

FEMINIST

PERSPECTIVES



Art by Katie Douglas

CRITICAL INTERSECTIONS:
Extractive Industries and Sexual
Violence Against Native Women

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Opening Statement



Activists march for missing and murdered Indigenous women (#MMIW) at the Women's March California on January 19, 2019, in Los Angeles, California.

The following zine is informed by critical race and women of color feminist scholars, activists, theories, and perspectives. As a brief overview, critical race theory (CRT) emerged in the 1970s and was developed as a response to the limitations of its precursor critical legal studies (CLS). Prominent CRT scholars include Derrick Bell, Alan Freeman, Cheryl Harris, and Kimberlé Crenshaw. CRT rejects mainstream political ideologies including, but not limited to, colorblind racism and meritocracy, as well as the widespread liberal notion of "equality." Rather,

CRT invokes lenses of equity by analyzing how United States law is inherently racist and intersects with other forms of oppression. CRT proponents argue the law is not objective, and legal standards and conceptualizations of race create, and thus dictate, racial and gender hierarchies undergirded by Eurocentrism and white supremacy. In short, CRT examines oppressive features embedded within social structures, and how these features work together to maintain the status quo (Brown & Jackson, 2022).

The Missing and Murdered Indigenous Women and Girls (#MMIWG) movement often overlaps with concepts discussed in this zine. The red handprint is a symbolic representation of the MMIWG movement.



As a branch of women of color feminisms, radical Indigenous feminism contextualizes the reality of sexual violence committed against Native women as an ongoing practice of colonialization.

Native activist and scholar Joanne Barker writes, "**Anti-imperialism** and **anti-colonialism** [are] core features of radical Indigenous feminist politics..." (Barker, 2019, p. 6).

Introducing the Problem

Already, Indigenous women are twice as likely to be raped and three times as likely to be murdered than white women (Grisafi, 2020). In Alaska, which is home to the largest Indigenous population in the United States, and the largest oil fields in North America, Native women comprise nearly half of all reported rape victims in the state (Grisafi, 2020). The number of sexual assaults perpetrated against Native women are strikingly increased in and around energy extraction project areas. In other words, the already present crisis of sexual violence disproportionately imposed on Indigenous women exponentially increases when “man camps” of oil workers arrive (Condes, 2021). Scholars Sarah Deer

and Elizabeth Warner (2019) describe “man camps” as temporary housing sites for oil workers (mostly comprised of non-Indigenous individuals) rife with sexism, hypermasculinity, and a disconnection from the local community.

An **intersectional** analysis is pivotal to this discussion such that the identity of Native American women, the violence experienced by these women, and the history of colonial violence cannot be separated. Indigenous bodies, particularly Indigenous women’s bodies, have long been framed as “dirty,” inherently violable, and markers of sexual deviance by (white) settler colonial society – this perception is demonstrated through the sexualization, objectification, and overall harmful portrayal of Pocahontas. In this view, the imposition of sexual violence onto Native women presents an ideological avenue towards achieving racial purity by overtly attacking the Indigenous identity itself.

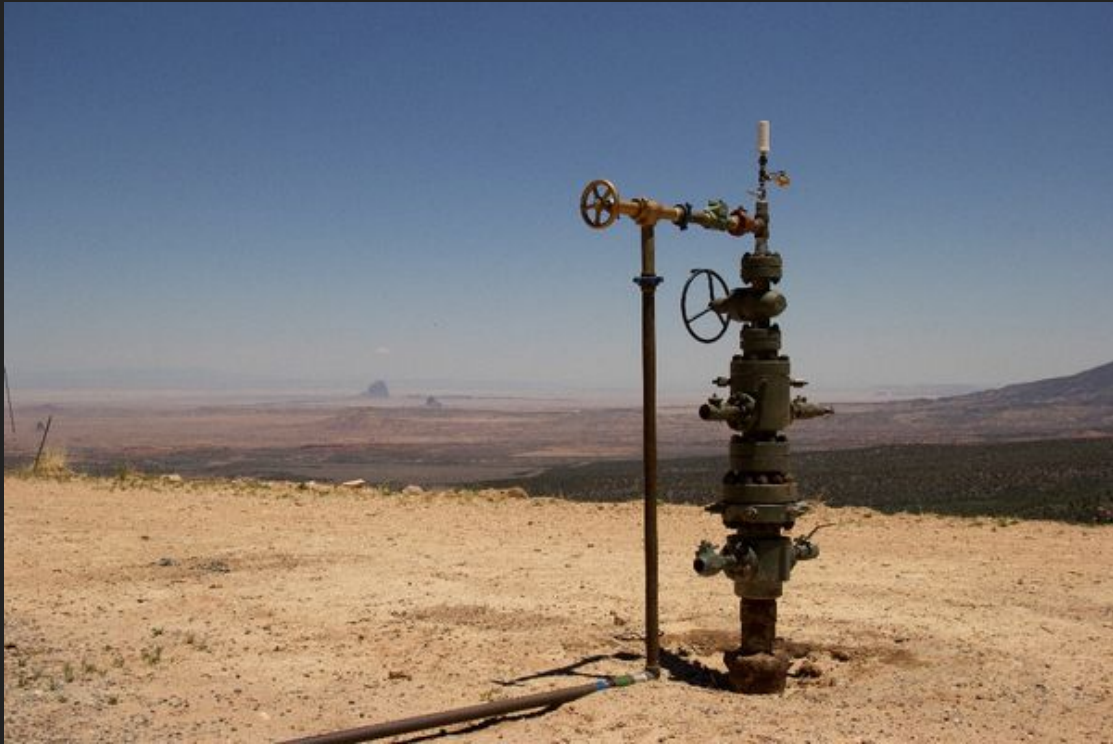
Extractive industries are defined as, “invol[ing] the removal of non-renewable raw materials such as oil, gas, metals, and minerals from the earth” (Office to Monitor and Combat Trafficking in Persons, 2017).

