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(Re)writing Criminal Justice in Coast Salish Territory:
The Criminality and (Re)entry of American Indians and Alaskan Natives

A thesis submitted in partial satisfaction
of the requirements of the degree Master of Arts
in American Indian Studies.

by

Kylie Nicole Gemmell

2019

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ABSTRACT OF THESIS

(Re)writing Criminal Justice in Coast Salish Territory:
The Criminality and (Re)entry of American Indians and Alaskan Natives

by

Kylie Nicole Gemmell

Master of Arts in American Indian Studies

University of California, Los Angeles, 2019

Professor Mishuana R. Goeman, Chair

This research looks at the criminality of American Indians and Alaskan Natives under policies and institutions formed with under settler colonial structures. Since the signing of treaties, American Indians have been displaced and criminalized in order to control and contain. Beginning with the legal construction of American Indian Criminality, this thesis analyzes how criminalization has been used as a tool to continue this displacement. Criminalizing the American Indian in the public eye has been promoted through journalism and mass media that constructs the American Indian and Alaskan Native through stereotypical representations. Once incarcerated American Indians and Alaskan Natives fail to receive culturally relevant and adequate access to resources due to the reliance on recidivism. In order to combat this, interviewees addressed the importance of having community support and/or forming community and relationships.

The thesis of Kylie Nicole Gemmell is approved.

Kyle Travis-Carrington Mays

Angela R. Riley

Mishuana R. Goeman, Committee Chair

University of California, Los Angeles

2019

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Introduction: The Haunting and Criminality of the American Indian and Alaskan Native

One evening around 2001, officers were called to a residence on Ditto Lane, within Port Madison Indian Reservation Boundaries, a Suquamish tribal housing neighborhood full of tribal families and elders. The incidence was a tribal elder had sent her granddaughter to a neighbor's when her grandson showed up after a protest in Seattle, erratically swinging arms and having ingested drugs while attending a rally against the then President of the United States, George W. Bush. The elder feared for the safety of herself, her husband, and her granddaughter. Suquamish Police Department arrived on the scene and talked with the young man while he was in his sisters' room.

After their discussion, the tribal police exited the room and explained to the woman that they told him to stay put in the room for the night and they believed he would not cause further problems or harm. They then left the residence. The elder brought her granddaughter back to the house and took her into hers and her husband's room for the night, leaving her grandson alone in the other bedroom. Before bed, she locked the bedroom door and they settled in for the night. She told her granddaughter to wake her if she needed to go to the bathroom or leave the room in the middle of the night.

It was years before I understood why he wasn't apprehended for his erratic behavior, drug use, and threats towards his family. An elder and a tribal household were left in fear, but the Suquamish Tribal Police had minimal authority in this case. Her grandson, my brother, was not an enrolled suq^wabš tribal member and was visiting for the first time after my grandparents and I had returned to the reservation. Despite my kayə?¹ being an enrolled suq^wabš elder, the police department had little authority over my brother to protect her and her family.

¹ kayə? is the Lushootseed word for grandmother. I have made the decision to not italicize it or other words in the Lushootseed language because the use of italics designates it as a foreign language. Lushootseed is not a foreign

The criminal justice system, as designed, does not protect American Indian/Alaskan Native nations, communities or bodies, and little progress has been made to protect them. Tribal law enforcement agencies have little authority to protect the tribal communities they represent. Due to the inability of Tribal law enforcement and agencies to prosecute non-natives they had no authority over him. In 1978, jurisdiction by tribal courts was limited once again in the case *Oliphant v. Suquamish Indian Tribe*. During this case, “the Supreme Court reversed a 1976 Ninth Circuit Court of Appeals decision upholding the power of the Suquamish Tribe to arrest and try two non-Indians under the Suquamish Tribal Code for assault, resisting arrest, and reckless driving.”² This was the result of Supreme Court ruling in *Oliphant v. Suquamish*, among others, that limited tribal jurisdiction and authority. In *Oliphant v. Suquamish*, a non-native argued that the Suquamish tribe had no authority over him because he was not a tribal member, after he was caught in a fight during the annual Chief Seattle Days. The Supreme Court sided with Oliphant which left tribes to rely on state/federal jurisdiction to step in and prosecute. This leaves tribal law enforcement agencies unable to protect tribal members and further criminalize their own communities. The only other time I had seen fear and the eyes of my kayəʔ, the way I saw it that night was when my mother wanted to take me and run away again. This caused my kayəʔ to pick up and move me across states back to suqʷabš, where she had grown up but had not raised her own children.

My brothers’ behaviors came with little surprise. Carceral spaces were not new to my family. My mother has been in and out of mental institutions, another form of carceral

language, but rather the language of my tribe and other tribes whose land this research was done on and was the language of the land long before the introduction of English to the region. For kinship, I use English language when referring to other members of my family due to the different cultural relationships and

² Russel Lawrence Barsh and James Youngblood Henderson, “The Betrayal: *Oliphant v. Suquamish Indian Tribe* and the Hunting of the Snark,” *Minnesota Law Review* 63, no. 4 (April 1979): 6009.

containment and control, for as long as I remember before transitioning into group homes and residential facilities. I do not remember the last time I was able to visit my mother without having to sign papers to make sure she was brought back and received her medication on time. My brothers wrote letters of support to remove me from my mother's care, while self-coping with their childhood growing up with her erratic behavior. This was not my brothers first interaction with law enforcement and would not be his last.

His interactions with law enforcement, prisons, jails, and courts punished him for the crimes he committed but never helped him face and deal with the trauma and pain that caused him to commit those crimes. I learned to know my brother by a number—the number I would put on letters I sent him in jail, the number I would use to help my kayə? add funds to his account, or the number I would give when I went to visit him, so I could sit on the other side of a glass from him. I learned to help his future girlfriends navigate these same systems; when they would call me when he ended up behind bars again.

In my experiences with my brothers, I learned to keep a straight face with police officers and never give away clues. Three years after the incidence at my grandparents, I interacted with police again but this time protecting my brother's whereabouts. Shortly after my brother was released from the Douglas County Jail in Minden, Nevada, he was returning to work at my aunts' restaurant when an arrest warrant from Georgia surfaced. After school, I went to the restaurant to set up for the night when my aunt went to pick my brother up; leaving myself and one of the other chefs to prep for the night. Two officers walked in asking for "Sean Gemmell," a name the chef did not recognize, as my brother went by his middle name "Christian." The chef believed he did not know Sean and I denied knowing who he was. They did not know my last name or

relationship to him. They continued to describe my brother to the chef, as I walked back to the bathroom where I texted my brother and aunt telling them not to come to the restaurant.

I, as many other American Indian/Alaskan Native children, learned quickly to protect those who commit crimes in order for the good of our family and community. I had just gotten my brother back after talking to him through a piece of glass for months, why would I aid in putting him back on the other side of the glass? The lesson I learned was the criminal justice system hurt the community but would never protect the community protecting those who produce harm and never reporting violence to law enforcement. The strain incarceration puts on our families, has a lasting impact. My relationship with the criminal justice system remains complicated and complex, as at times, I wish my brother would remain incarcerated on the hopes that maybe he will change his behavior or simply the fact I know where he is physically located geographically during his location. At the same time, as my analysis provides evidence to, I understand the complexity and underlying heteropatriarchal settler colonial system will cause further harm to him during his incarceration.

Place and Criminality

While my interactions with the criminal justice system, in regard to my brothers, spans across the United States, I turn my focus to Coast Salish Territory, the region I grew up in and the system that has the greatest impact on the community that raised me. In this thesis, I will interweave literary, legal, and ethnographic analysis in efforts to understand the complexity of the criminal justice system and the complicated relationships American Indian and Alaskan Natives have with the system designed to incriminate them, while failing to provide adequate protection for our communities. The legal documentation and construction of criminality constructs the American Indian and Alaskan Native as criminal and incapable of being the

victim. American Indian and Alaskan Native authors have addressed the issues and (in)justices that American Indians and Alaskan Natives face when battling the criminal justice system. By including excerpts from Deborah Miranda's (Esselen/Chumash) *Bad Indians*, I will analyze the construction of the criminal and lack of justice for American Indians and Alaskan Natives in contemporary literature. Along with the legal and literary evidence, I provide five interviews with previously incarcerated members of the American Indian and Alaskan Native community in Coast Salish Territory. My interviews consisted of three men and two women, representing tribal communities within Coast Salish Territory, as well as outside of Coast Salish Territory. Their sentences range from multiple short stays to a thirty-year sentence, with twenty-seven years served. The names of interviewees have been changed for this thesis to protect their privacy and stories. I have replaced them with pseudonyms, as opposed to other means of protecting confidentiality, in order to humanize them in the dehumanizing narrative of the criminal justice system. The questions that will drive this analysis are: How has American Indian criminality been constructed through legal and cultural means? How does the construction of criminality uphold and support settler colonialisms project of elimination and heteropatriarchal structure? How has settler colonialism dehumanized those with experience with incarceration? How does centering the voices of those previously incarcerated allow for a (re)writing of their dehumanization and (re)imagine what justice is?

(Re)writing, a term employed by Cutcha Baldy's (Hoopa Valley) *We are Dancing for You*, argues that the revitalization of ceremonies is (re)writing, (re)righting, and (re)riting.³ She further explains that her concept of rewriting stems from Linda Tuhiwai Smith's (Ngāti Awa/

³ Cutcha Risling Baldy, *We Are Dancing for You: Native Feminisms and the Revitalization of Women's Coming-of-Age Ceremonies* (Seattle: University of Washington Press, 2018), 7.

Ngāti Porou iwi) *Decolonizing Methodologies: Research and Indigenous Peoples* and the use of (re) in parenthesis comes from Mishuana Goeman's (Tonawanda Band of Seneca) *Mark My Words: Native Women Mapping Our Nations*. Goeman explains that she "uses parentheses in (re)mapping deliberately to avoid the pitfalls of recovery or a seeming return of the past to the present."⁴ I use the concept of (re)writing to describe the process of which American Indians previously incarcerated are able to reclaim their experiences and the narrative of their criminality. Throughout the interview process, interviewees expressed their gratitude for someone listening to their stories and their experiences, even referring to it as part of the healing process for one individual. The criminality of American Indians has been ingrained into American consciousness that simply giving them a voice and allowing them to share their experiences does not simply rewrite the narrative of American Indian criminality. I expand the use of (re) in parenthesis to include (re)imagine, as many prison abolitionist activist and scholars have called for. When calling for prison abolition, resistance comes from the mindset that prisons have been essential to upholding a powerful governmental system and protecting our communities from harm. This (re)imagining requires a radical shift in understanding of the systemic and institutionalized structures of oppression and dominance. It requires a (re)imagining of what justice, safety, and protection means. The current structure of justice creates safety for particular people, who struggle to imagine a lack of safety.

When referring to participants in my research, I will use the term "American Indian/Alaskan Native," as it is the term used by the criminal justice system. However, while I use this term, I asked participants to self-identify as American Indian/Alaskan Native rather than follow federal guidelines for recognition; rejecting the federal policies of recognition and

⁴ Mishuana Goeman, *Mark My Words: Native Women Remapping Our Nations*, *First Peoples: New Directions in Indigenous Studies* (Minneapolis: Univ. of Minnesota Press, 2013), 4.

definitions of indigeneity that often leave members of our communities, including myself and my family, on the outside due to their inability to prove their “Indianness” by meeting blood quantum requirements, a construct that undermines American Indian kinship and relationships, while eliminating American Indians and Alaskan Natives. This allows for the inclusion of American Indians/Alaskan Natives who are from federally unrecognized tribal communities, unenrollable, unenrolled, disenrolled, or otherwise denied recognition from the federal government. Recognizing the frequency of false claims to American Indian/Alaskan Native identity, I recruited my participants through American Indian/Alaskan Native networks. When referring to populations across national borders, I used the term Indigenous to distinguish from the populations whose traditional lands are within the United States. This distinction becomes especially important when addressing the artwork and city landmarks perceived to be American Indian in Seattle, due to their origin in Canada and Alaska.

When centering Coast Salish Territory as a site of analysis, it is essential to examine the presence of American Indians within the city of Seattle, falsely perceived presence, as well as the realistic presence of American Indians. Seattle is the largest city in this region and the false imagery presents a false perception of progressiveness in the city. When referring to the larger region of my analysis, I use the term Coast Salish Territory. When using Coast Salish Territory, I am referring to the region and tribal communities of the Pacific Northwest, extending from Northern Oregon to Part of British Columbia, Canada. Tribal communities in the region speak several languages having their own names for the region. Employing the term Coast Salish Territory, I reject the boundaries of the settler state and use the rough boundaries of the tribal communities in the region. Historian Josh Reid (Snohomish), explains the importance of terminology when writing about Indigenous peoples. Reid argues “words have power” and

explains his used of specific names due to precision about the communities you are referring to.⁵ In *The Sea is My Country*, Reid works with the Makah Tribe and documents surrounding their interactions with early settlers in the Puget Sound Region. He uses “Makahs”, or “People of the Cape” when referring to the group specifically. He explains “the People of the Cape” is “an Anglicized gloss of what they call themselves.”⁶ As a suq̓ʷabš descendant, whose territory is occupied by the city of Seattle, I emphasize the importance of using the Lushootseed language to describe our community. It allows for the suq̓ʷabš and xʷdəwʔabš peoples to reclaim their space in the city. Therefore, I will refer to these communities in the Lushootseed language, as I discuss their relationship to Seattle. I reject the use of italics because it implies the use of a foreign language. Lushootseed and other Indigenous languages in the region are not foreign but the language of the land.

Seattle, Imagery, and Belonging

The city of Seattle is known for its Indigenous imagery embedded throughout the city but fails to provide for and protect the Indigenous communities that reside in and around the city. According to Historian Coll Thrush, “every American city is built on Indian land, but few advertise it like Seattle.”⁷ While Seattle advertises indigeneity, unlike other cities, they continue to erase American Indian and Alaskan peoples and be haunted by their histories. In his book *Native Seattle: The Crossing Over Place*, Coll Thrush provides the history of American Indians in Seattle. While Seattle has a large presence of Indigenous art, little of the art is from local

⁵ Joshua L Reid, *The Sea Is My Country: The Maritime World of the Makahs* (New Haven: Yale University Press, 2018), xv.

⁶ Ibid.

⁷ Coll Thrush, *Native Seattle: Histories from the Crossing-over Place*, Second edition, Weyerhaeuser Environmental Books (Seattle: University of Washington Press, 2017), 3.

American Indians. I use the term Indigenous in describing the imagery in the city because while the art is assumed to represent local American Indian communities, many of the designs come from Canadian first Nations and Alaskan Natives or has been unethically acquired for sale. This presents tourists with a false perception of the American Indian communities in Seattle. “Native inspired” artwork can be found in gift shops throughout the region with little acknowledgement of the local tribal communities and their artists. A walk-through Seattle’s streets presents tourists with multiple opportunities to purchase these often unethically acquired or produced pieces of culture, as well as appropriated forms of Indigenous art.

