted and demeaning. The sense of self was undermined and tribal people were caught in the marginal landscape of jurisdiction, limited resources, and personal and emotional deprivation.

It is against this backdrop that the long-term effects of boarding and mission schools with its lingering legacy of victim issues emerged. The purpose of boarding schools and missions was “to provide for the U.S. government a method to education and civilize Native children away from the influences of their savage lifestyle and unchristian ways.” Most boarding schools functioned similar to the military, enforcing rigid structure and punitive discipline. The early regime of strict discipline in the Indian schools did not change for many generations.

Boarding schools existed as early as 1700's but blossomed from 1880-1960. Boarding schools were the breeding place for emotional, physical, and sexual abuse. Boarding schools were initially established in the eastern area of the new United States. As tribes were moved west and more encounters with western tribes occurred, the military and boarding and mission schools relocated to remote areas on the fringe of “westward civilization.” By 1887 more than 200 boarding schools existed with an enrollment of over fourteen thousand Native children.

The history of the authoritarian rule of boarding schools is notorious. Students were severely punished for infractions of speaking their Native language or practicing their traditional beliefs. Common experiences for children in boarding schools included:

- harsh and cruel punishment for behaviors defined as infractions or rule breaking,
- whipped and beaten for typical behavior appropriate for children who were scared or frightened,
- denied contact with family for months and sometimes years,
- denied medical care,
- used as indentured servants,
- punished for using their Native language,
- limitations placed on amount of food, clothing, and shelter they received,
- non-notification of parents upon child's death, and,
- burial on school grounds without markers or ceremony.

Personality of Boarding School Staff

A variety of people were attracted to the boarding or mission school system as teachers, missionaries, administrators, matrons, and supervisors. Unfortunately, few possessed an understanding of Native culture and many were ex-military personnel whose recent past included destroying Native culture.

In some cases, those who possessed a sincere desire to teach Native children still retained the mentality of the era while lacking an appreciation of Native teachings. Most of these individuals practiced the belief that Native children should be assimilated into “civilizations” and turned from their “savage ways.”

Other individuals attracted to the Indian communities were social rejects and misfits alienated from the dominant culture and existed on the fringe of society and “civilization.” These individuals exhibited aberrant behaviors that were highly tolerated and accepted in the isolated and remote areas of the Indian world. Their behaviors were not as strange or noticeable against the background of the “savage west” when compared with civilized society.

Others had “signed-on” with the Indian Bureau after ending their military service. It was their task to produce compliant Native children dictated by the dominant view in whatever manner necessary. They were only accountable if the children under their care retained their tribal ways and reverted back to traditional teachings. These authoritarian individuals learned to exist in a hostile militaristic environment; they did not hesitate to inflict similar conditions on Native children that they were responsible to educate. These individuals valued autonomy and independence. They did not recognize or appreciate the

interdependency of tribal clans and bands. They discouraged familial and sibling contact and tribal identity. They retaliated in vicious and brutal manners when school infractions or misunderstandings occurred. Boarding school personnel were known to whip children to death to serve as an example for the other students. Mainly, individuals were very authoritarian who could control and govern in a relatively unrestricted environment without interference and with little or no consequences when children were harmed.

Missionaries were also attracted to the boarding school settings. Many religious denominations bided for reservations or had contracts with the federal government to establish missions. Missionaries were rigid and punitive in their stewardship to eliminate any “pagan” practices. Many felt it was their duty to eradicate behavior or practices that did not reflect their interpretation of religion.

The personnel of missionaries, teachers, dorm staff, supervisors, administrators, etc., that governed the formal education for Native children became the interpreters, built the economy, and emerged as gatekeepers to Indian Country. Many married into the tribes they had oversight for; as powerbrokers, they dictated the law. Within this atmosphere, abusive treatment toward Native children flourished and the generational cycle of abuse found root.

Cultural Deprivation and Victimization

The majority of the stewards of Indians had a sense of justice that met their own needs and took privileges with children because children, especially Native children, were not valued. Most agents, missionaries, and school authorities were not accountable except to submit written reports and attach an explanation of events in question. They did not necessarily have to justify why or how an Indian person died but only needed to describe events if there was an inquiry. Questions on the necessity of harsh discipline within the boarding and mission schools were dismissed by congressional hearings as being necessary and appropriate since school authorities should have ultimate power to rule as they saw fit.

Native children suffered deprivations beyond description and those who did survive became the wounded guardians of the culture and tentative parents to the next generation of children. When children were taken from their families, the only name known was their Native name. When the child arrived at a school, the child was arbitrarily given a “Christian name.” Their Native names were never recorded. If a child died, moved to another school, or “got lost in the process,” the family had no way of finding their child because schools recorded only the “Christian names.” Families lost many children by not knowing what name their children were required to use. Families had no power to circumvent the system in order to find their children. Authorities were not accountable for lost children or missing children. “What was one more dead Indian?” was the message from President Andrew Jackson.