Intersectionality is a lens through which you can see where power comes and collides, where it interlocks and intersects. It’s not simply that there’s a race problem here, a gender problem here, and a class or LBGTQ problem there. Many times that framework erases what happens to people who are subject to all of these things.

-Kimberlé Crenshaw

While this zine largely focuses on extractive projects exponentially increasing sexual violence against Indigenous women within a U.S. context, this must also be understood as a global phenomenon. For example, Bolivian and Peruvian women and girls are subjected to sex trafficking near mining sites, as well as women in Suriname and Guyana living near gold mines (Office to Monitor and Combat Trafficking in Persons, 2017). Extractive projects take place in remote areas where there is a lack of government oversight, resource access, and community support. Police’s inability to appropriately respond to cases of sexual violence has greatly impacted the proliferation of sexual and economic exploitation such that rates have reached, and greatly surpassed, epidemic levels. As you read, this zine will delve into the legal relationship between state, federal, and tribal governments, as well as a discussion of why reliance on law enforcement will never meet the needs of Native women.

Gendering Extractive Projects



Water teaches us to be mindful of our relations with one another, including other than human beings and the lands and the waters on/in which we live together. -Joanne Barker

Indigenous epistemologies have long understood the earth as containing feminine qualities (i.e., “Mother Earth”). Thus, the forceful imposition of sexual violence onto Native women and the imposition of resource extraction onto tribal lands must be discussed in tandem, as inextricably connected projects of gendered violence (Deer & Warner, 2019). Extractive industries embody predatory characteristics, similarly to that of sexual attacks. For example, rape is understood as occurring without the absence of “consent,” involving a misuse of power. Many oil workers view Native women as sites for physical domination, similarly to how tribal lands are reduced to their commodified resource value. Extractive industries do not care to obtain consent from Indigenous communities, ignoring the needs and appropriate care of Native people; energy extraction is achieved through centuries long patterns of racialized power hierarchies aiming to serve the interests of a capitalist economy and settler state.

In more recent years, the long-term trauma effects of sexual violence have gained momentum in mainstream media and scholarly discourse. Within this context, the additive trauma of environmental violence exposes resource extractive projects as deeply gendered.

They treat Mother Earth like they treat women... they think they can own us, buy us, sell us, trade us, rent us, poison us, rape us, destroy us, use us as entertainment and kill us. I'm happy to see that we are talking about the level of violence that is occurring against Mother Earth because it equates to us [women]. What happens to her happens to us... We are the creators of life. We carry that water that creates life just as Mother Earth carries the water that maintains our life."

-Lisa Brunner, Native activist and director of Sacred Spirits First Nations Coalition

Jurisdictional Gaps

As a result of the **Major Crimes Act** (1885), serious crimes committed between Native peoples was federalized. It did not entirely strip tribes of criminal jurisdiction over members; however, it handed the federal government concurrent jurisdiction over specific violent crimes such as, manslaughter, kidnapping, incest, assault against those under the age of 16, felony child abuse, and others (Finn, et al., 2017).

Public Law 280 (1953) modified criminal jurisdiction in certain states through transferring criminal jurisdiction from federal governments to some state governments (Finn, et al., 2017).