While presence of Indigenous art is prevalent in the city, representation of Native Americans themselves is not as prominent. Seattle takes its name after Chief siʔaʔ, the chief of suqʷabš and dxʷdəwʔabš Peoples⁸ but fails to provide for the populations who it claims they acknowledge. Seattle is the anglicized name for the Chief who was prominent in early US-American Indian relationships and treaty making. The Port Madison Indian Reservation remains home to the suqʷabš people, despite traditionally having villages along numerous parts of the Puget Sound. The dxʷdəwʔabš People, federally unrecognized, reside within the city of Seattle but often go unnoticed. A statue of Chief siʔaʔ near the Seattle Center reads “The Chief of the Suquamish Peoples,” which completely disregards his affiliation with the dxʷdəwʔabš peoples whose land Seattle is built upon, further erasing their history and presence in the city. While continuing to produce Indigenous imagery, the Indigenous people displaced by urbanization are continually erased in the Seattle consciousness.

⁸ suqʷabš and dxʷdəwʔabš are the Lushootseed names for the Suquamish and Duwamish peoples. Lushootseed names for people and places were based on the environment around them. The dxʷdəwʔabš were called “People of the Inside” and suqʷabš were called “People of the Clearwater”.

Awareness of this misrepresentation of local American Indians is at the forefront today as local community members push for the removal of Alaskan totem poles at Pike Place Market's Heritage Park. Colleen Echohawk, executive director for the Chief Seattle Club, an organization working with homeless American Indian/Alaskan Natives, first started thinking about the totem poles when hearing a Seattle Police Officer say the park was designed for American Indian people to go and drink.

The poles were created to honor Native history. But they do not represent the people on whose land Seattle now sits. Totem poles did not originate in the Puget Sound area. Rather, they are from the Native people of the Northwest coast — from Vancouver Island, north to Haida Gwaii to the southern edges of Alaska — and the Tlingit people. The Coast Salish people who have long populated the lands surrounding Puget Sound, such as the local Duwamish and Suquamish, on the other hand, are known for their Welcome Figures — shorter carvings, with outstretched arms — and a more minimalist style of art.⁹

The totem poles represent an American Indian past but not the past of the people displaced by the city. A few references around the city are made to *siʔaʔ* but they do not all refer to the tribes of his people (*suqʷabš* and *dxʷdəwʔabš*). The reference to the park as a place for American Indians to go drink, associates not only the American Indian as a criminal and alcoholic but the presence of American Indian art as the site of American Indian and Alaskan Native criminality. Pike Place Market has a large population of not only American Indian homeless peoples but the city-wide homeless population, as a result of gentrification and destruction removing low income communities and housing. Association this location with criminality, furthers the criminality of Indigeneity, as well as homelessness. The totem poles located near Pike Place Market falsely represent local American Indians, as well as the criminality of the American Indians/Alaskan

⁹ David Kroman, "Local Native Leaders Want Pike Place Totem Poles Removed," Crosscut, September 27, 2018, <https://crosscut.com/2018/09/local-native-leaders-want-pike-place-totem-poles-removed>.

Natives that find their community and connections to their American Indian/Alaskan Native identity.

Seattle is fixated on its Indigenous imagery while erasing the local Indigenous communities. Representation of an Indigenous past permeates the city, but American Indians cease to exist in the cityscape. When they are present, they are “on display” or tucked away underneath Seattle’s bridges and overpasses. This past summer, for the first time in over a decade, I stood on the water front “welcoming” visitors coming off a boat from Seattle giving local tours including one to suq̓’abš. They wanted the full experience but had no interest in learning about the Native American group in the area and only one member of the tour directly interacted with the community, as if they were people. Even when Native Americans are on display, the take away from exhibits and shows is often from the white counterpart or organizers. A recent exhibit at the Seattle Art Museum called “Double Exposure” places American Indian artists alongside Edward Curtis images. From the outside it appears that the museum is collaborating with American Indian in a positive light but in casual conversation it was called “the Edward Curtis exhibit” by visitors. This once again is an example of the city using Indigenous imagery but erasing the Native Americans themselves. The exhibit, *Double Exposure: Edward S. Curtis, Marianne Nicolson, Tracy Rector, Will Wilson*, featured images by Edward Curtis, alongside the contemporary work of Nicolson, Rector and Wilson.¹⁰ When leaving the exhibit, the conversations about “The Edward Curtis Exhibit” were often justified with it had Native artists as well. However, attendees did not leave the exhibit talking about these Native artists because they were overshadowed by Edward Curtis.

¹⁰ “Double Exposure: Edward S. Curtis, Marianne Nicolson, Tracy Rector, Will Wilson | Jun 14 – Sep 9 at Seattle Art Museum,” Seattle Art Museum, accessed May 20, 2019, <http://doubleexposure.site.seattleartmuseum.org/>.

This fails to give credit and acknowledgement to the American Indians actively working to represent and promote their culture. Tracy Rector is a filmmaker and organizer in Seattle. She works through is a co-founder of Longhouse Media, a non- profit promoting the use of media to promote culture in American Indian communities.¹¹ Attendees to this exhibit can remember the American Indian people as portrayed by Edward Curtis and his representations of local tribal communities but fail to retain the information of contemporary American Indians working in the community, as well as their work. While Edward Curtis documented a “vanishing” culture, these artists are fighting for survival of their communities and demonstrating their resiliency and resistance to the project of elimination designed to eliminate their communities.

Seattle is full of Indigenous imagery but also haunted by its past of displacement and genocide. With the displacement of suqʷabš and xʷdəwʔabš peoples, it is no surprise that there would be ghosts in Seattle. In the speech of siʔaʔ, famously known as “Chief Seattle’s speech”, he warns of the ghosts to come:

And when the last red man shall have perished from the earth and his memory among the white men shall have become a myth, these shores will swarm with the invisible dead of my tribe; and when your children’s children shall think themselves alone in the fields, the store, the shop, upon the highway, or in the silence of the pathless woods, they will not be alone. In all the earth there is no dedicated to solitude.¹²

There is no evidence that this speech was actually spoken by siʔaʔ. It appeared decades after the signing of the Treaty of Point Elliott. Seattle is no longer only haunted by the suqʷabš and xʷdəwʔabš peoples but those who were displaced and relocated to the city. As promised in “Chief Seattle’s Speech.”

¹¹ “About Us,” Longhouse Media, accessed May 20, 2019, <https://www.longhousemedia.org/about-us>.

¹² Thrush, *Native Seattle*, 5.

Even with the permeance of Indigenous imagery in the city of Seattle, the urban culture disregards the entwined histories of the American Indian populations and the urban history of the city. American Indians being left in the past and non-existent in the cityscape, which erases their histories of place and belonging. As Coll Thrush argues it is important to “challenge the narrative estrangement that renders urban and Indigenous realities as mutually exclusive.”¹³ The erasure of American Indian histories in Seattle, allows for their continuous displacement and removal from the city. Thrush further argues that when looking at urban history it is important to address three forms of Indigenous history, beginning with the Indigenous peoples whose land the city is situated upon (every city in the United States is on Indigenous land), the migration of displaced American Indians into the city, and the urban Indigenous imagery.¹⁴ Seattle was one of the cities used during the relocation era and hosts a large influence of all three forms of Indigenous history that is described by Coll Thrush.

Haunting in Criminality

While visiting Pike’s Place Market, it is not uncommon for Seattle’s haunting to become known—items falling off displays, being one to the many ways the market is haunted. Haunted tours attract tourists, but rarely refer to the only hauntings of the city’s history of violence, genocide and displacement. An Underground Tour can present you with a brief history of the history of Seattle, that touches on the American Indian population but provides little context for where those individuals went, and the atrocities committed against the population. Instead the tour focuses on early Seattle and the deaths of white men within the underground walkways and

¹³ Coll Thrush, “Placing the City: Crafting Urban Indigenous Histories,” in *Sources and Methods in Indigenous Studies*, ed. Chris Andersen and Jean M. O’Brien (New York: Routledge, 2017), 111.

¹⁴ Stormy Ogden, “Pomo Woman, Ex-Prisoner, Speaks Out,” in *Color of Violence: The INCITE! Anthology*, ed. INCITE! Women of Color Against Violence (Cambridge: South End Press, 2006), 164.

haunts of the city. At Pike Place Market, tourists flock to Ghost Alley Espresso, a company that initially started as a ghost tour through the area, including the haunted Pike Place Market, but soon made their profit off their espresso drinks. These tourist attractions profit off the backs of the deceased and “vanished” past of the city. As the city makes profit off the deceased and “vanished/erased” past, it continually makes profit off the “vanished” American Indians/Alaskan Native/Indigenous communities.

Haunting is not a simplistic defining between what is visible and not visible or what is present or not. Haunting is the unconscious state of being. It is around yet invisible to the common consciousness. Avery Gordon argues that “haunting recognition is a special way of knowing what has happened or is happening.”¹⁵ Cities, such as Seattle, are continually haunted by the lack of awareness and recognition of their histories. Gordon considers three features of haunting: ghost imports a charged strangeness, a symptom of what is missing, and that the ghost is alive.¹⁶ For Seattle, the missing component of the city comes in the American Indian populations displaced and forced out of the city through the development of the city. American Indian and other communities of color continue to be pushed out and replaced as low-income housing becomes high rise luxury apartments, that remain largely unrented. The cost of living will continue to increase, as unsightly parts of Seattle’s skyline are removed and replaced through gentrification.

Seattle is further haunted by those murdered in the city of Seattle. The criminal justice system in Seattle does little to protect the American Indian and Alaskan Native population but promotes the criminalization of these individuals. The interactions between Seattle Police

¹⁵ Avery F. Gordon, *Ghostly Matters: Haunting and the Sociological Imagination* (Minneapolis, Minn.: Univ. of Minnesota Press, 2008), 63.

¹⁶ *Ibid.*, 63-64.

Department and American Indians came to the forefront after the murder of John T. Williams. Williams was a homeless American Indian man who was hard of hearing. He hung out on the corner carving and was well known to much of the community. In August of 2010 he had an interaction with the Seattle Police Department that resulted in the loss of his life. Williams was crossing at a crosswalk, hunched over with his carving knife and a piece of wood. Officer Ian Birk stepped out of his car and yelled for Williams to drop his knife (closed knife to be exact). Due to being hard of hearing, Williams did not hear the officer or respond to him so Birk shot four rounds into Williams, taking his life. The Seattle Police Department immediately began criminalizing Williams and his behaviors. He had drinking problems. He had a history of behaving erratically. His only crime this day was failing crossing the street in a crosswalk in front of a Seattle Police Department vehicle.¹⁷ The crime was participating in his culture and traditions. In Coast Salish Territory it is not uncommon for American Indians/Alaskan Natives to carry carving and weaving tools. The system built on elimination and criminalization of American Indians, criminalizes the American Indian and therefore their traditions and material objects necessary for practicing their traditions.

Mass incarceration in the United States stems from a legacy of settler colonialisms structures of elimination and hierarchical structure of dominance and control. While America is obsessed with incarceration and criminalization, as it permeates mass media and entertainment, this obsession has not led to fewer crimes or safety of communities. It rather provides some communities with a false sense of safety and protection. Historian Kelly Lytle Hernández argues that this obsession in the United States, despite the increase since the 1970s, is not new to the

¹⁷ Indian Country Today, "The Shooting Death of John T. Williams," IndianCountryToday.com, February 21, 2011, <https://newsmaven.io/indiancountrytoday/archive/the-shooting-death-of-john-t-williams-XsKxgnO9GkKRECYKnd7Ong/>.

United States. In her book titled *The City of Inmates: Conquest, Rebellion, and the Rise of Human Caging in Los Angeles, 1771-1965*, Lytle Hernández defines “mass incarceration [as] mass elimination.”¹⁸ Carcerality and imprisonment removes individuals from their community and land. For American Indians/Alaskan Natives their connection to land and community is essential to their survival and way of life. By removing American Indians and Alaskan Natives from their communities, culture and traditions are unable to be passed through generations which effectively eliminates American Indian culture, communities, and societies.

The settler colonial logics of elimination comes from Patrick Wolfe’s argument that settler colonialism is not an event but rather a structure. Wolfe argues that “settler colonialism destroys to replace.”¹⁹ He further that it is a complex social formation and that it is a structure rather than an event.²⁰ In order for colonial dominance over the Americans, colonizers relied on the elimination of the American Indians and destruction of their communities and cultures to acquire land and resources. When elimination of American Indians was unsuccessful, they resorted to assimilation policies that eliminated and destroyed culture and communities. In understanding settler colonialism as a structure, not an event we are able to analyze mass incarceration as a settler colonial structure. It is an ongoing, continuous tool of elimination, containment, and control.

As early prisons and jails manifested, American Indians/Alaskan natives were targeted for incarceration and criminalized for the conditions they faced due to the colonization and

¹⁸ Kelly Lytle Hernández, *City of Inmates: Conquest, Rebellion, and the Rise of Human Caging in Los Angeles, 1771-1965*, Justice, Power, and Politics (Chapel Hill; NC: The University of North Carolina Press, 2017), 1.

¹⁹ Patrick Wolfe, “Settler Colonialism and the Elimination of the Native,” *Journal of Genocide Research* 8, no. 4 (December 2006): 388.

²⁰ *Ibid.*, 390.

removal from their land. The state and federal governments saw American Indians as wards of the government because they were incapable of making their own decisions and need the aid. This believe led to the lack of jurisdiction for American Indian communities. The state determined what work constituted work and often times described acceptable work in terms of the work they did for the white colonizers. By 1844, any Natives who were unemployed were to be arrested and sentenced to labor.²¹ American Indians/Alaskan Natives are criminalized for their homelessness and lack of employment after displacement form their home and communities. Their labor was then sold to property owning white men.

American Indians and Alaskan Natives were the first homeless people of the land, a condition that is continually and often criminalized. Luana Ross (Confederated Salish and Kootenai Tribes) argues in *Inventing the Savage: The Construction of American Indian Criminality*, that “we forget the first homeless peoples were Indigenous peoples.”²² After removal from their land and communities, American Indians were landless and homeless. Under settler colonial understanding of land ownership produced by European settlers, American Indian land was claimed and owned by individual property owners, rather than communally shared. These conditions left American Indians in search of resources and food. Due to our continual homelessness or landlessness, American Indians learned to create community and connections wherever we may be displaced to. Ross explains the conditions American Indians faced causing their criminalization through the extermination of Buffalo causing poverty and hunger.²³ The

²¹ Hernández, *City of Inmates*, 25.

²² Luana Ross, *Inventing the Savage: The Social Construction of Native American Criminality* (Austin: University of Texas Press, 1998), 46.

²³ *Ibid.*, 46-47.

lack of resources caused American Indians to turn to “criminal behavior” in order to secure food and resources for their families. Often times, even if they didn’t resort to these “criminal behaviors,” they were still deemed criminal for their homelessness. These “criminal behaviors,” classified by the criminal justice system, came out of desire to provide for one’s family. How criminal can these individuals really be? Lytle Hernández describes this through the vagrancy laws that incarcerated the early homeless populations. These laws have now manifested themselves in laws regarding where people are allowed to sleep.

The United States government has used courts, treaties, and legislation to criminalize and dehumanize American Indian populations. In 1855, siʔaʔ²⁴, along with other chiefs and sub-chiefs signed the Treaty of Point Elliot. The treaty of Point Elliot established the Tulalip, Lummi, Swinomish, and Port Madison (suq̓ʷabš) reservations. Muckleshoot was added at a later date. As with other treaties, next to each signer’s name, “his x-mark” appears. The phrase “his x-mark” was recorded to represent consent, but under the control of colonial regime how consensual was this action? English scholar Scott Richard Lyons (Ojibwe/Lakota) argues “an x-mark is a sign of consent in a context of coercion; it is the agreement one makes when there seems to be little choice in the matter.”²⁵ How much choice did the leaders who signed treaties with the American government have in the matter under the conditions of colonization?