Children who ran away were punished according to military standards of desertion. When caught they were isolated and locked in the stockade. Children were not allowed to comfort each other as that was viewed as a weakness. Children had few options for resisting an oppressive system. They were not allowed to see their families for years at a time, consequently they missed the transmittal of tribal culture and traditional teachings. This setting eliminated the opportunity to form consistent nurturing relationships during those formative years. They experienced physical and sexual abuse. They became helpless or aggressive and with abusive behavior toward others. Unfortunately, the effects of child maltreatment were not known and many generations of families engaged in destructive and violent behaviors before the connection between boarding schools and disenfranchised families was made.

Social Structure and the Breakdown of Family Structure

Several generations of Native parents were raised in boarding schools. Many families with limited resources and lacking food and shelter sought boarding school assistance for their children. Boarding schools offered food, clothing, shelter, education and hope; but for many Native people, the disadvantages far outweighed the advantages. Students never had the opportunity to experience or embrace a traditional family environment or experience what it was like to negotiate or work out compromises with elders, siblings or extended family members. They were not taught their responsibility within the tribal unit. The void that occurred was quickly absorbed in destructive and unhealthy habits. Alcohol, risk taking, aggressiveness, hostility, limited coping, and marginal relationship skills emerged as replacements for being disassociated from the tribe. With the passage of time, students in boarding schools were more likely to come from a foster care environment and more likely to have had parents that attended boarding school. Students in boarding schools were more likely to have a history of emotional, physical, or sexual abuse. Some families embraced formal religion in order to combat the effects of

abuse and other hardships. Others sought education to change social programs as a way to build a foundation for families, while others fought an uphill battle to gain the right to govern themselves. In spite of these valiant attempts, Native people continued to suffer and true accountability for violations was denied them. Finally in 1970, the Bureau of Indian Affairs began the closing of boarding schools, however the damage was done and the toll immeasurable.

There is historical evidence that tribes were cognizant of the danger of incest, sexually inappropriate behavior, or other physical injury toward others. All Native cultures appear to have strong sanctions against incest, defined by inappropriate sexual relations with immediate and extended family members. Many contemporary families make statements to their children not to date "so and so" since they are related in an "Indian way." Most tribal groups continue to recognize the extended family system and the informal adoptions that occur.

Historically, violators of the incest taboo were punished by banishment, death, or stripped of all rights and honor. This does not mean that tribal members did not allow sexual activity among relations. Tribal protocol allowed for sexual teasing and bantering, and in some situations, actual sexual relationships between certain individuals in order to defuse tension and create a balance of power. Appropriate sexual activity was seen as natural and understood as part of the procreation of life. Understanding tribal social mores regarding sexual behavior maintained order and structure and defined expectations in relationships.

Many tribes have some version of the story of the relationship between a brother and sister. The story goes something like this:

"Neither married, but the sister had a lover who visited her only at night. He would not allow her to see his face. They enjoyed each other's company and she wanted to know who he was. One night she smeared ashes on her finger and when her lover came, she touched his face in the dark. The next morning she looked about for someone with ash marks. She discovered her brother was the one with ashes smeared across his face. The brother was shamed and left the tribe. The brother became the moon and the sister became the sun. The moon still has the ash marks that can be seen today and rarely can one see the moon out when the sun is bright"

In many tribes, rape was perceived as a shameful act on the part of the male participant. Rape typically occurred as a result of insult in a marriage or other social violation. A man would announce that his wife was "out on the prairie." Young, unattached males would then be able to take advantage of her. However, this was seen as immature behavior since other women and men of the tribe would harass the male participants for their behavior. It was more acceptable for one to "walk away" from a marriage than to bring shame to the family by calling attention to the failure of the marriage. In some acts of adultery involving a woman, it was acceptable for the offended spouse to cut the tip of the wife's nose off or disfigure her in some way. In other cases, a man may just take up housekeeping with someone else and not acknowledge his former spouse again. She, in turn would be free to establish a marriage with a younger male who may be a better provider. Or, she could destroy all of his goods, kill his horse, or "throw him away." It was much more likely that a spouse would be "thrown away" rather than bring shame to the family by not staying married.

Other aspects of family structure that changed was the status of spouses. Economic, social, or familial responsibility may dictate a male assume more than one wife. As late as 1920's and 1930's, families were made up of sisters married to one man. The Indian Commissioner imposed sanctions against families if polygamy was discovered or reported.

The social structure of most tribes protected members from harmful activities that were abusive, damaging, or inappropriate which probably would be viewed as illegal or criminal today. Children were punished not out of anger, but the focus was on whether the child's inappropriate behavior could bring shame to the family or tribe. Disciplinarians were usually uncles or aunts or another designated person who dispensed punishment when necessary. Cultural events also reinforced compliant behavior, for the most part, tribal members were not subject to sexual abuse or severe physical punishment. Bringing shame to the family was sufficient punishment for most individuals to stop the inappropriate behavior because the entire band or clan was aware and reinforced discipline through social sanctions.