Complex jurisdictional gaps grant non-Indigenous persons immunity for their crimes when they are committed on tribal land, and this is a widespread knowledge among oil workers. If the government is unable to determine where the crime occurred – federal, state, or tribal land – this reinforces a barrier for Native women to obtain justice. Further, while the Violence Against Women Reauthorization Act (VAWA), championed by President Obama in 2013, authorized tribal governments to exercise jurisdictional rights over non-Indigenous individuals, VAWA encompassed only domestic violence charges, excluding other/most cases of sexual violence (Deer & Warner, 2019). The Tribal Law and Order Act (TLOA) of 2010, another result of the Obama administration, failed exponentially in its efforts to serve Native women (Finn et al., 2017). This piece of legislation rests on greater police involvement within tribal lands, thus advocating for overall increased federal involvement.

In the **Major Crimes Act** (1885), U.S. federal governments exerted jurisdictional control over tribes, exposing an unfounded fear of tribes being unable to administer sentences (Weaver, 2009). Similarly, **Public Law 280** of 1953 (PL280) requires Native peoples rely solely on federal intervention (Grisfai, 2020), while the **Indian Civil Rights Act** (1968) mandates tribes govern under the standards of U.S. law (Weaver, 2009). "**Oliphant v. Suquamish Indian Tribe**" (1978) acts as a legal loophole for impunity and a binding law allowing Native women to “fall through the cracks” (Deer &

The **Indian Civil Rights Act** of 1968 (ICRA) limited tribal courts' jurisdiction, devolving their powers to petty misdemeanors; thus, felony jurisdiction remained exclusive to the federal government. While in theory the ICRA was implemented to ensure due process in tribal courts, this often-left non-members without sufficient prosecution (Weaver, 2009).

"**Oliphant v. Suquamish**" (1978) questioned the tribe's authority to prosecute non-Native persons who had committed a crime against a Native person while on tribal land. The Supreme Court ruled in favor of Oliphant, stating that tribal governments do not have jurisdictional powers over non-Natives (Finn, et al., 2017).

Warner, 2019). The combination of PL280, the Major Crimes Act, and "Oliphant" create intended barriers for Native women seeking justice.

While some scholars take a liberal stance by suggestion of improved government collaboration, this position fails to reinstate tribal sovereignty, and instead hinges on colorblind approaches to law. Improved police training and coordination, as well as background checks of oil workers are incoherent solutions failing to address systemic inequities and continued erasures of tribal sovereignty. An assertion that increased policing, or reformative strategies, would positively impact tribes is one rooted in paternalistic and colonial attitudes. Land restoration and tribal sovereignty is paramount to adequately addressing Native women sexual violence, specifically regarding the parallels to energy development projects.

Until tribal criminal jurisdiction is fully extended and restored, the federal government must be held accountable through increasing sufficient and necessary funding for data collection and victim services. Ultimately, crimes against Native women and children must be tried at the tribal level, and a full repudiation of "Oliphant" is long over-due (Deer & Warner, 2019). Finally, being that extractive projects (and other demonstrators of environmental injustices on tribal lands) are gendered attacks on Indigenous identity, incorporating Traditional Indigenous Ecological Knowledge into environmental policy centers the voices of Native peoples.

*You told me about all the Indian women you counsel
who say they don't want to be Indian anymore
because a white man or an Indian one raped them
or killed their brother
or somebody tried to run them over in the street
or insulted them or all of it
our daily bread of hate
Sometimes I don't want to be an Indian either
but I've never said so out loud before
Since I'm so proud & political
I have to deny it now
Far more than being hungry
having no place to live or dance
no decent job no home to offer a Granny
It's knowing with each invisible breath
that if you don't make something pretty
they can hang on their walls or wear around their necks
you might as well be dead.*

-Chrystos, a Menominee poet

Bakken Oil Boom



The Bakken Oil Boom project has directly targeted the Fort Berthold Reservation in North Dakota, and more specifically, the Native women inhabiting Fort Berthold. Fort Berthold is home to the Madan, Hidasta, and Arikara Nations, and while politicians praised the Bakken Oil Boom for advancing the job market, they continued to ignore sexual violence as an inherent feature of extractive industries (Brown, 2018).

Native American women are already subject to higher rates of poverty, domestic and sexual violence, and substance abuse, all of which is buttressed through sexual, racial, and economic exploitation. Because socioeconomic inequity is a major facilitator for involvement in sex work, the proximity of “man camps” on tribal lands curates a terrorizing environment for Native

women and children (Finn et al., 2017). This is not due to sex work being inherently evil, gross, or wrong, but that the absence of choice under oppressive features curates a terrorizing environment. During the Bakken Oil Boom, violent crime rose by 121% and rates of sexual violence nearly tripled (Grisfai, 2020).