Sociologist Luana Ross examined Native women incarcerated in Montana. She raised the question of what deviant behavior is by examining the behaviors “grounded in Native

²⁴ siʔaʔ is the Lushootseed name the chief referred to as Chief Seattle. Lushootseed is the Language of the Suquamish and Duwamish peoples who claimed him as their chief, as well as several other tribes located around what is now the Puget Sound region. The language is split into Northern and Southern dialects and accompanied by several other Native languages in the region. For the purpose of this paper, I will refer to him as siʔaʔ rather than his Anglicized name. The English spelling and pronunciation have dominated the narratives around siʔaʔ so much that his own grave does not use his name but bears the name Chief Seattle instead.

²⁵ Scott Richard Lyons, *X-Marks: Native Signatures of Assent*, Indigenous Americas Series (Minneapolis: Unive. of Minnesota Press, 2010), 1.

philosophies were regulated legally as the creation of Native deviance continued.”²⁶ The colonizing government had control over what behaviors were considered deviant and what methods of punishment should be used for those crimes. The criminalization of behaviors grounded in Native philosophy, as Ross demonstrates, is an example of the government dictating that these behaviors are deviant. Ross later described the early crimes of deviance being those of resistance and protection of homelands.²⁷ Native American populations unwilling to accept the colonization and control of their resources were labeled as deviants and often incarcerated.

As policies of elimination became the law of the land, boarding schools became tools of elimination, removal and containment. They removed children from their tribal communities in order to eliminate culture and enforce heteropatriarchal hierarchical structures. Maile Arvin (Kanaka Maoli), Eve Tuck (Unangax), and Angie Morrill (Klamath Tribes) define heteropatriarchy as the “social system in which heterosexuality and patriarchy are perceived as normal and natural, and in which other configurations are perceived as abnormal, aberrant, and abhorrent.”²⁸ Thus, heteropatriarchy is the structure that normalizes dominance of cis heterosexual men in society. All other forms of identity and being were then criminalized.

Boarding school structures frequently resembled models of carcerality and were based off militarization. Formerly incarcerated Stormy Ogden (Tule River Yokuts, Kashaya Pomo, and Lake County Pomo) describes her experience locked up in the California Rehabilitation Center located in Riverside County by putting forth the historical context of her incarceration.²⁹ She

²⁶ Ross, *Inventing the Savage*, 37.

²⁷ *Ibid.*, 41

²⁸ Maile Arvin, Eve Tuck, and Angie Morrill, “Decolonizing Feminism: Challenging Connections between Settler Colonialism and Heteropatriarchy,” *Feminist Formations* 25, no. 1 (2013): 13.

²⁹ Stormy Ogden, “Pomo Woman, Ex-Prisoner, Speaks Out,” in *Color of Violence: The INCITE! Anthology*, ed. INCITE! Women of Color Against Violence (Cambridge: South End Press, 2006), 164.

argues that “absolutely everything that was even remotely identifiable as being Indian was prohibited at the boarding schools.”³⁰ The first boarding school was established in 1878 and between 1870 and 1929, the federal courts were removing children and sending them to these schools.³¹ This forcible removal of Indian children attempted to assimilate children in to European standards of gendered and racialized roles. The girls were taught to work in the home and boys were taught physical labor, while being denied the ability to practice their own culture and language. They would never be the equivalent to their white counterparts but were taught the skills necessary to accept their role as the inferior members of society.

In 1861, six years after the signing of the Treaty of Point Elliot, the Tulalip Mission School, began serving governmental purposes by opening a boy’s dormitory. This school became the residential for several Native Americans in Coast Salish Territory. Chemawa Boarding School in Salem, Oregon became the major boarding school for the region and continues to operate as a Bureau of Indian Affairs Boarding School. It is the oldest and longest continually operating boarding school in the United States.³² Chemawa had opened after the signing of Point Elliott with its first students coming from tribes in Washington State. While the government no longer forcibly places children in these schools at alarming rates, parents do send their kids hoping to reaffirm Native culture without the challenges of their home reservation. When sending their children away to an institution they believe will protect their children, the children face violence and abuse at alarming rates. However, violence and substance abuse remain

³⁰ Ogden,” Pomo Woman,” 165.

³¹ Ibid.

³² “Chemawa Indian School History,” Chemawa Indian School, accessed May 20, 2019, <https://chemawa.bie.edu/history.html>.

prevalent at the school. Between 2010 and 2017, over 1,300 incidents were reported to police—including assaults, fights and sex abuse.³³ Parents send their children to Chemawa with the assumption their children will be protected and safely return home. For many families, this has not been their experiences.

The Criminalized Body as a Tool of Settler Colonialism

When addressing the effects of criminalization and it as a tool of settler colonialism, I use an interdisciplinary approach that draws from black and queer scholars as well as Indigenous scholars. These scholars analyze the early roots of criminalization and their links to settler colonialism. An early example of criminalization of Indigenous populations in the Americas is the treatment and persecution of those who would be deemed queer, trans, or two-spirit under contemporary terminology. These individuals were seen as a threat to upholding the European heteropatriarchal model of hierarchy.

The criminalization of black and brown bodies was not inherent but a social construction of deviance. This necessitates the interrogation of who creates and constructs deviance? For what reason are certain behaviors deemed deviant? Through racialized and gendered policies of what it means to be deviant, black and brown bodies are targeted for their way of life. Protecting their children from the violence and doing what they deem necessary to protect their families causes black and brown women to be criminalized. Gender Studies and African American Studies scholar Sarah Haley and Gender Studies and Legal scholar Sarah Deer (Muscookee Creek) utilize stories of motherhood to demonstrate the construction of deviance for black and American Indian women's bodies. Sarah Deer explains this in the story of Dana. Dana gave birth to her son

³³ Rob Manning | Tony Schick, "Life And Death At Chemawa Indian School," Oregon Public Broadcasting, October 30, 2017, <https://www.opb.org/news/series/chemawa/chemawa-indian-school-student-safety-salem-oregon/>.

Moses before fleeing with her daughters for refuge. While she was absent the baby passed so upon her return, she buried him in a grave.³⁴ While Dana was charged with murder, her crime came from a history of violence enacted upon her. Dana was reacting to the trauma she endured and believed the child was better off not being in a system where she had to endure similar acts of violence. Rather than receiving services for violence and abuse she endured, Dana was locked behind bars where she would not receive treatment and help. Sarah Haley provides the story of Eliza Cobb who was charged in the death of her child who had been still born.³⁵ Both women gave birth to their children alone and isolated. One woman was charged due to the lack of witnesses to her still born child and the other due to the lack of support for her family and child. The crimes for which brown and black communities are frequently charged with are behaviors associated with dealing with past trauma.

Angela Davis argues that even antiracist scholars do not examine the ways in which black criminality has been produced. It is easy to fall back on the idea that these communities are committing the crimes rather than looking at the structures that produce criminality. As Lytle Hernández and Haley demonstrated the use of labor by examining chain gangs in California and in the south, respectively, “We have learned how to recognize the role of slave labor, as well as the racism it embodied. But black convict labor remains a hidden dimension of our history.”³⁶ Racism has been reproduced in many different forms, often less overt and more dismissed. The criminal justice system has embraced the systematic racism by targeting Indigenous, black, and

³⁴ Sarah Deer, *The Beginning and End of Rape: Confronting Sexual Violence in Native America* (Minneapolis London: University of Minnesota Press, 2015), 82.

³⁵ Sarah Haley, *No Mercy Here: Gender, Punishment, and the Making of Jim Crow Modernity*, Justice, Power, and Politics (Chapel Hill: The University of North Carolina Press, 2016), 17.

³⁶ Angela Davis, *Are Prisons Obsolete?*, An Open Media Book (New York: Seven Stories Press, 2003), 35.

brown bodies while providing them little protection from violence. As Dean Spade asked, how are we supposed to rely on a system to protect us when it is designed to destroy us?

Criminality is produced through its legal construction, as well as its social production. Criminality is a set of behaviors and actions that have been determined to be deviant and harmful to the nation state. Legal criminality has been constructed through series of legislations and court rulings that determine what behaviors are deviant and against the accepted societal behaviors. These legislations when written are applied across the board, but in practice disproportionately impact low income communities of color. Beth Richie argues that a prison nation has been constructed because “ideological and public policy shifts that have led to the increased criminalization of disenfranchised communities of color, more aggressive law enforcement strategies for norm-violation behavior, and an undermining of civil and human rights of marginalized groups.”³⁷ The criminality of communities of color, and for the purpose of this thesis specifically American Indians, is continually constructed through social beliefs, opinions, and production. Through journalism, mass media, and entertainment, American Indians are continually portrayed as the “savage Indian” or “drunken Indian.” This leads to society accepting the displacement and control of American Indian bodies through the criminal justice system because they are inherently inferior and deviant to society.

³⁷ Beth Richie, *Arrested Justice: Black Women, Violence, and America's Prison Nation*, (New York: New York University Press, 2012), 3.

Washington State Carceral Systems

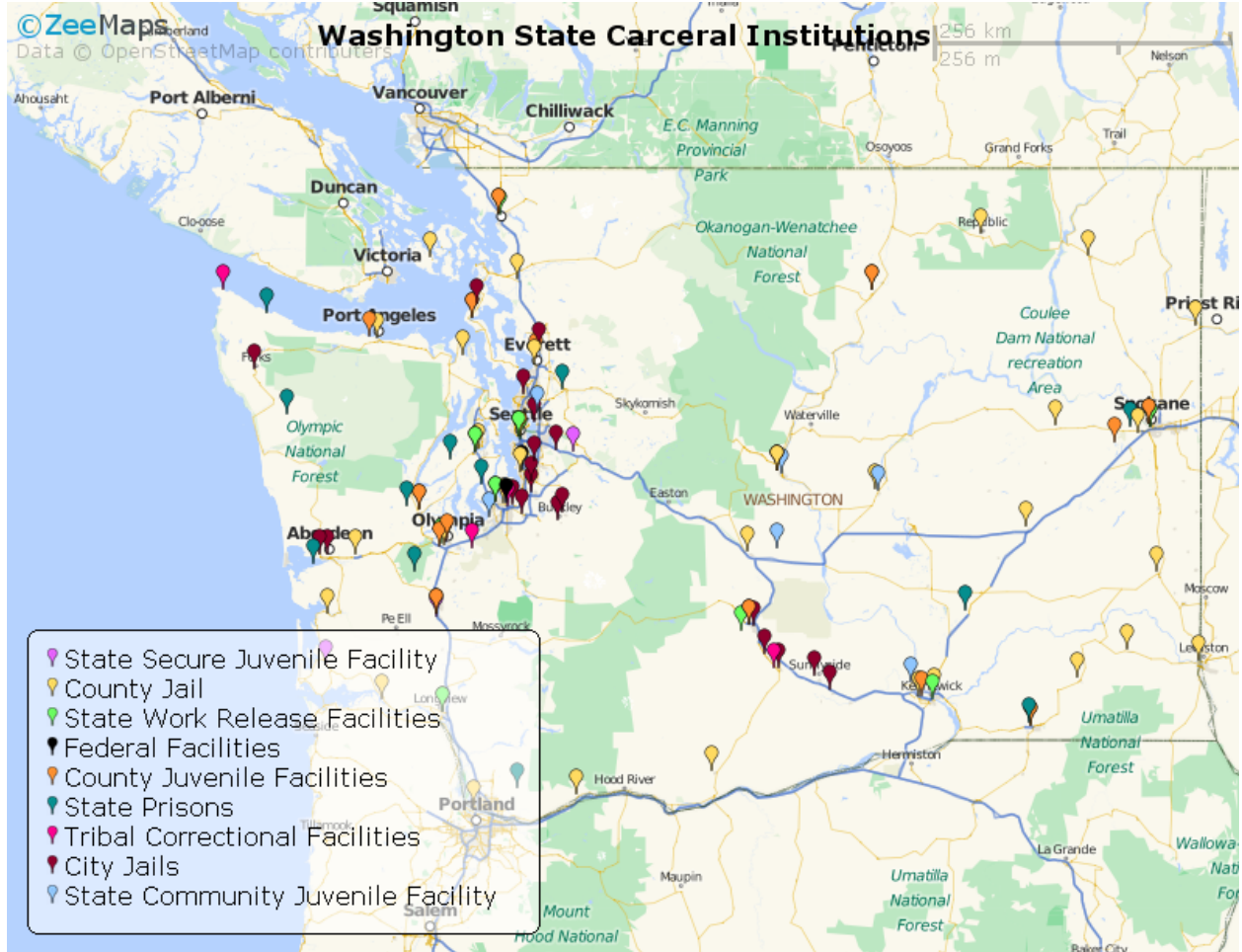


Figure 1: Map of Carceral Institutions created by author.. Map includes federal facilities, state prisons, state work facilities, state juvenile facilities, county jails, and city jails. The majority of these facilities are located in Western Washington and around heavily populated, diverse communities within the states. This map does not include police jails that serve as holding cells at police stations and public universities. This map includes 2 Federal Facilities, 12 state prisons, 12 work release facilities, 3 state secure juvenile facilities, 8 state community juvenile facilities, 40 county jails, 19 city jails, 17 county juvenile facilities, 2 regional facilities, and 4 tribal facilities. For list of carceral institutions see Appendix A.

American Indians residing within Coast Salish Territory are disproportionately represented in Washington State’s 119 federal, state or locally operated institutions of carcerality, as forms of punishment. This does not include police holding cells.³⁸ Before analyzing the legal construction of American Indian criminality, it is important to understand the

³⁸ See Appendix A for list of carceral institutions in map, as well as the list of holding jails at police stations.

structures of Washington State’s carceral institutions. Washington State Department of Corrections operates ten male prisons, two female prisons and twelve work release facilities.³⁹ The Washington State Department of Social and Health Services operates three secure residential facilities and eight community facilities for juveniles.⁴⁰ In addition, there are 32 to regionally, tribally and county operated jails in the state of Washington.⁴¹ Including state work release facilities, there are sixty-seven state or locally operated institutions of carcerality, as a form of punishment. These institutions additionally hold inmates, awaiting space to open at one of the states two psychiatric hospitals, another form of state operated carcerality. According to the Washington State Department of Corrections fact Card for December 31, 2018, the prisons were at 101.5% capacity with work release at 92.7%.⁴²

For many, the presence of these institutions does not warrant concern or even conversation but rather they become ignored or the brunt of local jokes. In 1977, Ethan Hoffman and John McCoy entered the Walla Walla Penitentiary for their new job assignments with the Walla Walla Bulletin. They soon found that the penitentiary was the biggest, most difficult, and most fascinating in the down but that was not shared by the newspaper’s management, who believed, “the best way to live with the penitentiary was to ignore it.”⁴³ For anyone unfamiliar

³⁹ “Incarceration | Washington State Department of Corrections,” Washington State Department of Corrections, accessed May 20, 2019, <https://www.doc.wa.gov/corrections/incarceration/default.htm>.