Another system in place that undermined the sense of family security was the services offered by child welfare or child protection. For many years, the Bureau of Indian Affairs Social Services maintained jurisdiction for children placed outside the home and initially the removal of children was primarily based on conditions of poverty. Children were taken from families because of perceived "neglectful conditions." Extended family placement was viewed as being less than ideal or inappropriate based on criteria

determined by the Child Welfare/Social Services agencies. These agencies employed non-Indian standards and lacked an understanding of the extended family system that functioned within many tribes.

Social Services began shipping troubled, multiple-placement kids from one boarding school to another without understanding the dynamics of moving students without follow-up treatment nor cognizant of the emotional history students brought to the schools. There was little or no sharing of background information between social service programs and school sites when students were transferred. Social services programs began to contend with high numbers of parents abusing drugs and alcohol. Few treatment resources existed in tribal or federal school systems. Social services, law enforcement, and legal services were contending with children, parents, and grandparents within the same family and a bottomless pit of problems that did not respond to imposed interventions.

Today there is more recognition of the historic child welfare practices regarding Native parents that have impacted generations of Native families. It contributed to the decline of parents to care for their children, creating more victims while placing individuals in vulnerable positions to be victimized repetitively.

Many present problems contribute to parents being unable and/or unwilling to care for and provide for their children. All tribes have experienced living under new and changing social conditions that resulted in the loss of traditional lifestyles, cultural values and teachings, social norms and sanctions, and parental guidance and instruction. The family system of clan/band living and sharing has been disrupted, resulting in the lack of support for the most susceptible members – children, elderly, imprisoned, disabled, mental ill, and suicidal. At one time susceptible individuals had an extended system of relations to assist and address their concerns; now many do not know their tribe, their clan, or their extended family.

Historically Native families used the extended network of family members to rear children. Segmented members in urban settings have replaced the extended family network of rearing children. Original ties to extended relationships became almost non-existent or marginal. This vulnerable population struggles with protection toward children, violations against spouses, high incarceration rate of adolescents and young adult males, crippling statistics on automobile injuries and death, and the increase in elderly abuse. Lateral violence in Native communities astounds all. It appears that empathy and compassion among tribal members has been totally eliminated when stories are told of vicious and random attacks against young people by members of their own communities. There seems to be a complete disregard for humanity as bodies are recovered from burned out automobiles or left lingering along isolated roads to be discovered weeks or months later. The astonishment is that no one questioned the disappearance of a family member, only to discover that he has been murdered without his disappearance being reported. Families are struggling and are not without fault in this tangled web of uncaring. The history of generational abuse offers families limited choices as they contend with violence and the inability to exhibit appropriate nurturing behavior toward one another.

The destruction of structure that once governed the social interactions between parties took away more than just relationships. It removed accountability and honor and left shame. Today's generation of Native people can be described as:

- having a higher likelihood of a history of substance abuse usage within the family,
- having a higher likelihood of first pregnancy as adolescent and increased likelihood of having children later in life,
- having a longer period for child-bearing years,
- having a higher likelihood of only having a GED equivalent,
- having three generations living within the household,
- having a history of oppression, generational grief, depression, anxiety, and shame,
- if male, most likely to have a high suicide rate,
- if male, most likely to have a history of incarceration or probation,
- living below the poverty level, living in substandard housing, and living in isolation,
- an age of less than 21 years old,
- having a higher likelihood of living on a reservation if older individual; higher likelihood of living in an urban area if younger individual,
- having a higher likelihood of dying before non-Native peers.

Federal Policies and Events

It is helpful to understand the past Indian policies of the federal government and their impact on the current conditions facing Native families. Below is a historical or chronological overview of the policies and the foundation for the federal government in their approach toward Native tribes:

- **Prior to 1492** – The people who occupied this territory were independent nations and viewed themselves as having separate territories and histories. There was earlier European contact that occurred during Norse voyages but major exploration of this New World did not begin until after 1492. The first European contact acknowledged independent tribes/nations.
- **1492** – This first recorded documentation of Spanish contact with the New World.
- **1519** – Aztec Empire, first written documentation of the Aztec people. The Spanish explorers traveled with monks or other Catholic Church representatives, many times these individuals kept detailed records that are now being used to better understand the “New World” that existed when the Spanish moved from the west to the east.
- **1534** – After the knowledge of the “New World” became known, other countries set sail to establish territories and claim riches for their homeland. The first recorded French contact was this year. The mentality of the explorers was to help their homeland lay claim since there seemed unlimited resources and opportunities in this new land.
- **1607** – Jamestown established. The English did not wish to be eliminated from competition in the “New World.”
- **1620** – Pilgrims established at Plymouth Rock but in actuality they did not land at Plymouth Rock. Manifest Destiny became the method of choice for the emerging new government. The immigrants determined that it was their responsibility and right as a lawful people to take and use the land and its resources regardless of who was living on the land at the time. This was especially true if those living on the land were considered to be uncivilized and uneducated by the “dominant” culture. Religious beliefs established the continued foundation for justifying how indigenous people would be treated.
- **Prior to 1684** – Tribes were viewed as independent nations by foreign entities with the exception of Spain. Spain viewed the Native occupants as citizens and subject to Spanish rule. As contact increased and alliances were formed, the reaction by the new explorers began to change.
- **1684** – The beginning of the exploration of the New World and expansion of settlement that eventually included Russian contact in Alaska and along the upper Northwest; Spanish settlement in the California and the southwest; French from the Southeast/Florida area and upper Great Lakes region; and the eastern colonies of the British Crown.
- **1776** – Establishment of the New Democracy and the Declaration of Independence as a nation separate from the British. It should be recognized that the U.S. is a nation built on the principles of freedom and equality. Many Native people served their country in World War I and II, Korea, Vietnam, Desert Storm and the Middle East conflicts to ensure that freedom and equality would always be available to citizens of the U.S. Military service is acknowledged as honorable and patriotic and a natural outcome of commitment to family and nation that Native people have always professed. Unfortunately, the New Democracy did not always value its Native citizens.
- **1794** – Jay Treaty (November 9, 1794) between the U.S. and Great Britain, established with Article III, the guaranteed rights of British subjects, American citizens and "also the Indians dwelling on either side of said boundary line" to freely cross and recross the U.S.-Canadian border.
- **1832** – Law passed and enacted by federal government that prohibited the drinking of alcohol by Indians. This did not include the provision of it being a crime to sell alcohol to Indians.