Michelle Latimer, a young woman who grew up on the Fort Berthold reservation, delivers a quiet, yet powerful, film project, “Nuuca,” in which she exposes the salient realities of living in such close proximity to these “man camps.” Latimer describes a specific sense of entitlement white settlers and corporations have over tribal lands, and by extension, Native women (Brown, 2018). View her film project below.



A man camp.



CASE SPOTLIGHT



Olivia Lone Bear

Olivia Keri Lone Bear, an Indigenous loving mother of five and member of the Three Affiliated Tribes in New Town, North Dakota, went missing in October of 2017. She enjoyed spending quality time with her children, attending live music, and golfing. She was found murdered; her body discovered buckled into the passenger seat of a submerged vehicle in Lake Sakakawea on Forth Berthold reservation. Her death was ruled undetermined following a medical autopsy. Due to previously discussed jurisdictional disputes, the Federal Bureau of Investigation took lead in Olivia's murder. Currently, no arrests have been made in connection with her murder (Uncovered, 2022). Olivia's case is a direct result of the Bakken Oil Boom, and another exemplar of the United States' abhorrent indifference to the sexual violence committed against Native women all for the sake of resource extraction expansion.

For further information and ways to get involved, please visit the link below.





Litigation as Strategy

Some scholars have suggested litigation as an avenue for Native women to achieve justice (Condes, 2021). It should be noted, though, that prior litigative strategies have largely focused their efforts on environmental degradation, ignoring the sexual violence associated with extractive industries, or the interconnectedness of environmental and sexual violence. This discussion has recently expanded to include "Bad Men" clauses as a potentially more directive tactic. However, I argue that while litigation may serve as a potential strategy to combat sexual violence against Native women in the short term, this is not an all-encompassing solution and is inherently limited in its approach. Litigation requires the response rely upon a government long consumed with the interests of white settler society. Further, Bad Men suits require the U.S. government to prosecute non-Indigenous perpetrators imposing harm against Native women (Condes, 2021); however, the Bad Men clause does not recognize communal violence, rather mandates a single victim, or plaintiff come forward. Therefore, this clause fails to address systemic reinforcers of racial oppression and generational trauma, instead reducing the impact of Indigenous sexual violence down to an individual level. This reflects CRT scholar Allan David Freeman's notion of the **perpetrator perspective** in which racism is viewed as an act committed only by a "few bad apples." Tribal nations need not be (legally) resource dependent on the United States; reparations for violence and transferring of decision-making power back to tribal lands would better address the lasting effects of systemic racism, sexism, and settler colonialism.

Well-known critical race theory scholar Alan David Freeman coined the term **perpetrator perspective** in his 1978 publication "Legitimizing Racial Discrimination Through Anti-discrimination Law: A Critical Review of Supreme Court Doctrine." Freeman describes the perpetrator perspective as viewing discrimination as an individualized responsibility, harmfully centering fault, and causation. This view contends that once the individual racists are eliminated from society, racism by extension will cease to exist. The perpetrator perspective "gives rise to a complacency about one's own moral status; it creates a class of "innocents" who need not feel any personal responsibility for the conditions associated with discrimination, and who therefore feel great resentment when called upon to bear any burdens in connection with remedying violations" (Freeman, 1978, p. 1055). By contrast, the **victim's perspective** views discrimination as actual conditions belonging to social existence; "[racial discrimination] will not be solved until the conditions associated with it have been eliminated" (Freeman, 1978, p. 1053).

"So What?"

Initiating conversations, or redirecting dialogue in a manner that promotes empathy, understanding, and anticapitalist, anti-colonial perspectives are significant demonstrations of support and great ways to involve yourself and others in the epidemic of sexual-environmental- colonial violence. Readers are encouraged to continue learning, but most importantly, keep listening to the stories being told around you. Listed below are a couple resources to jump-start independent research and spark change within communities.

MMIW USA

MMIW USA was organized as a response to the Missing and Murdered Indigenous women crisis and the lack of attention garnered by state and federal governments. MMIW USA serves the families of missing and/or murdered Native women through providing hands-on support and guidance. They offer safe spaces for families as to not leave relatives feeling abandoned in their grief. MMIW USA notes one of their strengths being that each staff member or volunteer has been assaulted and/or trafficked, thus equipping their organization with intense passion for change and centering the voices of those most impacted.