⁴⁰ “Residential Facilities | DSHS,” Washington State Department of Social and Health Services, accessed May 20, 2019, <https://www.dshs.wa.gov/node/30201/>.

⁴¹ “Washington County Jails’ Locations and Contact Info,” *All City Bail Bonds* (blog), May 21, 2013, <https://www.allcitybailbonds.com/2013/05/washington-state-counties-jail-locations-and-contact-information/>.

⁴² “Department of Corrections Washington State Fact Card” (Department of Corrections Washington State, March 31, 2019), <https://www.doc.wa.gov/docs/publications/reports/100-QA001.pdf>.

⁴³ John McCoy, Ethan Hoffman, and Dan Berger, *Concrete Mama: Prison Profiles from Walla Walla*, 2nd ed. (Seattle: University of Washington Press, 2018), 5.

with the city of Walla Walla, the town is a small town in South Eastern Washington, where the Washington State Penitentiary, Whitman College, the Veterans Memorial Golf Course, and the Walla Walla Country Club are the major “attractions” in the city. Approximately 2,500 of the city’s 32,000 residents reside within the prison confines. For a city of this size, the prison is a major aspect of the landscape.

According to US Census population in Washington State during the 2010 Census taking, American Indian and Alaskan Natives are considered 1.9% of the state’s population, this does not account for individuals identifying as multiple races.⁴⁴ According to the Washington State Department of Corrections Fact Card for December 31, 2018, 5.5% of the incarcerated population was American Indian or Alaskan Native.⁴⁵ These statistics ripple through state and county populations, as American Indian and Alaskan Natives are incarcerated at disproportionately high rates to their counter parts. Some countries holding much higher rates of incarceration.

Profiles of Interviewees

My interviewees for this thesis consisted of three men and two women who reside within Coast Salish Territory. In order to connect with interviewees, I used community relationships in the region as well as a local community Facebook group, mostly consisting of members from suq̓wabš and Port Gamble S’Klallam tribal communities, as well as non-native members of the community. Through these connections, I asked for interviewees who identified as American Indian or Alaskan Native and resided within Coast Salish Community.

⁴⁴ “U.S. Census Bureau QuickFacts: Washington,” United States Census Bureau, accessed May 20, 2019, <https://www.census.gov/quickfacts/wa>.

⁴⁵ “Department of Corrections Washington State Fact Card.”

On October 12, 2019, I had my first interview with Amanda, a Tlingit woman who I was connected with through community relations and had been corresponding with via email prior to the interview. Amanda has maintained a job working for King County. She is active in working with organizations fighting for rights of incarcerated individuals, as well as American Indians and Alaskan Natives. We had our interview via a phone call during her lunch break that day and since she has tied me into current efforts in the Seattle region. She was incarcerated between January and November 2016 where she was placed in Purdy Washington State Prison for Women before later being transferred to Mission Creek (lower level prison) and then Helen B. Radcliff House (work release facility).

In January 2019, I traveled to Suquamish to interview two members of the local community. The first interviewee on January 19, 2019 was Charlie. We met at the Suquamish Warriors Veterans House. He is a Suquamish man who uses his artwork as a means to get by, often posting images on community social media. When I met with Charlie, he brought one of these pieces along to demonstrate the work he does. While he currently utilizes his artwork to make money, he hopes to return to school but faces many barriers to house and education due to his violent criminal record. Charlie spent a total of eighteen years incarcerated, beginning when he was fourteen, including juvenile facilities, federal prison, and state prison. Charlie brought his girlfriend to the interview in order to create a space of comfort and help him share his story.

On January 19, 2019, I also met with Joseph at the Suquamish Warriors Veterans House. He is a Port Gamble S'Klallam man. He was prepared to attend an art institute before being charged with Domestic Violence, which he states he did not commit and was later removed from his record. He was later charged with violating a protection order for the domestic violence charge which had been dismissed. This has hindered his ability to obtain his education. He

continues to use photography as a means of expression and to provide economically. He had recently obtained a job when I met with him but was hoping to finally return to school. He had been motivated to set an example for younger siblings.

That weekend I was connected to Dylan, a Blackfeet man residing in the Yakima area of Washington. He was told about my project by a suq̓'abš tribal member at a basketball tournament and was highly interested in it. He had recently served twenty-seven years of a thirty-year sentence for murder and had been transferred between different prison institutions within Washington State and outside of the state. On January 23, 2019, I interviewed Dylan via phone before he went to work at a local casino that evening.

My final interview was with Emily, an Anishinaabe woman who I met through my undergraduate education. She is currently completing her masters while working at a local community college. She works with student in the community college who have been incarcerated as well. She has recently received a promotion to move into a director role at the community college. Emily has been incarcerated in Clark County, Washington and Multnomah County in Oregon. Her longest sentence was in Multnomah County in Oregon. I had a phone interview with Emily on February 5, 2019.

Overview of Chapters

In the first chapter of this thesis, I analyze the construction of American Indian and Alaskan Native deviance and criminality, as well as the continued formation of the American Indian criminal within media and newspapers. Relations between the US Federal Government, US State Governments and Tribal governments has resulted in the construction of legislation that limits the jurisdiction that tribal law enforcement and court systems have over crimes committed on the reservation. While the criminal justice system constructs American Indians and Alaskan

Natives as criminals, the media often plays into the idea of the criminal in their portrayal of American Indians.

Through the second chapter of this thesis, I will analyze the lack of resources available to incarcerated and previously incarcerated American Indians and Alaskan Natives. American Indians receive few resources to allow for healing and well-being that allows for successful (re)integration and (re)entry into society. Often times, they are lacking basic skills that are required for employment, education, and accessing other resources. A few programs directly target American Indians and Alaskan Natives, while others are created by self-motivated American Indians and Alaskan Natives. The lack of resources creates a cycle of recidivism and reentry into the criminal justice system.

The last chapter of this thesis analyzes the formation of community created under the constraints of carceral spaces. American Indians and Alaskan Natives continue to make space and community as they navigate different geographic regions and different forms of governmental constraint and control. Reservations were early forms of containment and carcerality. Unsuccessful at containing and controlling the American Indian body, boarding schools formed another form of containment. Inside boarding schools, American Indians children survived by creating communities with each other under the constraints of the boarding school. Furthermore, prisons serve as an obvious system of control and containment, as the criminal justice system continues to disproportionately target American Indians, and other communities of color. While the creation of community, has been essential for American Indians in their survival, different forms of carcerality and control require different formations of community inside and beyond the carceral landscape.

As I write this thesis, I do so in a time where the political sphere is consumed with criminalizing and activism is actively fighting against the settler state. We are situated at the point of a government shutdown over a border wall that is to “protect the United States” from the perceived threat from the South, while dividing tribal nations along the border—further criminalizing these communities. Indigenous communities in the United States actively fight for their rights in movements such as No DAPL and the Unist’ot’en camp in Canada. Protestors and activists fighting for their communities are faced with tear gas and criminalization. Black Lives Matter has brought to the forefront the unjust treatment and criminalization of Black Americans in the criminal justice system.

Chapter 1: The Construction and Perception of the Deviant American Indian Criminal

Settler colonialism relies on the continued displacement and destruction of American Indian and Alaskan Native communities. This destruction has historically left American Indians and Alaskan Natives struggling to find resources, while suffering the impacts of the generational trauma stemming from colonial structures of control, displacement, and violence. From early contact, American Indians and Alaskan Natives have been criminalized for their “savagery” and ways of life that do not conform to the settler states structures of hierarchy and heteropatriarchy. Society continues to project images of the deviant and criminal American Indian as a barrier to civilization and the progress of the country. Early criminalization began with the criminalization of those who under today’s terminology would be considered two-spirit or gender non-conforming, terms which did not exist at the time of contact, due to deviant from the heteropatriarchal normalization that was essential for American Indians to accept their role as submissive to white people. This chapter will analyze, the legal and social construction of the criminality of American Indians through legislation and media representation. For American Indians across the United States there has been a constant struggle to maintain their treaty rights.

For Coast Salish Tribes, Billy Frank Jr. has been influential in their fight to retain treaty rights. Throughout several stints with incarceration, Billy Frank Jr. continued to fight and stand up for the rights outlined in the treaties signed by tribal leaders and the US government. Beginning in 1945, when he was first arrested, Frank was incarcerated while fighting on the rivers throughout the fishing wars of the 60s and 70s.⁴⁶ His leadership of a resistance movement lead to what is commonly referred to as the Boldt Decision, which restores treaty fishing rights to Pacific Northwest Tribes.

⁴⁶ Craig Welch, “Billy Frank Jr.: Champion of Tribal Rights Dies at Age 83,” The Seattle Times, May 5, 2014, <https://www.seattletimes.com/seattle-news/billy-frank-jr-champion-of-tribal-rights-dies-at-age-83/>.

For Coast Salish tribes, this time is referred to as the “fishing wars” and this case dealt with treaty rights for the Salish Sea and to utilize their treaty rights in usual and accustomed grounds and stations, regardless of whether or not these grounds fell within reservations. The United States, as a trustee for Western Washington tribes, and later joined by other tribes sought “declaratory and injunctive relief concerning off-reservation treaty fishing.”⁴⁷ Prior to this case, the state of Washington would respect treaty fishing rights on reservation but did not accept their treaty rights for off reservation fishing even if they were in their usual and accustomed grounds and stations, as outlined in treaty rights. Boldt sided with tribes and while the state has the ability to limit non-Indian fishing off reservation, American Indians were granted rights to fish in these areas through their treaty rights. In order for treaty rights to allow for fishing rights, the decision put qualifications on tribes including: “competent and responsible leadership”; “well qualified experts in fishery science and management who are either on the tribal staff or whose series are arranged for and readily available to the tribe”; an “an officially approved membership roll.”⁴⁸ The requirements of an established government and officially approved membership role, approve the rights for tribes with governments accepted and seen as legitimate by the federal government. The requirement of an expert in fishery science and management ignores communal and generational knowledge of the land and resources, thus requiring someone whose knowledge is accepted by the federal government.

In order to understand the criminality of American Indians and the impact that Federal-Indian policy has on criminalization, it is important to begin with treaties and more specifically treaties in Coast Salish Territory. Treaties were early documents between tribes and the United

⁴⁷ U.S. v. State of Washington, No. 694 F.2d 1374 (United States Court of Appeals, Ninth Circuit 1982).

⁴⁸ Ibid.

States government to establish relationships between the governments and rights given to tribes at stake during the fishing wars. The Treaty of Point Elliot was established on January 22, 1855, and later ratified and proclaimed in 1859. It is the most well-known treaty within Coast Salish Territory. The tribes impacted by this treaty were given one year to relocate onto reservations established through the treaty. Tribes were given the right to fish at their usual and accustomed grounds and stations, a right that was challenged during the “fishing wars.” This treaty forced tribes and bands to “acknowledge their dependence on the Government of the United States.”⁴⁹ Forcing a dependent relationship between American Indian tribal communities and the United States government, created the conditions for US control and policies greatly impacting the survival of American Indian communities and culture. As has been demonstrated by Luana Ross, often times the conditions which create American Indian criminality are the struggle to survive and provide due to the circumstances left by settler colonial policies of elimination and assimilation. Ross argues that “early ‘crimes’ of resistance by the indigenous people in Montana came in the forms of warfare, the protection of homelands, and the continuation of sacred practices.”⁵⁰ Therefore, these early crimes were American Indians attempting to continue their traditions and pass their culture to future generations, in the face of settler colonial policies of removal and assimilation.

Logics of Heteronormativity in Criminalizing American Indians

In order to understand the criminalization of American Indians, it is important to understand criminalization as a tool of settler colonial control of the American Indian body, as

⁴⁹ “Treaty of Point Elliott,” 12 § 927 (1855).

⁵⁰ Ross, *Inventing the Savage: The Social Construction of Native American Criminality*, (Austin: University of Texas Press, 1998), 41.

well as a means to enforce the heteropatriarchal normalization of gender. Heteropatriarchy is intricately tied to the project of settler colonialism and its logics of elimination. The elimination of kinship and relationships that do not fit heteropatriarchal normativity, forces the acceptance of hierarchal structures of dominance and control. Queer and two-spirit⁵¹ individuals had important roles within their community, often transcending gendered roles, making them the first targeted and criminalized individuals upon contact.. Chris Finley (Colville Confederated Tribes) argues that “native studies should analyze race, gender, and sexuality as logics of colonial power without reducing them to separate identity-based models of analysis.”⁵² Therefore, when analyzing carcerality as a tool of settler colonialism it is imperative to include the analysis of gender and sexuality within the system because heteronormativity does not only impact queer and two-spirit American Indians but shape the lives of everyone within the community.

Due to their inherent resistance to heteronormative practices, queer and two-spirit indigenous people were the first community members criminalized by European colonizers. Through their queer critique of the criminal justice system, Attorney Joey Mogul, Activist Andrea Ritchie and Activist Kay Whitlock start with this early criminalization of non-conforming indigenous bodies as a means to uphold the heteropatriarchal structure in their book *Queer (In)justice: The Criminalization of LGBT People in the United States*. They look at Spanish conquistador Vasco Núñez de Balboa and his first encounter with Indigenous people in Quaraca (present day Panama). When Núñez de Balboa discovered that some men “dressed as women” and engaged in sexual relations with each other, he ordered them to be killed by his

⁵¹ In order to discuss individuals that did not fit into the colonial concepts of gender, I use the terms queer and two-spirit as society names and identifies these individuals in contemporary terms. However, these individuals would have had unique roles and identities within their communities that cannot be fully encompassed by these terms.

⁵² Chris Finley, “Decolonizing the Queer Native Body (and Recovering the Native Bull-Dyke): Bringing ‘Sexy Back’ and Out of Native Studies’ Closet,” in *Queer Indigenous Studies: Critical Interventions in Theory, Politics, and Literature*, ed. Qwo-Li Driskill et al. (Tucson: The University of Arizona Press, 2011), 33.

hunting dogs.⁵³ These individuals were targeted because their acceptance in their communities would not allow settlers to create a system of white cis male dominance over others.

An example of this is in contemporary literature is “Ularía’s Curse” in *Bad Indians*, where Deborah Miranda addresses early criminalization of two-spirited *joyas*. Ularía was an old woman who had been beaten by soldiers and “wanted to abandon her old woman’s body, even if the Spaniards had killed all the two-spirited *joyas* and left not one to carry her past the dangerous male and female gods that guarded the path to the ancestors.”⁵⁴ Ularía turns to the river for guidance and to speak to her ancestors and according to Americans she cursed the river but Isabel believes she gave the idea to the river to cure the Sargent.⁵⁵ Miranda repositions the narrative for the river to punish Sargent for the crimes. Isabel is “sure Ularía’s bones are laughing.”⁵⁶ Despite the Ularía left a way to haunt those who had committed crimes after her death.

Through the criminalizing of queer and two-spirit American Indians, settler colonialism criminalizes American Indian forms of kinship and relationship. In order to enforce power and control over American Indian communities, it was essential to force acceptance of heteronormative family units and structures. Mark Rifkin asks, “if kinship can provide a vehicle for contesting modes of normalization, what are the limits of such counterhegemonic intervention?” and “To what extent is such a politics dependent on a (largely disowned)

⁵³ Joey L Mogul, Andrea J Ritchie, and Kay Whitlock, *Queer (In)Justice: The Criminalization of LGBT People in the United States* (Boston: Beacon Press, 2011), 1.

