

Maze of Injustice

A Documentary Treatment

By
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In Association with Amnesty International
&
Plan B Entertainment

Based on the Amnesty International Report
“Maze of Injustice: The failure to protect indigenous women
from sexual violence in the USA”

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Standing Rock Indian Reservation, South Dakota

Were you crossing the Standing Rock Indian Reservation about when it happened, you might have seen her first. Chickawi Wastewi or Pretty Bird Woman in English. Were you there that quiet clay red road, you would have known right away that she was dead. Brutally beaten and tossed aside to be ignored and forgotten. Had you arrived soon after the crime and decided to wait for the authorities to arrive, you would have sat there with Pretty Bird Women for six days. And if, after she was bagged and trucked away, you had decided to follow her case, you would have despaired. Like so many before her, like so many still today, there wasn't ever really a case.

So the question is simple: Who will stand up for Pretty Bird Woman and all the others like her? You?

Three Facts

- *1 in 3 Native American women will be raped in their lifetime, compared to 1 in 10 white women.*
- *The long and tortured history between the US government and the Native American populations has created a complex maze of tribal, state and federal jurisdictions that effectively digs jurisdictional black holes, in which sexual predators can and do hide.*
- *The perpetrators are most often non-Native American men; outsiders who rape with impunity because they know that little will be done to stop them.*

The Report

The report by Amnesty International makes clear that sexual violence against Indigenous women in the USA is widespread and especially brutal. According to US government statistics, Native American women are more than 3 times more likely to be raped or sexually assaulted than other women in the USA. Some Indigenous women interviewed by Amnesty International said they didn't know anyone in their community who had not experienced

sexual violence. Though rape is always an act of violence, there is evidence that Indigenous women are more likely than other women to suffer additional violence at the hands of their attackers, like severe beatings.

How is it possible that such shockingly high rates of sexual violence exist in a country that considers itself *aware* and *evolved*? The incredibly ugly truth is that we have practically institutionalized it. Here's how:

1. The New Americans used sexual violence against Native American women as a tool of conquest and colonization for hundreds of years. What we call *Manifest Destiny*.
2. The underlying attitudes of ethnic, cultural and religious superiority that supported this history of violence has never really been eradicated. The prejudice is ingrained.
3. The three legal bodies (tribal, state and federal) that have evolved since colonization, actually do worse than simply fail to protect Native American women. Because of our institutionalized prejudice, they have metastasized in a way that traps these women in a maze of injustice.

The Federal Government has undermined the authority and ability of tribal governments to respond to crimes committed on tribal land. Tribal law enforcement agencies are chronically under-funded and under-trained. Federal and state governments provide significantly fewer resources for law enforcement on tribal land than are provided for comparable non-Native communities. Survivors of sexual violence are not guaranteed access to adequate and timely sexual assault forensic examinations. And in the most extreme cases, it can take the FBI as much as six days to respond to the scene of a rape/homicide.

Women who come forward to report sexual violence are caught in a jurisdictional maze that federal, state and tribal police often cannot quickly untangle. The three justice systems are involved in responding to sexual violence. Three main factors determine which of these justice systems has authority to prosecute such crimes: whether the victim is a member of a federally recognized tribe or not; whether the accused is a member of a federally recognized tribe or not; and whether the offence took place on tribal land or not.

The answers to these questions are frequently not self-evident, and there can be significant delays while police, lawyers and courts establish who has jurisdiction over a particular crime. The result can be such

confusion and uncertainty that no one intervenes, and survivors are denied access to justice.

Further complicating this agency entanglement, tribal prosecutors cannot prosecute crimes committed by non-Native perpetrators. Tribal courts are prohibited from passing sentences that are in keeping with the seriousness of the crimes of rape or other forms of sexual violence. And the maximum prison sentence a tribal court can impose for crimes, including rape, is **one** year. At the same time, the majority of rape cases on tribal lands that are referred to the federal courts are never brought to trial.

And we must keep in mind that government statistics, as disturbing as they are, inevitably underestimate the problem because women, whether Native or not, are too afraid, or embarrassed, or ashamed to report such crimes.

The Documentary

The documentary will be an investigative examination of the disturbing findings of the Amnesty International report. The film will focus on the stories of three women: Iris, Christine and Laura. All are victims of sexual violence, but each of has a story that reveals a different piece of this terrible maze.

But the narrative here is not merely one of sexual violence. What makes this story unique and profoundly disturbing is that the violence is supported, if not condoned, by a social and political structure that is the legacy of the massacre of Native Americans. The simple truth is that these women are systemically marginalized and then systematically preyed upon.

So the victims and the crimes are not the only essential elements of this film. The bureaucratic mismanagement of Indigenous lands is also essential. Without it this kind of violence would not be possible. It is a facilitator of sex crimes at minimum by indifference. It provides them no protection and no recourse.

But the film cannot ignore that abuse by Native men accounts for nearly thirty percent of these crimes. In a tragic way, here too the abuse is part of the legacy of white domination. Native cultures have never recovered from 19th century reorganization. Needless to say, poverty, alcoholism and drug abuse are the angry cousins of sexual violence.

And yet there is still hope, action and education. Despite the odds, financial, physical and cultural, many Native American survivors and advocates are attempting to bring change.

This is then not solely a film about atrocity. It is also about the important struggle to dismantle the maze of injustice that traps Native American women. It is a critical call to action to fix a system that systematically exposes an entire group of women to violent sexual exploitation. To know and do nothing would be to tacitly condone these crimes.