- **1855 – Court of Claims** - This was established by Congress to allow private parties to sue the United States for violation of contracts. A number of Indian tribes and individuals subsequently filed suits for treaty violations involving the taking of land in the Court of Claims. As the suits progressed, Congress perceived the danger of potential Indian claims and amended the Court of Claims statute to exclude those deriving from treaties. Another century would pass before any systematic process would be available for hearing claims of illegal land taking. This action was clearly one of the unfair practices that allowed the victimization of tribes.
- **1871** – Congress enacted laws to terminate making of treaties with Indian tribes. In addition, Congress enacted laws establishing Indian schools, tribal police, and tribal court systems. Indian Law became a standard but did not have Indian input.
- **1684 – 1880 - Indian Wars** - The period of time that became the standard in illustrating the conflict between the military and Indian tribes. This is especially true after the Civil War when the military was enlisting men to fight the “Plains Indian Wars” and the images from newspapers, photographers, and painters capture the imagination of the “civilized world” with stories of the noble savage and the “new frontier.” The establishment of a new democracy was much more pressing than attending to the tribes out west. The new government acquired territory interest then shifted to what bounty would enhance the controlling majority. The expansion of settlements into the frontier greatly increased confrontation between tribes and settlers. Protection of the citizens and removal of “Injuns” was a priority of the military.
- **1879 – Carlisle Indian School was established** by Henry Pratt, a Civil War veteran, whose initial goal was complete annihilation or assimilation. “Kill the Indian and save the man” was his motto. Regimentation, reading, writing, arithmetic, the manual trades, and home economics were drilled into the students until the school was closed in 1918 (BIA 1988; O’Brien 1989; Szasz and Ryan 1988). Many students stayed at least 5 years, losing their language and most Native cultural practices during this time. After receiving education at Carlisle, those that returned to the reservation found little or no work for the trades they had learned and experienced more alienation from their families because of differences in thoughts and beliefs.
- **1880 – 1930 - Assimilation and Allotment** - The basic element in federal-Indian relations has been the drive to assimilate Indians into the mainstream of American life by changing their customs, dress, occupations, language, religion and philosophy has always been an element in Federal-Indian relations. In the latter part of the 19th century and the early part of the 20th century this assimilation policy became dominant. A major thrust of assimilation was education, thus the boarding school movement. Allotment was advocated as a means of further civilizing Indians by converting them from a communal land system to a system of individual ownership while also increasing the land base for non-Native citizens. Many Native families were cheated out of their possessions, particularly land, because the agencies acting for the federal government insisted they knew what was best for Native families and refused to consider Native input into decision. There was conflict among Native families and leaders because of the indoctrination of non-Native teachings that place traditional teachings at a disadvantage and became viewed as less valued.
- **1887 – Dawes Act** - In 1887 Congress passed the Dawes Act (also known as the General Allotment Act). Each family head was to receive 160 acres, and a single person was to receive 80 acres. Title to land was to be held in trust for at least 25 years. If an allottee was declared competent to handle his own business affairs, the agent could recommend a fee patent prior to 25 years. This proved disastrous to family unity while dissolving the tribal systems of communal holdings. Jurisdictional issues are becoming paramount as allotment lands began to checkerboard the nation.
- **1920** – Federal law passed which sanctioned the Native American Church, however, in practice American Indian people were not allowed to engage in Native religion and the use of peyote was still seen as a criminal violation. The Native American Church beliefs and practices were continuously challenged until 1989 when the U.S. Supreme Court determined religious practices are protected.