⁵⁴ Deborah A. Miranda, *Bad Indians: A Tribal Memoir* (Berkeley: Heyday, 2013), 41.

⁵⁵ *Ibid.*, 42.

⁵⁶ *Ibid.*

commitment to membership in the (settler) state?”⁵⁷ Rifkin further argues for the queering of kinship. When addressing American Indian position in the settler state, American Indians have always been queered by the state regardless of their sexual orientation and gender identity.

Federal Indian policy sought to foster heteronormative family structures. The Dawes General Allotment Act further forced and encouraged the heteronormative family structure. It was largely supported by non-Indian groups who had interest in the land and/or Christianizing the American Indians. According to Frank Pommersheim, “supporters of the legislation were an odd coalition of Indian rights group (which were largely non-Indian Christian-based organizations working to ‘help’ Indians) and (non-Indian) land speculators.”⁵⁸ This is an example of the hidden motives for Federal-Indian legislations justified as means to help the American Indian subject. Allotment of lands meant a disruption of the communal living in which, “queerness” was acceptable and supported by kinship structures. In turn, the Dawes General Allotment Act policed and criminalized identities and bodies within the American Indian communities with the goal of assimilating American Indians into settler notions of family, kinship, and religion.

Legal and Legislative Criminalization

While allotment serves of an example of the legal criminalizing of kinship and non-heteronormative bodies. Federal-Indian relations continued to criminalize American Indian bodies through legislative means. In order to criminalize American Indian relations, ceremonies, religions, and practices laws controlled the actions of American Indians and their ability to

⁵⁷ Mark Rifkin, *When Did Indians Become Straight? Kinship, the History of Sexuality, and Native Sovereignty* (Oxford: Oxford University Press, 2011), 29.

⁵⁸ Frank Pommersheim, *Broken Landscape: Indians, Indian Tribes, and the Constitution* (New York: Oxford University Press, 2009), 126.

protect their own community. Early legislation began to remove jurisdictional ability from American Indian tribal nations and gave jurisdiction to federal or state governments.

The Marshall Trilogy was a set of three court rulings determined by Supreme Justice John Marshall that affirmed the political standing of tribal nations in the United States. These three cases were *Johnson vs. McIntosh* (tribal nations did not have ownership of their land), *The Cherokee Nation v. Georgia* (named tribes as domestic dependents rather than foreign nations), and *Worcester vs. Georgia* (federal government is sole authority in dealing with tribes). This series of legal cases solidified the idea that tribes, and therefore individual members of tribes, were dependent nations of the federal government and therefore not capable of making informed decisions for themselves.

In the first case, *Johnson vs. McIntosh*, Johnson and Graham's Lessee were going against William McIntosh over ownership of land. Johnson had purchased land from the Piankeshaw Indians, and McIntosh had been granted the land by the United States. In the end, Marshall sided with McIntosh and decided that tribes could not sell the land, as they did not own the land.⁵⁹ In this ruling, the United States government is implying that the tribal nations were incapable to properly care for and make decision over their own land. The second case, *The Cherokee Nation v. Georgia*, came after the State of Georgia passed a series of legislation in attempts to force The Cherokee Nation out of their state. Marshall decided that the laws Georgia passed in 1828 and 1829 "be declared unconstitutional and void; and that the State of Georgia, and all her officers, agents, and servants may be forever enjoined from interfering with the lands, mines and other property, real and personal, of the Cherokee Nation, or with the persons of the Cherokee

⁵⁹Johnson and Graham's Lessee v. McIntosh, 21 U.S. (8 Wheat.) 543 (1823).

people.”⁶⁰ His cemented the idea that tribal nations were dependent nations of the federal government and that the federal government had ultimate control over relations with tribal governments. The third and final case, *Worcester v. Georgia*, Worcester was a missionary within the limits of the Cherokee Nation. Under Georgia law, any white person residing within Cherokee Nation needed a permit or license. Without this permit or license, they would be charged with a misdemeanor. Worcester argued that the courts did not have jurisdiction over him because he was in the territory of the Cherokee Nation. Marshall sided with Worcester and declared that only the federal government would have a say in dealings with tribal nations.⁶¹ Throughout all three cases, Marshall cemented the reliance of tribal nations on the federal government when jurisdiction is questioned. Placing tribal nations as dependent nations, places them as “childlike” and incapable of making decisions for themselves.

This elimination of tribal sovereignty and ability to make their own decisions continued with the removal of their legal jurisdiction. One example of this is the case of *Ex Parte Crow Dog*. Following the ruling in *Ex Parte Crow Dog*, where courts upheld the ability of tribes to prosecute in that case, The Major Crimes Act was enacted to removed jurisdiction from American Indian tribes and placed jurisdiction under federal jurisdiction for crimes determined major crimes. According to the act, crimes between non-natives on the reservation fell under state jurisdiction and moving forward major felonies involving an Indian, whether victim or accused, would be tried by federal government.⁶² The Major Crimes Act made it so that it was a “federal offense for an Indian to commit one of the enumerated major crimes against another

⁶⁰ Cherokee Nation v. Georgia, 30 U.S. (5 Pet.) 1 (1831).

⁶¹ Worcester V. Georgia, 31 U.S. (6 Pet.) 515 (1832).

⁶² “The Major Crimes Act,” 1153 U.S.C. 18 § (1885).

person in Indian Country.”⁶³ This not only, limited the control that tribal governments had to protect their own communities, but delegitimized the tribal modes of justice and resulted in American Indians facing time in federal prison, a concept that was foreign to American Indian communities. The Major Crime Act enabled the government to charge American Indians with federal offenses for crimes that would not be federal offenses in areas under state, county, or local jurisdictions.

American Indian tribal justice systems are legitimized based on their ability to uphold their courts to the standards regulated under the United States government. In 1968, the Indian Civil Rights Act brought legal rights to American Indians within Indian country by imposing regulations on the sentences that tribes can give the individuals charged with crimes that fall under tribal jurisdiction. The Indian Civil Rights Act provided protections similar to the Bill of Rights protections afforded under the United States government that includes, but is not limited to, freedom of religion, freedom of speech or of the press, right to peaceably assemble, protections against unreasonable search and seizures, right to a speedy and public trial, and right to trial by jury.⁶⁴ Providing these protections for cases under tribal jurisdiction, ensures that tribes must follow the structure of the United States criminal justice system in order to be recognized and legitimized by the federal government. This ensures that tribes are unable to rely on their traditional laws and methods of justice because they often do not fall under the structure of the United States government. In “Due Process and the Legitimacy of Tribal Courts,” Frank Pommersheim argues that “the essential legitimacy of tribal courts rests in many instances on their ability to provide basic civil rights such as due process within both a legal and cultural

⁶³ Pommersheim, *Broken Landscape*, 61.

⁶⁴ “The Indian Civil Rights Act,” 1301–1304 U.S.C. 25 § (1968).

context grounded in affirmation and consent.”⁶⁵ He continues to argue that there are two views of tribal court legitimacy and one is that “the Indian Civil Rights Act of 1968 is yet another federal incursion into tribal sovereignty.”⁶⁶ By imposing guidelines that tribal courts must follow, it denies the ability for American Indian communities to have their own agency over justice and limits the sentences that can be provided by tribal governments, once again causing them to prosecute American Indians without protection for the community.

While jurisdiction has been limited by legislation over time, recently some tribes were given limited jurisdiction over non-natives in domestic assault cases. Amendments to the *Violence Against Women Act* made by former president, Barack Obama, allowed for tribal jurisdiction over non-natives in some situations but still left American Indians, especially women and two-spirit/queer members of community, unprotected. The reauthorization of the Violence Against Women Act in 2013, allowed for tribes to have jurisdiction in cases of “domestic violence; dating violence; and criminal violations of protections orders.”⁶⁷ The act further regulates the rights that tribal courts must provide for non-Indian defendants the rights afforded under the Indian Civil Rights Act of 1968. At times due to funding and resources, tribes are unable to provide these same rights and protections to their own communities and funds are then spent on non-Indian defendants. As a result, even tribal law enforcement is forced to criminalize

⁶⁵ Frank Pommersheim, “Due Process and the Legitimacy of Tribal Courts,” in *The Indian Civil Rights Act at Forty*, ed. Kristen A Carpenter, Matthew L. M Fletcher, and Angela R Riley (Los Angeles: UCLA American Indian Studies Center, 2012), 105.

⁶⁶ *Ibid.*, 105.

⁶⁷ NCAI, “Special Domestic Violence Criminal Jurisdiction FAQ’s,” *Tribal Governance / NCAI*, accessed February 18, 2019, <http://www.ncai.org/tribal-vawa/sdvcj-overview/faqs>.

and incarcerate American Indians in order to prove their legitimacy to the United States government.

Revised Code of Washington and Impact on American Indian Criminalization

The contemporary Revised Code of Washington provides several seemingly fair laws and regulations with no direct racialized or anti—Indigenous component. However, many of these laws disproportionately impact the American Indian community and previously incarcerated communities, especially those relating to homelessness and loitering. When communities have been displaced and disproportionately affected by the impacts of gentrification and poverty, laws targeting the low-income and houseless individuals disproportionately affect these communities. For the purpose of this thesis the RCW's I will focus on are RCW 9.91, RCW 9.02, RCW 9.41 and RCW 69.5.

The Washington State Revised Code 9.91 deals with miscellaneous crimes including: unlawful transit conduct, leaving children unattended in parked automobile, and disposal of trash in charity donation receptacle. RCW 9.91.025 is in regard to the unlawful transit conduct. The transit system within the Seattle metropolitan area is highly regulated with “fare police” ensuring those riding trains are doing so with proper fare tendered. However seemingly harmless that may be, it means that the low income who are unable to come up with the fare are the ones targeted. If they are unable to pay a fare to ride the transit, how would they afford the fees to pay a ticket? The policing and effects on homeless and communities of color was addressed after a 2017 incident in which Fare Enforcement Officers blocked two 10-year old black boys from debarking the train because they believed they were fare evading.

In 2017, the Fare Enforcement Officers targeted two 10-year old black boys attempting to exit the train, as the officers entered, because it was their stop. Because they quickly jumped up

to exit, the officers decided they appeared to be fare evading and blocked the door. Upon checking their tickets, after train was back in motion, it was determined that the boys had paid full fare.⁶⁸ The article further states that transit policy is that the Fare Enforcement Officers should follow exiting passengers to platform and check fares at that point. Instead, the Fare Enforcement Officers, left two young boys in fear and forced to continue pass their destination, with no consideration for the families and potentially approved destinations for the boys to be traveling to without parent supervision. Further investigation into this incident revealed that homeless and people of color are the most likely to be targeted by Fare Enforcement Officers.⁶⁹ Racial and classist bias therefore shows up in how these communities are targeted by Fare Enforcement Officers. Homeless and low-income populations often struggle to pay full fare and may evade fares in order to get to their destination. However, these incident and other similar incidents show that racial bias informed who is targeted by fare evasion.

The RCW 9.91.025 does not address fare evasion directly but other unlawful behaviors involving transit. This RCW included the criminalization of a person who “spits, expectorates, urinates, or defecates, except in appropriate plumbing fixtures in restroom facilities.”⁷⁰ Those who urinate or defecate outside of the designated facilities are often low income and homeless populations due to their lack of access to other facilities, and their inability to purchase items to be granted access to restroom facilities. Another aspect of this RCW is any person who “unreasonably disturbs others by engaging in loud raucous, unruly, harmful, or harassing

⁶⁸ Peter Johnson, “Fare Enforcement Brings Policing onto Transit (Part 2 of 3),” *Seattle Transit Blog* (blog), November 13, 2018, <https://seattletransitblog.com/2018/11/13/fare-enforcement-brings-policing-onto-transit-part-2-of-3/>.

⁶⁹ Ibid.

⁷⁰ Revised Code of Washington 9.91.025.”

behavior.”⁷¹ This behavior is interpreted differently depending on who is performing the behavior. Particularly after sporting events, Seattle Seahawks more so than Seattle Mariners, rowdy and loud fans flood the public transit and ferry systems but are not questioned for their rowdiness. At the same time, a homeless individual screaming and yelling due to mental illness or other behaviors is viewed as unacceptable in society and potentially targeted by law enforcement.

Another regulation under RCW 9.91, is RCW 9.91.140, Food stamps—Unlawful sale. This RCW makes the selling of food stamps a gross misdemeanor or a misdemeanor dependent upon the amount sold. The RCW targets “a person who sells food stamps obtained through the program established under RCW 74.04.500 or food stamp benefits transferred electronically, or good purchased therewith.”⁷² Food stamps programs are designed for low income families and regulate what the funds may be used for. However, some families resort to selling a portion of their food stamps in order to gain funds for other necessities such as, housing, power, or other bills. Criminalizing the selling of food stamps, means families have to prioritize food, which they may or may not be in need of at the time, over heat and shelter or be subject to punishment by law.

Under the Revised Code of Washington 9.02.050, the concealing of birth is illegal and punishable by gross misdemeanor. This states that “every person who shall endeavor to conceal the birth of a child by any disposition of its dead body, whether the child died before or after birth, shall be guilty of a gross misdemeanor.”⁷³ The targeting of those who conceal by disposing

⁷¹ Ibid.

⁷² Revised Code of Washington 9.91.140.

⁷³ Revised Code of Washington 9.02.050.

of dead body, targets the low income and isolated individuals. Often times, these individuals have also been the victims of assault and abuse and have nowhere to turn for help during the birth. The criminalizing of birth by those facing abuse and trauma, has targeted not only American Indian women, but other women of color as well. Sarah Deer and Beth Richie provide examples of young women of color who were criminalized after giving birth and reacting in ways deemed unacceptable by the larger society. Beth Richie argues the creation of a prison nation, and provides the narrative of Tanya, a fifteen-year-old who gave birth in a school bathroom and proceeded to put the baby in a backpack and dump in the school dumpster.⁷⁴ Through the process of criminalizing the black teenager, no one considers the trauma and abuse she has faced in order to be giving birth at that age. This is also evident in the story of Dana that is provided by Sarah Deer and discussed previously in the introduction.

The targeting of homeless populations does nothing to prevent homelessness. As of December 2018, Seattle has the third largest homeless populations in the United States, falling just behind Los Angeles and New York City. Across the county homelessness only increased 0.3% from the previous year. However, for Seattle that homeless population increased by 4%.⁷⁵ Nationally, 2.8% of the homeless population is American Indian, with 4% of the unsheltered population being American Indian.⁷⁶ This means not only are American Indians disproportionately homeless, but at even higher rates they are disproportionately unsheltered. Therefore, any laws targeting homeless populations or disproportionately criminalizing homeless

⁷⁴ Beth E. Richie, *Arrested Justice: Black Women, Violence, and America's Prison Nation* (New York: New York Univ. Press, 2012), 4-7.

⁷⁵ Kate Walters, "Seattle Homeless Population Is Third Largest in U.S., After LA and NYC," *KUOW*, December 19, 2018, <https://www.kuow.org/stories/here-s-how-seattle-and-washington-compare-to-national-homeless-trends>.