Native Hope

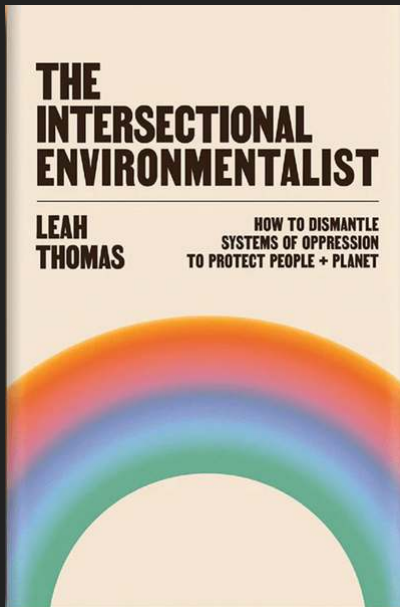
Native Hope, a 501(c)(3) organization, exists to address inequities imposed on Native communities within the United States and Canada, serving tribes by filling in the gaps left by state and federal governments. Native Hope utilizes storytelling as a methodology, this being a central component to Indigenous feminism. As a form of allyship, Native Hope builds lasting relationships with tribes, seeking to identify specific needs and accomplish a network of support. Native Hope prides themselves on being solution based and respecting tribal sovereignty through centering the voices of Indigenous leaders. Native Hope offers donation and fundraising opportunities, as well as educational opportunities via podcast episodes.



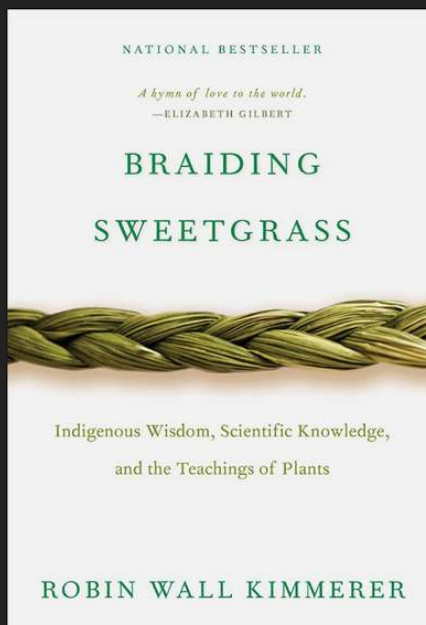
NATIVE HOPE

One Journey. One Family.

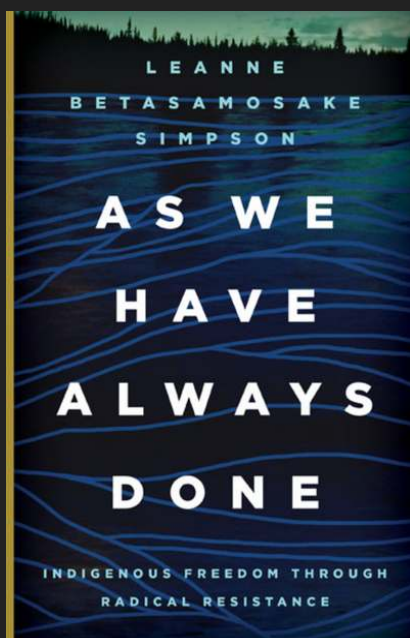
Literature Recommendations



"The Intersectional Environmentalist is an introduction to the intersection between environmentalism, racism, and privilege, and an acknowledgment of the fundamental truth that we cannot save the planet without uplifting the voices of its people — especially those most often unheard. Written by Leah Thomas, a prominent voice in the field and the activist who coined the term "Intersectional Environmentalism," this book is simultaneously a call to action, a guide to instigating change for all, and a pledge to work towards the empowerment of all people and the betterment of the planet."



"Drawing on her life as an Indigenous scientist, and as a woman, Kimmerer shows how other living beings—asters and goldenrod, strawberries and squash, salamanders, algae, and sweetgrass—offer us gifts and lessons, even if we've forgotten how to hear their voices. In reflections that range from the creation of Turtle Island to the forces that threaten its flourishing today, she circles toward a central argument: that the awakening of ecological consciousness requires the acknowledgment and celebration of our reciprocal relationship with the rest of the living world. For only when we can hear the languages of other beings will we be capable of understanding the generosity of the earth, and learn to give our own gifts in return."



"Across North America, Indigenous acts of resistance have in recent years opposed the removal of federal protections for forests and waterways in Indigenous lands, halted the expansion of tar sands extraction and the pipeline construction at Standing Rock, and demanded justice for murdered and missing Indigenous women. In *As We Have Always Done*, Leanne Betasamosake Simpson locates Indigenous political resurgence as a practice rooted in uniquely Indigenous theorizing, writing, organizing, and thinking."

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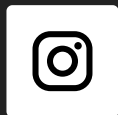
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