- **1924 – Granting of U.S. citizenship to American Indians** - Some individuals and certain tribes had citizenship prior to this date, but with this law it became inclusive for all American Indians within the states boundaries. This created a problem for tribes and villages that straddled borders with Mexico, Canada, and eventually Russia. An invisible line that designated rights for fishing, hunting, visitation, and mobility arbitrarily divided families.
- **1928 – Merriam Report** - This report to Congress outlined the harsh treatment of boarding schools and the outrageous behavior of school authorities toward Indian children. This report focused on the way many boarding schools unmercifully disciplined children but good-hearted efforts were unsuccessful in attempts to make meaningful changes. Many non-Native people, outraged at the level of abuse in the boarding schools, continued to call attention to the living conditions of Indian people.
- **1930** – Congressional Hearing on the Status of American Indians. The Merriam Report was part of this Hearing.
- **1930** – Sen. Elmer Thomas (D-Oklahoma) headed a congressional investigation on child abuse in boarding schools. The results were devastating, which detailed the many deaths of students from abuse and lack of care. The abuse typically went unreported with the individual not being accountable or held responsible.
- **1934 – Johnson O’Malley Act** - This act, was an attempt to address the needs of Indian students as they enrolled in public schools, as amended in 1936, permitted the government to contract with states, territories, corporations, private institutions, agencies, and political subdivisions to provide education and other services to American Indians (Cohen 1982). Despite this act, thirty years later Indian education remained far below national standards.
- **1930 – 1945 - Indian Reorganization Act** - This act ended the destructive land allotment system, which had begun in earnest in 1887. Allotment had progressively dismantled numerous reservation land bases and forced affected tribes to have fewer resources available to its members. This act was purposely designed to help re-establish self-government and restore to tribes sufficient powers to represent tribal interests in a variety of political and economic circumstances. Elected tribal governments became formal organizations and traditional forms of tribal governing were discouraged. Unfortunately much of the bureaucratic stranglehold and paternalism of the Bureau of Indian Affairs continued. The elected officials had limited power with restrictions by the BIA.
- **1945 – 1960 - Termination of Trust Relationship Period** - Termination is used to describe a specific policy toward Indian affairs, the popularity for which peaked in Congress in 1953 and resulted in the infamous House Concurrent Resolution 108. The policy goal of HCR 108 was to end the federally recognized status of Indian tribes and their trust relationship with the United States “as rapidly as possible.” Many of the policy’s naive but sometimes well-intentioned supporters were convinced they were finally going to solve “the Indian problem” through yet another form of forced assimilation; making the Indian people become just like “other citizens.” More than 200 tribes were terminated, meaning that their rights based on their status as American Indians were eliminated by the U.S. government and those individuals no longer had status as American Indians and were no longer eligible for services offered to other tribes. This is another example of federal policy being implementation without tribal input. Many tribes were fearful of the consequence of this action and petitioned not to be terminated.
- **1950 – 1968 - Relocation** - During this period several programs were initiated through the Bureau of Indian Affairs that relocated American Indians from their reservation or tribal area to an urban setting. The intent was to move this population into the mainstream economy by resettling them in industrial or commercial areas in major cities. The outcome was that most individuals had limited marketing skills and could not compete with the working poor in those urban communities. As a result, this

relocation project did not have the desired outcome, rather families migrated to and from reservation settings or became enmeshed in the new social service programs offered by federal or state funded programs. A few families were successful but for the majority of Indian families the relocation into a metropolitan environment did not prove to be beneficial. It was out of these generations of families who remain in the urban areas and the natural migration from rural to urban, that urban Indian centers and clinics emerged.