⁷⁶ "The 2018 Annual Homeless Assessment Report (AHAR) to Congress" (The U.S. Department of Housing and Urban Development: Office of Community Planning and Development, December 2018), <https://www.hudexchange.info/resources/documents/2018-AHAR-Part-1.pdf>.

populations, disproportionately target American Indians and other communities of color. However, these statistics do not include those who identify as American Indian and another race. Depending on the methods of collection, if race is assumed and not asked, it may not account for many American Indians who are disproportionately racialized as other racialized groups.

Criminalizing through Representation and Stereotypes

Laws are not the only cause of American Indian criminalization, but the images of American Indians that are portrayed through media are often perceived in criminalizing manners. The common portrayal of American Indians in media has people believing stereotypes about the community—child neglect and abuse, alcoholism and drug use, and assault are viewed as “the Indian problem” without addressing and fully nuancing American Indian people.

Alcoholism and drug usage were foreign to American Indians until introduced by Europeans. Deborah Miranda addresses the common stereotype of the “drunk native.” In *Bad Indians*, she provides a nuanced and historical understanding of the root of alcoholism by American Indians through her analysis of historical records, archives, and refusal to accept the work of anthropologists. Miranda, as with other American Indian scholars, critique the anthropologist’s roles in American Indian communities and their interpretations of the information they received. Cutcha Risling Baldy argue that “anthropologists, archaeologist, linguists, and other scholars became interested in documenting Indian life to preserve what they perceived as a ‘dying culture.’”⁷⁷ She further argues that these scholars then become the “experts” and “authorities.”

The use of the stereotypical “drunken Indians” allowed for agencies and organizations to decline to provide resources and funding to American Indians because they were deemed

⁷⁷ Baldy, *We Are Dancing for You*, 5.

irresponsible and “childlike”. Luana Ross argues that the drunken behaviors led to many financial institutions refusing to provide loans and financial opportunities for American Indians. In Montana a letter was written by Barney Reagan at the Montana Legal Services Association to attorney Don Marble. In this letter, Reagan states “these loans are given to people that have no more ability to take care of a bunch of cattle than I do in flying to the moon.”⁷⁸ Throughout the letter, he implies that American Indians do not use these loans for their intended purposes but rather for vehicles (in this case pick-ups). Through this letter, Reagan is arguing that American Indians are incapable of being responsible and utilizing resources for their intended purpose, but rather spend the money on other things. The difference between the cattle and the pick-up is that the cattle can be used to make a profit and pay back the loan, while the pick-up cannot.

Media and common news sources slant their stories to appeal to their readership and the general public. The image of the American Indian criminal is essential to their representation of criminality. A news source is not concerned with the accuracies of their reporting or the impacts of their stories but rather the views and monetary benefits to their source. In 1978, *Master Detective* published an article about two American Indians charged with murder in King County (the county that Seattle resides in). The headline of this article states: “Washington homicide probers were confronted with a bizarre question: Was the slain man a victim of tribal revenge?” before using larger font for “THE NORTHWEST’S” and even larger font for “INDIAN MURDER CASE.”⁷⁹ The page prior to the article about brothers Carey Webster and Clyf Gladstone, brothers accused of murder, the magazine shares a special bulletin released by the Department of Public Safety, King County Police, and King County Courthouse on April 20,

⁷⁸ Ross, *Inventing the Savage*, 5.

⁷⁹ Andy Stack, “The Northwest’s Indian Murder Case,” *Master Detective*, 1978, 29.

1978 accusing the brothers of the murder of Glenn McLelland. The title of the article and headline that sticks in people's head is INDIAN and MURDER. These words automatically confirm the images of American Indian's held by the general population since contact.

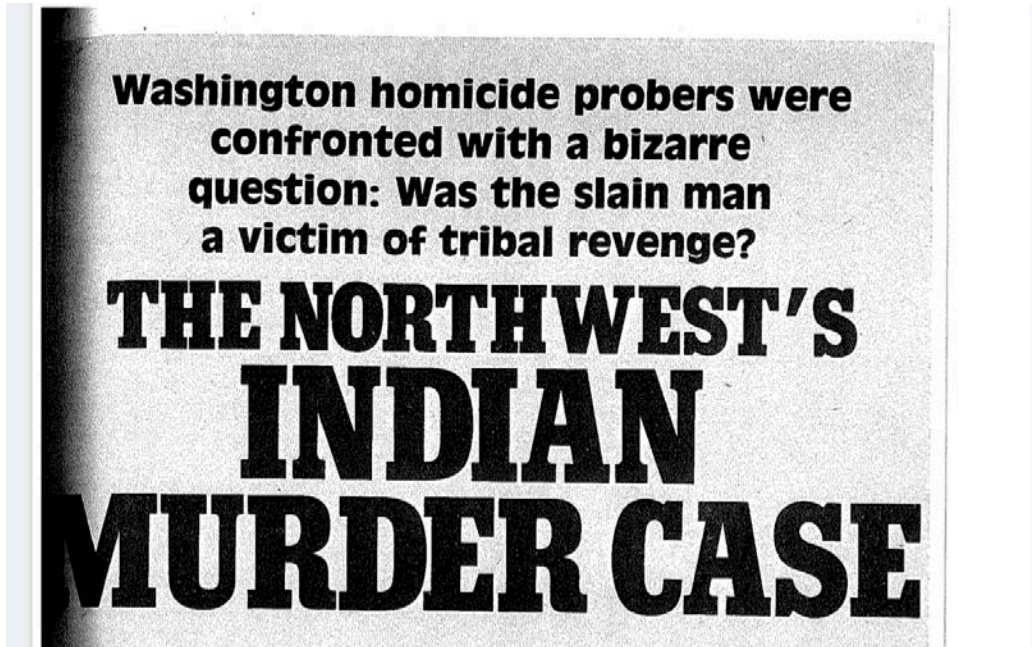


Figure 2: Image of headline from a 1978 issue of Master Detective. This image demonstrates the use of headlines in journalism to further construct the American Indian criminal.⁸⁰

This media representation, as with the criminal justice system, is geared towards targeting people of color, or otherwise marginalized communities. The result is longer sentencing, and people deemed criminals by their racial make-up and occupying spaces already deemed criminal. Amanda commented on how she was jailed for crimes white counterparts had never seen jail time for committing. “[She] really strongly feel[s] that because [she is] female and because [she is] brown, that the book was thrown at [her] and [she] was used as an example when [she] has not seen [her] White counterparts, same age, but White, not go to jail at all. Not even taste a

⁸⁰ Stack, “Northwest’s Indian Murder Case.”

prison cell.”⁸¹ Upon entering her sentence, Amanda learned that the lack of system continued to target American Indians and Alaskan Natives while they are incarcerated.

This disproportionate criminalization of American Indians is argued by Luana Ross where “Native Americans charged with major crimes on an Indian reservation receive harsher treatment than non-Natives charged with the same crimes on a reservation.”⁸² While Luana Ross analyzes this disproportionate criminalization through reservations, it has been shown that American Indians have been disproportionately incarcerated and receive longer sentences in general. The case of Amanda demonstrates that American Indians and Alaskan Natives are criminalized and incarcerated for crimes that non-native, white counter parts do not receive incarceration as a punishment. American Indians have continually been criminalized and targeted by media. Films and movies portray the “drunk Indian” or the abuse at the hands of American Indians without providing an accurate portrayal of the community. This continues into news outlets reporting on issues regarding American Indian communities and criminality.

Through *Bad Indians*, the title alone demonstrates Deborah Mirandas critique of this image of the American Indian criminal. Miranda goes into further details in her “Novena to Bad Indians.” Starting this section, she provides a magazine article with the headline “‘BAD’ INDIAN GOES ON RAMPAGE AT SANTA YNEZ” that had originally been published in the *Los Angeles Times* on August 3, 1909.⁸³ She uses the Novena as a method to address the Bad Indian trope presented in these archives. A Novena represents a series of services on nine consecutive days in the Roman Catholic Church. By using a novena to write back to the “bad

⁸¹ Amanda, interview by Author, Phone, October 12, 2018.

⁸² Ross, *Inventing the Savage*, 19.

⁸³ Miranda, *Bad Indians*, 96.

Indians,” Miranda connects these criminalized behaviors back to the violent missionization and Christianization of American Indians by the Catholic Church. The catholic novena is generally targeted towards one saint or purpose. Through the use of the novena being split into nine days, she addresses and incorporates many of the criminalizing titles for American Indians.

Through law and conceptions of American Indians, criminality has been continually shaped and constructed through legal and social means. As has been demonstrated through this chapter, criminalizing “Indianness” began with treaties between the United States government and tribal nations, in which reservations were created and sovereignty was granted. While these treaties were declared laws of the land, they have not continued to be treated as such and are often infringed upon. As these treaties did not effectively eliminate American Indians, other policies, such as the forced removal of American Indian children to boarding schools, were enacted to force assimilation. Policies that criminalize American Indians are coupled with a lack of policies to protect American Indians

This image and criminalization of the American Indian is important to understanding how resources remain inadequate to provide for American Indians incarcerated or previously incarcerated. The following chapter will address these inadequacies during their incarceration, as well as during the (re)entry process. This chapter will address the lack of resources that they received during their incarceration that are useful beyond their time served, as well as the lack of resources that are accessible upon (re)entering communities. How does this criminalization of American Indians influence the resources and programs available to them?

Chapter 2: Constructing Recidivism not (Re)entry

The privatization of the American criminal justice system relies on the steady and reliable entrance of inmates, creating a revolving door in which “criminals” upon release are likely to recidivate and return to the system. Rather than serving justice and protecting communities, the prison industrial complex profits off the backs of those incarcerated. Due to the high rates of incarceration of people of color, it furthers the colonial structure of making profit off the backs of black and brown bodies. In order to ensure this steady return of inmates into the criminal justice system, they fail to provide adequate resources during incarceration and during the (re)entry process in order to ensure their return into the system. Dehumanizing prisoners often means providing inadequate medical and mental health resources to those in need, while overly medicating others as a form of control. Through their (re)entry process, many previously incarcerated American Indians and Alaskan Natives are left to rely on communities, if they are available to them. For others, they struggle to (re)integrate and thus create a cycle of returning to the system. The lack of resources begs the questions: Where do we heal from trauma when mental health care is inaccessible and stigmatized? How do we stop the continued cycles of trauma, pain and criminalization when there are no services provided? The behaviors and cycles of violence that result in incarceration, often stem from reactions to trauma and pain and, as discussed in the previous chapter, create criminals. In order to maintain the revolving cycle of recidivism, the criminal justice requires there to be a lack of healing from trauma and circumstances that cause deviant and criminal behaviors.

Reentry, as the term utilized by Department of Corrections systems across the United States provides an assumption that individuals have access to community and family kinship that they return to. For American Indian communities, access to community, family, and kinship has

been disrupted by settler colonial violence further making this (re)entry more complex. It further makes the assumption that life within the Department of Corrections system and life outside are separated, but living in a prison state, as defined by Beth Richie, the continued carcerality and policing of everyday life prevents this separation. In order to disrupt the notion that (re)entry is an easy process and the individual is to blame when successful reentry is not possible, I use the term (re)entry in discussing these experiences. I pull the (re) in parenthesis from Mishuana Goeman's *Mark My Words*, where she explains her use of the parenthesis to disrupt the notion of a seamless process. My use of (re)integration is done for similar reasons, as reintegration is another term often used in describing the (re)entry process and once again this is not a simple and seamless process.

Carceral Access to Basic Needs and Services

For incarcerated individuals, access to education is often limited and restrained by their background. Some have been able to navigate the ever-changing landscape of higher education, while others have not. For Emily, education became accessible, but that was not always the case for those incarcerated. While educational services are limited during incarceration, individuals previously incarcerated attempt to obtain those educational goals after their incarceration. For Charlie, being off supervision for the first time in thirty years, means making changes to his life in order to hopefully have somewhere to be when [he] start[s] the spring term, because [he is] going back to college.”⁸⁴ (referring to the Spring Quarter 2019) At the time of the interview, Charlie was still struggling to find housing due to a lack of availability in tribal housing.

Educational services not being offered during incarceration is not the only affect it has on individuals, but it often puts any form of education that individuals are receiving on hold. Joseph

⁸⁴ Charlie, interview by Author, January 19, 2019.

was beginning college when he was first incarcerated which put a hold on his educational endeavors that he has not recovered from due to continual interactions with the criminal justice system. Joseph states that he wanted “to be a leader for their younger siblings”⁸⁵ and that he had ambitions for college in order to give inspiration and hope to their younger siblings. Their lack of access to their education, which they have still been unable to access, not only impacted them but future generations from seeing higher education as an option.

Dylan stated that at Washington State Penitentiary, inmates were able to earn a degree through the Walla Walla community college. However, after leaving incarceration and wanting to receive this education, he was unable to due to the necessity of surviving economically.⁸⁶ The lack of educational offering while incarcerated, prevents inmates from receiving necessary in their integration after incarceration. The idea of (re)entry and (re)integration assumes that there is a community to begin with. This is not always the case for individuals incarcerated. Charlie expresses his experience with the lack of community to begin with, while Joseph does so in the heightened judgement of reservation communities. For an individual to be able to (re)turn to their family and community there has to be a support system to begin with.

While incarcerated, individuals received additional lack of support for developing skills that would be beneficial to their future. Once incarcerated, individuals are dehumanized and given limited opportunities for future development. For individuals interviewed, the prisons themselves in Washington did not give them access to valuable skills that would be beneficial to their future after incarceration. Joseph claimed that “if [he] was paying attention, and if [he] was a criminal, [he] would have figured out how to—[he] would have been learning from

⁸⁵ Joseph, interview by Author, In person, January 19, 2019.

⁸⁶ Dylan, interview by Author, In person, January 23, 2019.

everybody's lessons in there."⁸⁷ In other words, the only lesson that Joseph saw as an option would be how to become a better criminal, if that was a desired outcome, but the jail itself did not provide skills that would be beneficial to preventing his return to incarceration.

Across the board previously incarcerated individuals express the lack of resources available during the (re)entry and (re)integration process, as well as during their incarceration. The lack of resources fails to prepare them medically and emotionally, as well as fails to provide a skill set that can be utilized upon their release. The inaccessibility to education, job skills, counseling, and appropriate medical needs has an impact on their lives beyond the prison walls.

When asked about access to health, mental health, and substance abuse needs, interviewees responded with there was no access. Amanda stated that "[she] witnessed a person die in there because she could not get adequate medical service [sic]."⁸⁸ She further argued that the prisons were not meant to make them well and often denied services. Also, they forced medical and therapy services on others who were not in need due to the monetary benefit. In other words, the prisons needed some people utilizing the medical services in order for them to receive the financial benefits but did not want those who needed services the most because they relied on the lack of healing and treatment to increase recidivism rates. After complaining about headaches and not feeling well, she laid down and died of an aneurysm that day.⁸⁹ Her denial of medical care demonstrates a failure of prison staff to address the needs of inmates. Women are commonly dismissed regarding their health needs inside and outside of prisons which further

⁸⁷ Joseph.

⁸⁸ Amanda, interview by Author, Phone, October 12, 2018.

⁸⁹ Ibid.

complicates their access to adequate medical care when incarcerated. This disregards women's agency and understanding of their own body.