- **1953 – Public Law 280** - This law gave six states mandatory and substantial criminal and civil jurisdiction over Indian Country within their borders. The “mandatory” states were Alaska (added in 1958, except Metlakatla Reservation), California, Minnesota (except Red Lake Reservation), Nebraska, Oregon (except Warm Springs Reservation), and Wisconsin (Canby, 1981). This law also permitted other states to acquire similar jurisdiction in Indian Country. The choice was determined by the state and did not allow for or require tribal approval. This is another example of federal policy being implemented without tribal input. It was later changed in 1968 to require tribal consent. Ten additional states opted to accept some degree of jurisdiction and to date, some of these states have now returned at least part of their jurisdiction to the federal government (Cohen, 1982). These ten states who opted to accept some degree of jurisdiction are Arizona, Florida, Idaho, Iowa, Montana, Nevada, North Dakota, South Dakota, Utah and Washington. The authority they assumed varied from limited jurisdiction over things like air and water pollution only (Arizona), to slightly greater jurisdiction over criminal offenses and civil causes of action arising on highways (South Dakota), to full Public Law 280 jurisdiction (Florida) (Cohen, 1982).
- **1954 – Indian Health Service** - IHS established a policy which disallowed health services to Indian women who married non-Indian men. It did not disallow services to Indian men who were married to non-Indian women. It was based on the assumption that if an Indian woman married a non-Indian that he would be able to care for her and their children. This proved to be an ill-fated policy that was eventually reversed. This policy did not consider that the federal government had a treaty obligation to provide health care for all tribal members.
- **1956 – Vocational Training Act** - This act was passed in response to vocation training being originally denied to Indian people who were moving away from reservations or tribal lands to obtain work in urban areas. Urban migration patterns were occurring with Indian and non-Indians alike. The policy makers however viewed this as another opportunity to “relocate and solve the Indian problem.” The intent of the “relocation” policy was to assimilate Indians into the mainstream, however relocation left many to fend for themselves in urban areas that were unfamiliar to them. The implications of this policy was the further breakup of Indian families since limited or no services were available for those living off-reservation (health care, education, etc.) and there was no training and/or education to prepare adults for jobs in the urban areas. As a result, there was more stress and no support systems such as extended families and relatives for relocated families. Poverty in the urban areas was used as a reason for non-Indian social workers and agencies for removing Indian children from their homes and placing with more affluent white families.
- **1968 – Indian Civil Rights Act** - This act was passed as the first major piece of legislation enacted during the post-termination era that dealt specifically with Indian matters. A relevant and significant part of the act prohibited states from assuming jurisdiction over Indian Country, under Public Law 280, without first obtaining tribal consent (Deloria and Lytle, 1983). “Self determination” is a catch-all term that covers a variety of concepts including tribal restoration, self-government, cultural renewal, reservation resource development, self-sufficiency, control over education, and equal or controlling input into all policies and programs arising from the Native American-federal government trust relationship (Waldman, 1985). Tribes have the power to initiate the process of controlling the nature of the programs available to them from federal programs. Some assumed this act actually hindered tribal services rather than helped since programs began to be dismantled as disbursement of federal funds to individual tribes limited the amount of funds to maintain federal programs.
- **1972 – Indian Education Act** - This legislation established funding for special bilingual and bicultural programs, culturally relevant teaching materials, proper training and hiring of counselors, and

establishment of an Office of Indian Education in the U.S. Department of Education. Most importantly, the act required participation of Native Americans in the planning of all relevant educational projects (Cohen 1982; O'Brien 1989).

- **1975 – Indian Self-Determination and Education Assistance Act (Self-Determination: Contracting and Compacting)** - This act authorizes federal agencies to contract with and make grants directly to Indian tribal governments for federal services, much like it does with state and local governments. This act is often referred to in Indian Country as “638” legislation, because it was passed as Public Law 93-638. Through grants and contracts, the act as amended, encourages tribes to assume responsibilities for federally funded Indian programs formerly administered by employees in the Departments of Education, Interior, and Health and Human Services. Tribes decide if they wish to participate in a particular program. If they do, then funds and management decisions are subject to tribal control. It means that participating tribal governments can now control their own housing, education, law enforcement, social services, health and community development programs (American Indian Lawyer Training Program 1988; Cohen 1982; Kelly 1988; O'Brien 1989).
- **1976 – Indian Health Care Improvement Act** - In 1954 Congress transferred the badly ailing Indian Health Services out of the BIA and into the Public Health Service. Improvement of the amount and quality of medical services available to Native Americans was the reason behind the transfer, and to a degree it has worked. But, as with the BIA, the IHS has had its share of problems regarding waste, mismanagement, and fraud. The Indian Health Care Improvement Act, as amended, established two broad goals for the IHS. First, to raise the health status of American Indians and Alaska Natives to the highest possible level, and second, to encourage the maximum participation of Indians in the planning and management of IHS services. It was only recently that IHS began preventative programs that truly focused on at-risk health care.
- **1978 – American Indian Religious Freedom Act** - The passage of this act was designed “to insure that the policies and procedures of various federal agencies, as they impact upon the exercise of traditional Indian religious practices, are brought into compliance with the constitutional injunction that Congress shall make no laws abridging the free exercise of religion.” This act also created the atmosphere for more traditional practices to be implemented into on-going services provided by federal funds. The Native American Church was finally validated as a true religious structure with all rights and protection as other religious structures.
- **1978 – Indian Child Welfare Act (ICWA)** - The passage of the Indian Child Welfare Act of 1978 is an important milestone in congressional action to protect and maintain Indian families and tribes. The intent of the act is to stabilize Indian families by reducing the number of Indian children removed and placed in non-Indian adoptive and foster homes as a result of abuse or neglect. The act established minimum federal standards for removal of Indian children and outlines procedures that aid in their placement in homes reflecting Indian culture as well as establishing programs within tribal systems to prevent the removal of Indian children from their homes. As with many legislative acts, there was not mandated funding, and states were not always eager to comply with the intent of this law.
- **1988 – Indian Gaming Regulatory Act (IGRA)** - This act created a rare opportunity for some tribes to establish an economic foundation for their infrastructure. There has been considerable discussion regarding tribal gaming policies at the tribal, state, and federal level. Gaming issues have contributed to court challenges by states as to jurisdiction and regulatory functions. Many tribes have explored their sovereign status in response to the gaming issue.
- **1989 – Multi-victimization on Indian Lands** - In 1987, several multiple victimization cases were discovered on reservations. In response to the multiple victimization that occurred in Indian Country, the Office for Victims of Crime (OVC-DOJ) discovered how inadequate services were for Native child abuse victims. Eventually, the OVC-DOJ began funding a discretionary grant program, providing money to states to fund on-reservation victim assistance programs through the Victim Assistance in Indian Country (VAIC). This, unfortunately, proved limited since States were unprepared to adequately service tribal programs.

- **1990 – The Indian Child Protection and Family Violence Prevention Act (P.L. 101-630)** - This act was a direct response to the multi-victimization cited above. It was enacted in response to the discovery that federal employees were not required to report cases of suspected child abuse. The purpose of this act is to require that reports of abused Indian children are made to the appropriate authorities in an effort to prevent further abuse. This law attempted to establish a reliable database for statistical purposes and to authorize a study to determine the need for a central registry for reported incidents of abuse. It called for the establishment of treatment programs on Indian reservations for victims of child sexual abuse and provides training and technical assistance related to the investigation and treatment of cases of child abuse and neglect. The law authorized the establishment of Indian Child Resource and Family Services Centers in each Bureau of Indian Affairs Area Office. The intent of the law was to have multidisciplinary teams with experience and training in the prevention, identification, investigation, and treatment of child abuse and neglect. In addition, it called for the provision of treatment and prevention of incidents of family violence, establishment of tribally operated programs to protect Indian children and reduces the incidents of family violence in Indian Country and authorizes other actions necessary to ensure effective child protection on Indian reservations. However, since no funds were appropriated, this legislation is severely hampered and implementation has been inconsistent and ineffective.
- **1990 – Native American Graves Protection and Repatriation Act (NAGPRA)** - Interest in burials and religious places have high appeal for many individuals, but in their quest many destroyed burial sites and sacred objects. Excavation of burial sites is rampant without regard to tribal beliefs or concerns. In some excavated locations, visitors were allowed to walk among the “dead” and view their remains in the exact position as when they were buried. It appeared that reverence for the remains of Native people became lost in the justification for research or entrepreneurship. In response to this appalling behavior, this act attempted to curtail the destruction of sites, objects, and other cultural aspects of Native history. The act mandates that all agencies and private museums which receive federal funding have five years to inventory their collections of Native American human remains and related funerary objects. Upon completion of inventories, they are required to notify tribes where the materials originated, or from whose land the materials came. If a tribe requests that remains and objects be returned, that request is to be honored. This law establishes that Native American tribal groups have the right to claim human remains or ceremonial and burial items which are discovered on tribal and federal lands. They also have the option to determine the disposition of such discovered remains and items. Unfortunately the act does not include excavation of sites on private land or artifacts removed or sold that are labeled non-ceremonial.
- **1990 – Native American Languages Act** - When children were sent to boarding school or placed away from families, they were forbidden to speak their Native language. As a result many children lost or refused to speak “Indian” again. With each successive generation, fewer and fewer Native speakers were fluent. Native people sought to retain as much of their culture as possible and realized that the loss of their Native language was a critical element in retaining identity. This act shifted the U.S. policy “to preserve, protect, and promote the rights and freedoms of Native Americans to use, practice, and develop Native American languages.” This officially reverses the scattered policies of the 19th and 20th centuries that so devastated Native languages and created the oppressive climate. Native languages are at a critical crossroads as the older generation of speakers begin their last journey of this world and the younger generation loses access to them.
- **1994 – Federal Crime Control Bill** - Studies showed that crimes against Native people were increasing but tribal governments lacked the resources to legislate enforcement or penalties. This bill allowed tribes a greater opportunity for increased police presence, to expand and improve cooperative efforts between law enforcement agencies and community members, and to generally enhance public safety. It allows for more federal support to develop and strengthen law enforcement and prosecution strategies to combat violence against women and children, and develops and strengthens victim services particularly involving violent crimes against women.
- **1998 – OVC began direct funding to tribes** - OVC began direct funding to tribes, eliminating the state pass-through of the past decade that proved to be less than ideal. There are some American

Indian victim assistance programs who receive funding from state VOCA programs as well as VAIC grants, however that is the exception rather than the rule. Since its inception in 1989, the VAIC program has funded 52 reservation based victim service programs in 19 states. In addition, OVC is working in conjunction with other federal agencies to increase services to tribes and has provided funding to increase resources and materials for programs serving Native communities. There still remains the need for immediate and direct crisis intervention of services on reservations and tribal lands.

Barriers to Services for Victims of Crime

The culmination of these events during this relevantly short period is immense. Native women are at high risk for domestic violence; Native men are at high risk for suicide and homicide; Native children are at high risk for abuse and neglect and injury. There is the additional factor of exposure to extreme violence and being traumatized by the event. Unfortunately many are re-traumatized in the process of getting assistance or aiding in prosecution. Although Native families have similar historical background of governmental policies that undermined family structure, not every Native person contributes to the patterns of violence. Most Native people, however, experience repercussions of violence and abuse.