For Joseph, he was wearing contact lenses when he was incarcerated and denied access to saline solutions. He spent 40 days unable to see during his incarceration.⁹⁰ The denial of access to contact solution not only causes difficulty navigating the institution but can cause further harm to the individual and other medical problems. Not wearing contacts or glasses, causes squinting which often leads to headaches and has the potential to cause further harm to vision. If access to saline solution was a problem, then the incarcerated individuals should have access to either glasses or supervised access to saline solution in the mornings and evening so that they are able to adequately see and interact with people throughout the day.

Charlie commented on his last experience with incarceration; stating that he wanted treatment but was denied access and sent to jail. "[he] had been accepted, did the evaluation, had a bad day, and wasn't allowed to go, even though [he] was voluntarily thrown into the lock down facility that would have kept [him] inside longer than [his] jail sentence."⁹¹ The program and the resources that would have provided Charlie with treatment to prevent further recidivism was denied in lieu of jail sentence. The criminal justice system relies on the bodies that it incarcerates for monetary benefits and gain. Cheap labor and inability to post bail, allows the prison to continue to make money off of the individuals incarcerated. When state budgets for the prisons comes out, it appears large but most of the money is going to the prisons and staff themselves and not the individuals incarcerated. Families are left to pay and help their loved ones while incarcerated with medical fees, commissary, and phone communication charges.

⁹⁰ Joseph.

⁹¹ Charlie.

When it comes to substance abuse, the system not only fails to provide services and rehabilitation but also fails to prevent the drug epidemics from occurring in the prisons. As stated previously, women and men often arrive in jails and prisons with many issues that have come from deep trauma. Dylan has recently been released and while he had never had substance abuse problems, knows that there is currently a meth epidemic within the prisons. “They can’t keep meth out of the system. It’s crazy. It doesn’t matter which ones you go to.”⁹² With their inability to prevent meth epidemics in the prison, the prisons foster a system that creates reliance on drugs which causes offenders to have lengthened sentencing or upon release being picked up for future drug charges or probation violations. The prison does not foster as system to prevent recidivism and return to control under the Department of Corrections.

Amanda described her relationship with substance abuse as unnecessary. Even once she completed her treatment program, she was left in the three-to four days a week treatment program. “When [she] entered the treatment class there were like 20. By the time that class was done, people were just graduating at varying times because they entered at varying times, but they kept [her], because if everyone graduated, then they would have no reason to come back and earn their money.”⁹³ Her experience with the treatment program demonstrates that when they programs do exist they are not there to provide services to the incarcerated individuals but as a tool to make money for the Department of Corrections and companies that they have contract with.

The Department of Corrections not only fails to provide rehabilitations and appropriate counseling and medical needs but creates a system that creates more criminals. When

⁹² Dylan.

⁹³ Amanda.

incarcerated Joseph had a cellmate that tried to intimidate him and challenge him. He did not react and challenge him back but saw that “if you’re in there with somebody with nothing to lose and everything to prove, you know, a more prideful person’s going to take that offer.”⁹⁴ The challenge becomes about proving masculinity and standing your ground. If you are incarcerated for longer periods of time, you have to claim your place and gain respect which leads to these challenges, which may cause further incarceration.

Limiting Access to (Re)entry Resources

Housing, employment, and access to education are essential for a successful transition out of incarceration. However, these resources are scarce and often not readily accessible. An essential aspect to (re)entry for Charlie would be “transitional housing for people that aren’t necessarily transitioning through a recovery process.”⁹⁵ Charlie had difficulty obtaining shelter through entering rehabilitation and treatment problems due to their medical marijuana card. Because many programs are one size fits all model – if one person cannot have access to something no one can, they do not have the ability to adapt for different needs. What would a program look like if some were granted access to things others were not allowed to? How would programs adapt to individual needs? The lack of resources creates an environment in which people will fight each other or create a hierarchy amongst themselves to justify why they should have access over others.

A few resources are available to provide (re)entry services by they are often limited and follow the one model fits all belief. Joseph attempted to attend a re-entry program through the S’Klallam Tribe. While in the (re)entry program, he attempted to use law enforcement in his

⁹⁴ Joseph.

⁹⁵ Charlie.

favor. He “had to call law enforcement on her [referring to the woman who he had been incarcerated for Domestic Violence with] at one point, because she would take [his] glasses, [his] phone, [his] wallet, anything to keep [him] from leaving, [his] car keys. She’d barricade the door, so at that point [he] said, okay, [he’s] done.”⁹⁶ When his name was heard over the radio, his probation officer was notified and he was kicked out of the (re)entry program that had provided him job training and a \$15/hour job, which was above minimum wage for the area. By creating a mentality that the “criminal is always the criminal”, the Department of Corrections and Law Enforcement agencies create a system where those who have a history with incarceration are not protected and have no recourse for harm done to them. This is even more of an issue the emergence of phone applications that allow anyone to listen in on police scanners. Someone without full details of the cause, can over hear a name and report them for violations even when they were the victims in that instance.

The lack of adequate resources creates a system where individuals feel a need to compare themselves to each other and create a hierarchy of deviance amongst themselves. It creates a system where individuals must put others down in order to create a more positive perception of themselves. During interviews, two interviewees described themselves or their behaviors in ways that created a perception that they were not like the others and not as bad as the others. Charlie addressed the access to the tiny houses recently built in Suquamish. While he was unable to be housed in them due to his violent past, there is someone there who is on the sex offender registry, and Charlie “would consider that violent—you know, [he] mean[s] as far as being predatory and being a threat to the community.”⁹⁷ I would argue that threats to the community should not be

⁹⁶ Joseph.

⁹⁷ Charlie.

addressed through which individual crimes are seen as more violent or more of a threat but looking at how to provide services and accommodations for people based on their individual circumstances. While the individual who is on the sex offender registry could be a continuous threat to the community, they may not be any more of a threat than others in the community. The sex offender registry includes a wide range of crimes from public indecency to rape, and only those who have been caught and sentenced are put on the registry. An example of someone who would not be a threat are those charged of lower level crimes, such as public indecency, which included urinating in public.

The severe need for (re)entry programs is coupled by a lack of preparation to leave the prison or jail. Charlie also argues that there needs to be a program for people to prepare to integrate after incarceration. He took advantage of every available class or resource they offered but “the norm is people sit there and blend in and learn to waste their time, learn to have everything catered to them, and have no clue what to do to get their life progressing again when they get out.”⁹⁸ The lack of programs to prepare inmates for (re)entry creates a disconnect when they are released from Department of Corrections supervision.

Charlie described the transition period as a form of culture shock, not in terms of technology, but adjusting to not having every minute of your day planned out by the criminal justice system. “However long the incarcerated person is acclimated to that environment of being told exactly when, how and what to do at all times, and then we get out into the free world and there’s no transition.”⁹⁹ Without a transition period or providing resources for incarcerated individuals to help with their (re)entry process, there is no means for them to learn how to

⁹⁸ Charlie.

⁹⁹ Charlie.

survive outside and adjust to a system where every minute of their day is not structured and planned for them. The system fails to provide them with essential skill for taking care of

Technology is an ever-changing essential tool in our society. For those who serve longer prison sentences, the lack of access to technology and learning technology advancements puts them at a disadvantage upon their release Dylan described this form of culture shock through technology. He spent 27 years incarcerated so when he began his period with incarcerated, the prevalence of cell phones and personal computers was rare and the ability of those devices to perform the tasks we use them for today was not there. Upon (re)entry, he had to not only acclimate to life outside the prison but learn how to catch up to the technology that has rapidly grown over the last couple decades. Technology has become an essential tool for employability and connecting with resources. The lack of prisons and jails providing skills and job training that will be necessary upon release leaves previously incarcerated individuals further behind in their search for resources and opportunities.

By limiting access to technology, the Department of Corrections is able to further limit and censor what media prisoners have access to. It has become practice for prisons to utilize technology for family to communicate with inmates via email, the inmates themselves never utilize the computer, but emails are printed off and handed to inmates. Another method of technology that is used is through the use of video calls, as opposed to in person visitation with inmates. However, inmates themselves never get to utilize the technology and use it to benefit their progress after incarceration. The Department of corrections decides “what is appropriate for prisoners to view [as] another way to control them.”¹⁰⁰ Denying access to technology further controls them and limits their access to outside contact.

¹⁰⁰ Luana Ross, *Inventing the Savage: The Social Construction of Native American Criminality*, (Austin: University of Texas Press, 1999), 165.

While services that adequately prepare those incarcerated for the advancement of technology are slim to non-existent, social media can be used to help individuals access resources available to them or put pressure on communities to provide these items. Charlie was living in one of the worst drug neighborhoods on the rez in a car with no windows. He stated that “[he] didn’t receive any help from [the Suquamish Tribe] until [he] started squawking all over Facebook.”¹⁰¹ This referred to a post he had recently made on the Suquamish Community page on Facebook looking for resources and housing, in which people asked if the tribe could help him. According to Charlie, once the councilmembers got e-mails about it, they were more responsive to his needs. He later claimed that the place he found the most support and help was through social media and websites. The importance of social media in previously incarcerated individuals connecting with others and finding support networks, demonstrates the need for technology and other resources that keep incarcerated individuals up to date with the outside world needs to be provided.

Upon release from prison or jail, the Department of Corrections is supposed to provide basic documentation for people at a minimum. The Department of Corrections has a list of needs that they should provide for individuals upon release including state identification and transportation into town. However, these needs are not always met and are necessary upon release. The lack of immediate resources causes people to rely on their communities and families when that is an option. Those without a community or families to return to, have more difficulty navigating the system with a lack of funds or identification.

Dylan state that they did not provide state ID, social security card, or birth certificate “and all that stuff they have on file, and these are all things that they’re supposed to give you

¹⁰¹ Charlie.

upon release.”¹⁰² Instead Dylan was left with a prison ID, \$20, and a check for \$2,700 that he could not cash due to the lack of identification. In his case, he was able to return to family who helped him until he was able to cash the check two-months later. If he had not been able to turn to family and depend on them during the two months, the check would have been useless to him, and the \$20 bill would not be enough for him to access the resources he needed. He would not even be able to acquire a state identification that would be needed to cash the check.

Carceral institutions continue to deny individuals rights and needs beyond their cultural and health needs. One example of this was provided by Emily. During one of her bouts with incarceration, she was a vegetarian. She commented on what this meant in terms of her treatment: “If you were a vegetarian, or a vegan, or anything like that so [sic] they could put that on your information on your record so you could get a different lunch or dinner, what have you. And where [she] was at, you could also get different access—you could get access to different types of food via commissary as well.”¹⁰³ However, Emily further explained that the Department of corrections continued to ignore her dietary needs, causing her to lose 45 pounds while incarcerated.

Emily further explains the denial of diet restrictions as something that goes beyond her vegetarianisms:

The reason that that’s so significant to me is if they can take a person’s diet, someone’s – something as simple and something as trivial as someone’s diet – because I know that diets can be culturally relevant to people as well, and if they can take a diet and use that in such a way to be harmful to what they consider as an inmate – because they don’t see you as a human being at that time, then it just freaks [her] out as far as the other issues that are here.¹⁰⁴

¹⁰² Dylan.

¹⁰³ Emily, interview by Author, Phone, February 2019.

¹⁰⁴ Ibid.

For some inmate's diet is not simply a choice of what they eat but many have cultural and religious beliefs that influence their diets. Different beliefs limit the intake of different types of foods. If it's difficult for the prison system to simply respect a diet such as vegetarianism, then how do they treat other dietary restrictions? How do they then treat other religious and cultural needs of the inmates?

Gendering, Parenting and Carcerality

Some resources that the Department of Corrections provided are geared towards women or people with families. For many, these resources are not viable, or they are denied access to them. In the State of Washington, the Women's Prison in Purdy offers the "Residential Parenting Program," which provides access to twenty mother-infant pairs for up to thirty months, but the mother "must be eligible for work release into the community before their child reaches 30 months of age."¹⁰⁵ This program allows for mothers to learn parenting skills and bond with young children. However, it also allows children to spend their first two and a half years learning life behind bars. "Washington has one of only 12 residential parenting programs in the country, and is the only one with an Early Head Start."¹⁰⁶ The purpose of this program is to "reduce recidivism and break the intergenerational cycle of incarceration."¹⁰⁷ However, as children age and ask for childhood photos, how do these children adapt and understand that they spent their first two and a half years in jail due to a crime their mother committed prior to their birth. If the

¹⁰⁵ Washington State Department of Corrections, "Residential Parenting Program: Teaching Parenting, Infant-Child Bonding to Incarcerated Mothers," May 2017, <https://www.doc.wa.gov/docs/publications/fact-sheets/400-FS003.pdf>.

¹⁰⁶ Ibid.

¹⁰⁷ Ibid.

women are capable of being around their own children, where are alternative sentencing options that do not require the children to also reside behind bars?

Montana offers similar parenting group in which mothers are granted weekend visitation for participating. While for the Washington program the only opinion offered by mothers, was one that was used by the Department of Corrections to promote the program, Luana Ross provides the criticisms that women in The Parenting Support Group have. They argue that some use the program, not as a support group as intended, but solely to obtain weekend visitation privileges with their children and that it creates some hostility towards mothers and children.¹⁰⁸ This hostility makes it an unsupportive environment for prisoners. Ross argues that “some mothers, who lose their children through the courts or through death, are not afforded the opportunity to process their anger and grief.”¹⁰⁹ With a lack of adequate and supportive systems in place, the women are never given the opportunity to further heal and this is then taken out on the mothers who are granted visitation with their children.

While some women are granted parenting rights while incarcerated, others are criminalized for their parenthood, while men are denied their parenting rights during incarceration. In addition to this, the program is limited to mothers and men are not offered the same parenting programs. This comes from the assumption that the women are supposed to raise children and nurture them. The same is not provided to the men who are parents, and while it’s not the accepted standard, single-dads who serve as their child’s primary care giver. Another option for the women is a “two-week class, and it was only offered to prisoners who had family. Can you imagine how many people are in there without family? Most of them.”¹¹⁰ When

¹⁰⁸ Ross, *Inventing the Savage*, 230-231.

¹⁰⁹ *Ibid.*, 231.

programs offered are focused on those with families or children, most prisoners are left without options for support, when they already lack the support of a family, thus increasing the recidivism and difficulty with (re)entry.

One of the most important conversations extending from the interviews was “what resources were you unable to find that you believe would be useful to yourself or other individuals who find themselves in similar circumstances?” As interviews were conducted, the verbiage of this question shifted in the context of the conversation, but it served the purpose of allowing the individuals to (re)imagine what the (re)entry process could look like if adequate resources and programs were provided to help with the process. For many, this means adequate access to basic needs in order to prevent recidivism and further charges against them.

The American criminal justice system creates an environment in which inmates learn to survive and rely on the structuring that is provided by the criminal justice system. The inability of the system to protect and provide justice in Indian Country results in American Indians and Alaskan Natives to encounter law enforcement as the “criminals” and it is difficult for society and law enforcement to in turn see them as the victim. While laws and regulations are in place to guarantee the access of communities to certain resources, when it is justifiable for the staff to deny these resources, they do so.

The lack of adequate resources had created a system that causes people to create a hierarchy amongst themselves to justify why they deserve these resources more than others do. While some continue to support each other through the formations of communities, as will be discussed in the next chapter, others are arguing for why they deserve resources more than others deserve the same resources. If adequate resources were provided, American Indians and Alaskan

¹¹⁰ Amanda.