Native populations are vulnerable since they are affected by laws drafted and passed without input from them. Some States seek legislation that hampers Native citizens from benefiting from programs available to other citizens. Some state governments challenge tribes and Native villages' sovereignty or create barriers to services for crime victims. For example, some state victim assistance programs automatically deny state services and require Native crime victims to first seek services at their tribal mental health program. In addition, there are a limited number of mental health professionals available in Native communities. Consequently, it is impossible to simultaneously provide adequate mental health care for the general tribal community and for victims of crime. Native crime victims should have the option of care beyond their local service areas and be allowed equal access to services available to the general public.

Barriers to crime victim services:

- Suspicion of law enforcement including tribal and federal personnel,
- Unwillingness to cooperate with investigation or prosecution,
- Limited access to tribal or state victim assistance programs
- Limited infrastructure – transportation, childcare, telephone, programs and services, adequate referral source, etc.,
- Limited information on services available,
- Lack of community support for disclosure of victimization,
- Limited tribal jurisdiction for accountability and penalties,
- Limited federal jurisdiction for violations other than major crimes,
- Limited economy to build an infrastructure to support programs,
- Inappropriate or limited understanding of Native issues by non-Natives, and,
- Acceptance of abusive and harmful relationships and criminal injury.

Conclusion

It is important to realize the historical content of victimization is not limited to individuals since all Native families have a collective history of trauma and abuse. This collective history contributes to a higher proportion of victimization in Indian Country. Each individual must be provided supportive services to effectively manage victim issues including the process of investigation and prosecution, treatment services that are easily accessible and appropriate, and the elimination of future trauma related to the initial abuse.

Victim services are beginning to be framed within traditional Native teachings of spirituality and cultural relevancy. Families are rebuilding. Families need a supportive structure that will increase their sense of empowerment and provide an avenue to explore ways to combat the pattern of victimization both presently and historically. Families need an effective method to hold perpetrators and offenders accountable as well as the judicial and law enforcement systems that function as protectors. Traditional sanctions and methods of restitution should be considered in victim services. Children cannot exist without parents; parents cannot exist without families; families cannot exist without communities;

communities cannot exist without tribes; tribes cannot exist without children. The hope is that children, families, communities, and tribes are rebuilding together. The prophecy is being fulfilled for Native people that honor and traditions will heal their spirits and build their heritage as Native people.

Author

Dolores Subia BigFoot, PhD
University of Oklahoma Health Sciences Center
Center on Child Abuse and Neglect
P.O. Box 26901 CHO 3B 3406
Oklahoma City, OK 73190

Dr. BigFoot is an Assistant Professor in the Dept. of Pediatrics. She is a trainer and consultant on multicultural issues in prevention, intervention, and treatment of American Indian families, including parenting, mental health and violence. She can be reached at (405) 271-8858.

RESOURCES

Office for Victims of Crime

810 Seventh Street, NW
Washington, DC 20531
(202) 307-5983
<http://www.ojp.usdoj.gov/ovc>

Office for Victims of Crime Resource Center

Box 6000
Rockville, MD 20849-6000
800-627-6872
<http://www.ncjrs.org>

Center on Child Abuse and Neglect

CHO 3B-3406
940 NE 13th Street
P.O. Box 26901
Oklahoma City, OK 73109
<http://pediatrics.ouhsc.edu/ccan>

Bureau of Indian Affairs

Office of Tribal Services
1849 C Street, NW, MS 4603
Washington, DC 20240
(202) 208-2721
<http://www.doi.gov/bia>

Office of Justice Programs

American Indian and Alaska Native Desk
810 Seventh Street, NW
Washington, DC 20531
(202) 616-3205

Tribal Law and Policy Institute

P.O. Box 460370
San Francisco, CA 94146
(415) 647-1755
<http://www.tribal-institute.org>

U.S. Department of Justice

Office of Tribal Justice
10th and Constitution Ave., NW, Room 1509
Washington, DC 20530
(202) 514-8812

American Indian Development Associates

Ms. Ada Pecos Melton
7301 Rosewood Court, NW
Albuquerque, NM 87120
(505) 842-1122

National Congress of American Indians

1301 Connecticut Avenue NW, Suite 200
Washington, DC 20036
(202) 466-7767
<http://www.ncai.org>

National American Indian Court Judges Association

1301 Connecticut Avenue, NW
Washington, D.C. 20036
(509) 422-6267
<http://www.naicja.org>

Native American Rights Fund

1506 Broadway
Boulder, CO 80302
(303) 447-8760
<http://www.narf.org>

National CASA Association

100 W. Harrison St., North Tower #500
Seattle WA 98119
1-800-628-3233
<http://www.casenet.org>

National Children's Alliance

1319 F Street, NW, #1001
Washington, DC 20004
(800) 239-9950
<http://www.nncac.org>

Colorado State University

Tri-Ethnic Center
C138 Andrews G. Clark
Ft. Collins, CO 80523
(970) 491-0251

Northern Plains Tribal Judicial Institute

University of North Dakota Law School
Box 9000
Grand Forks, ND 58202
(701) 777-6176
<http://www.law.und.nodak.edu/lawweb>

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