Natives previously incarcerated would not be left to create their own resources or fight for the limited resources available.

The following chapter will address how American Indians have used community in order to lessen the affects incarceration has on the individuals. As settler colonialism's goals of elimination have displaced American Indians, community building has been used as a form of resistance. Through community, American Indians have remained resilient and survived generations of trauma, abuse, and displacement

Chapter 3: Community as a Form of Resistance Against Displacement and Carcerality

American Indian and Alaskan Natives have been displaced and removed from their communities since the arrival of European settlers. In order to deal with this removal from their communities and relationships with the land they reside on, American Indians and Alaskan Natives have continued to create community where they find themselves. For those who reside on the reservation, this connection to community and place becomes obvious due to their immediate connection to their tribal communities. For others, they have to create the space and community connections where they live—which are often through connections to other American Indians or others with shared experiences. For off-reservation American Indians and Alaskan Natives, connecting with the land and other American Indians and Alaskan Natives becomes essential for their survival. For those incarcerated, the connection to the land and the community becomes more controlled through the legal system, but those incarcerated create community amongst themselves as a means of survival.

Reservations are small fractions of the land in which communities traditionally accessed. For example, the Port Madison reservation where the Suquamish peoples reside, is a small reservation located on the Kitsap Peninsula in Washington state but their traditional Usual and Accustomed territories, (or often referred to as U and A areas), span from British Columbia, Canada down to Oregon State. The reservation in media, books, and much popular cultural is depicted as a site of criminality and/or (in)justice. The American Indian reservation itself is a carceral space in its attempts to contain and control the American Indian community and bodies. In “Land is Life,” Mishuana Goeman makes connections between the Boarding Schools and

prisons in the fact they are a means of “containing and surveill[ing] of aberrant bodies.”¹¹¹ The forcible removal of American Indians to reservation communities was an attempt by the United States government to forcibly contain the American Indian body and eliminate political forms of life. When resistance and resiliency prevented reservations from eliminating American Indians, other means such as boarding schools and prisons have been implemented to contain and remove American Indians from the land.

Criminality and carcerality in Indian Country, does not only impact the individual but has a continuous impact on the whole community. The removal of jurisdiction over Indian Country, eliminates the ability for American Indian communities to protect each other and our communities from threats of violence. While some members of the community are directly impacted by the threats of violence and the inadequacies of the criminal justice system, one instance of violence is not isolated and deeply connected to the impacts colonization and the violence the settler state has had on communities. Deborah Miranda argues this narrative through the use of the tribal memoir and by researching the stories of the way Coastal Esselen people were criminalized. By using a tribal memoir, she is demonstrating that her experiences and her memoir is not just hers but results from the experiences of generations before her, as well as the familiarity of these experiences by other members of her tribal community, as well as Indian Country at large. For Deborah Miranda, the idea of community is self-created and interconnected including family and ancestors. She was not around her tribal community but her relationships to the community and kinship were through the telling of the historical memoir alongside her own. She makes the book in order to “create a space where voices can speak after long and often

¹¹¹ Mishuana Goeman, “Land As Life: Unsettling the Logics of Containment,” in *Native Studies Keywords*, ed. Stephanie Nohelani Teves, Andrea Smith, and Michelle Raheja (Tucson: The University of Arizona Press, 2015), 81.

violently imposed silence.”¹¹² Her story and experiences are not solely hers to share but rather a community’s experiences. She asks readers to consider what is the story and uses multiple stories to construct the main narrative, her own. I gather stories of those previously incarcerated because, while their stories are their own, common experiences demonstrate the inadequacies of the criminal justice system under the constructs of settler colonialism.

Due to her upbringing away from the reservation, Deborah Miranda found other forms of belonging and relationship to the communities she resided in, as well as her own tribal community, which she demonstrates in her tribal memoir, *Bad Indians*. She left California and moved to Washington State while in elementary school. Not only did she make connections to the land and community, but upon his release from prison her father made connections to the land and community, in his attempt to reconnect with the community. Deborah Miranda demonstrates the importance of community and resistance in the survival of her ancestors and community under the constraints of a settler state.

Through the use of the tribal memoir, Deborah Miranda shapes the interconnectedness of the trauma and pain that members of her community currently face, as well as previously faced. Through her analysis of the historical records, Miranda rejects the anthropological interpretation of the evidence and documentation of trauma and resiliency. Miranda is just one California Indian who has critiqued and resisted the anthropological interpretations of stories and events. As Edward Curtis sought to do with documenting photographic evidence of the dying race, Cutcha Risling Baldy argues that anthropologists and other scholars sought to document and observe this dying race. “In the early twentieth century, following some of the most violent periods of colonial history, many anthropologists, archeologists, linguists, and other scholars became

¹¹² Deborah Miranda, *Bad Indians: A Tribal Memoir*, (Berkeley: Heyday Publishing, 2012, xx.

interested in documenting Indian life to preserve what they perceived as a ‘dying culture.’”¹¹³

Despite the belief that these communities and cultures would inevitably die out, American Indian and Alaskan Native communities built communities and supported each other to resist attempts to eliminate them.

In her critique anthropologist J. P. Harrington’s interpretations of the “dying Indian,” Deborah Miranda creates a collage of his work. A collage, as predominantly used in society, is an art form of putting various snapshots or images together to portray an event or idea. The snapshots and images used are at the discretion of the artist and represent their take on the event. By using a collage, Miranda is demonstrating that Harrington’s interpretation of events is a collage with a narrow view of American Indian culture and communities, but also providing her own collage of the common themes that show in Harrington’s, as well as other anthropologists, work. Deborah Miranda asks of J.P. Harrington (John Peabody Harrington), “in your wildest dreams, did you ever think that we would survive you?”¹¹⁴ The pretense of Harrington’s work, amongst other scholars was to document this dying race but did they ever think the communities and resiliency of the communities would survive beyond their own lives?

American Indians have been transcending the boundaries of reservation communities since their creation. Through their migration and often times forced relocation, American Indians have formed and created communities where they are, while creating their own connections and relationships to their tribal communities. Deborah Miranda, along with her mother and brother, relocate to Kent, Washington, a city within Coast Salish Territory. Instead of completing projects on the California Missions in elementary school, her projects consisted of

¹¹³ Cutcha Risling Baldy, *We are Dancing for You: Native Feminisms & the Revitalization of Women’s Coming-of-Age Ceremonies*. (Seattle: University of Washington Press, 2018), 5.

¹¹⁴ Miranda, *Bad Indians*, 5.

the Oregon Trail, another means of American Indian displacement by the settler state. While residing in Kent, her father is released from prison in California and joins his family in Washington State. Her father served eight years in San Quentin and the tattoos he gained to represent his time in gangs and in prison stuck with him until the day he died.

For American Indians and Alaskan Natives incarcerated, community inside and outside of the prison are essential to their survival in the system and outside of the system. The American criminal justice system seeks to remove ties to community and family, but those who are able to retain those relationships, if they had those relationships prior to incarceration, have an easier time during the (re)entry process. Those incarcerated with family and community connections to support them during their sentence, have; more capital in the prison. For inmates, as discussed in the previous chapter, access to everyday essentials, commissary for decent food, medical care, and communication with others requires financial help and creates a financial burden on their families and communities when they have their support.

While isolated from their communities, American Indians and Alaskan Natives incarcerated form their own connections to each other, the communities around them, and their location. Settler colonial structures sought to eliminate American Indian cultures and religions, making their religious practices illegal by federal law. This freedom of religion protections granted through the Bill of Rights did not extend to American Indian religions, but solely those religions accepted by the settler state. The illegality of American Indian religions remained the case until the passing of the American Indian Religious Freedom Act of 1978, or AIRFA. The act was designed to include religious freedom rights for American Indians, Eskimos, Aleuts, and Native Hawaiians and the act “protects the rights of Native Americans to exercise their traditional religion by ensuring access to sites, use and possession of sacred objects, and the

freedom to worship through ceremonials and traditional rites.”¹¹⁵ The act was to include American Indian and Alaskan Natives incarcerated, as other inmates receive access to their religious practices.

In theory the American Indian Religious Freedom Act would protect incarcerated American Indians and Alaskan Natives but that has not been the case for many individuals. Access to religious practices varies by state and prison, and at times it used as another means of control and containment by prison staff. When possible for prison guards to deny access to religious resources or limit access, they often do. Another complexity of access to religious practices while incarcerated is the diversity and complexity of American Indian religions. While access often means access to drum circles and sweat lodges, these practices were not uniform for all American Indian and Alaskan Native populations. Religion and ceremonial practices was often based around the land and the natural resources in the environment. For example, while sage has been widely adopted by American Indian and Alaskan Natives today, it was not traditional for tribes in the Coast Salish Territory because there was no access to it as it is not a traditional plant in the region, and instead smudging centered local indigenous plants in ceremony. However, this access to religion serves as a means for American Indians to be able to form community with each other in the confines of a prison. Through interviews, the previously incarcerated American Indians who had the most knowledge of the act itself provided the most detailed account of their access to religious resources while incarcerated.

One example of this was with Amanda, who was incarcerated within the women’s prisons in Washington State. Amanda said that despite ceremonies being available and her knowing her rights to access ceremony, the prison often denied her access, by forcing her to

¹¹⁵ American Indian Religious Freedom Act of 1978, 42 U.S.C. § 1996.

work during the ceremony hours. She claimed that they had to bring in a volunteer to build sweats and it happened off the campus, so they limited who could attend but “How could [she] build upon my spiritual life if [she] couldn’t attend and be with [her] own people, Native Americans?”¹¹⁶ In her case, the prison system utilized her punishment and work requirements within the prisons to block her access to religious practices. By doing this, the system attempts to eliminate American Indian and Alaskan Native connections to each other, their communities and their culture. This further enforces the settler colonial logics of elimination but attempting to destroy, displace, and remove from communities. When incarcerated, in order to avoid further punishment or extended sentencing, inmates are often left to abide by the requests and treatment they receive from the prison guards and staff. For Amanda, fighting for her access to these ceremonies and change in her work requirements or work schedule, could result in further punishment due to insubordination.

For some previously incarcerated American Indians and Alaskan Natives, they were required to form their own communities of survival, some of which attracted the attention of non-Indian inmates who wanted to form community and connections with the local community where they were incarcerated. Creating community in spaces of carcerality is common as spoken about in the previous work on boarding schools. Through an interview with Dylan, he revealed that early on in his thirty-year sentence, the access to religious items was more accepted, but as the time went on the Department of Corrections began taking items such as eagle fans, feathers, and drums that were essential to their access to religious practices. During his thirty-year sentence, in which he served twenty-seven years, he was transferred between Washington prisons and prisons in Colorado, Minnesota, Arizona and Oklahoma before returning back to

¹¹⁶ Amanda, interview by Author, Phone, October 12, 2018.

Washington.¹¹⁷ Each prison and system brought with it different practices in regards to rights of American Indian prisoners. Mills made sure to include that “Minnesota was horrible for providing Native American religious rights,”¹¹⁸ separating it from the other prisons in the severity of their access to rights. While the Indian Religious Freedom Act included access for incarcerated individuals, different states implemented the requirements differently, and often neglected to provide for American Indian and Alaskan Natives incarcerated. They often used mandatory minimums as a means of determining how much they had to provide for American Indians.

While Dylan and Amanda experienced some access to culturally relevant resources, others had very different experiences. When asked about their experience with receiving access to culturally relevant activities or practices, Emily responded promptly with “no way, nuh uh.”¹¹⁹ These participants were very confident in the fact that the prison system did not provide them with culturally relevant materials. These individuals go into less detail regarding the laws and regulations that govern American Indian religious rights, I’m not sure if these laws were unknown to them during their time incarcerated or if it comes from it being irrelevant to their stories due to their lack of access to these resources. As it stands, those who demonstrate more knowledge about the rights to religious freedom and American Indian practices, did see more access to those resources while they were incarcerated. Those who did not demonstrate knowledge of the Indian Religious Freedom Act, did not receive the same resources.

¹¹⁷ Dylan, Interview by Author, Phone, January 2019.

¹¹⁸ Ibid.

¹¹⁹ Emily, interview by Author, Phone, February 2019.

Developing and pushing for their own programming became essential to their survival for American Indians while incarcerated. American Indians familiar with the system or the laws that govern the system were more readily able to fight and push for programming and support for themselves, as well as others they were incarcerated with. One example of this is when Dylan created a Native American regalia program. It allowed “brothers in the circle to build and maintain regalia,”¹²⁰ as well as donating to outside community organizations including battered women’s shelters and homeless shelters.¹²¹ Providing American Indians with access to their culture, allowed them to continue their practices while finding meaningful ways to interact with and give back to their communities outside the prison system. This allowed for American Indian and Alaskan Natives to not only create community with each other but make connections to the American Indian communities where they were incarcerated. Giving the inmates meaningful ways to interact with the broader community, gave them the ability to feel less isolated and dehumanized, as organizations and communities were willing to work with them despite their incarceration.

The access to programs, such as this, was often desired by non-American Indian populations in the carceral system. Dylan said that they then “created the cultural giveaway program, and it was open to the general population.”¹²² Through this program the participated in different activities including knitting, bead work, artwork, paintings, that were then donated to the community and community organizations.¹²³ This program expanded the ability for the

¹²⁰ Dylan.

¹²¹ Ibid.

¹²² Ibid.

¹²³ Ibid.

general population to have meaningful interactions with outside communities, while giving them a productive outlet while incarcerated. The prison system seeks to isolate and limit contact that those incarcerated have with outside populations. However, programs such as those mentioned allow for those incarcerated to develop a sense of worth and community involvement that will be important for (re)entry efforts after their time incarcerated.

When incarcerated acceptance and the communities formed, can but do not always fall along racial lines. In her analysis of Montana prisons, Luana Ross demonstrates this in the connections incarcerated American Indian women made with others. While some inmates had ill feelings due to the resources that American Indians were granted, other inmates were accepted as a part of the American Indian community because of the meaningful relationships they had with the community. Ross argues that “imprisoned Native women in Montana are unified by their culture, religious beliefs, and the struggle to remain Native.”¹²⁴ She claims that white women do not have this same connections to each other that unifies them, but that “it is culture, not race per se, that divides the prisoners.”¹²⁵ She claims that non-Native women with American Indian spouses and/or children who are knowledgeable of the culture are often welcomed into their prayer circles.¹²⁶ These connections to community and each other are about survival in the prison, so when non-Indian inmates have an understanding of American Indian issues and are able to work with them, they are accepted. This has been demonstrated in Ross’ analysis of Montana Women’s prison but also in the creation of a separate program that brings together American Indian and Alaskan Native inmates with other inmates. While the non-Indian inmates

¹²⁴ Luana Ross, *Inventing the Savage: The Social Construction of Native American Criminality*, (Austin: University of Texas Press, 1999), 152.

¹²⁵ *Ibid.*, 157.

¹²⁶ *Ibid.*

are not involved in the production of regalia itself, they find other forms of art and creativity that brings the inmates together to form community.

At the same time Dylan and Amanda both addressed their fights for access to resources while incarcerated. The prison system relies on American Indians not having knowledge about their rights, which allows the prison staff to ignore the rights to access ceremony and religious items while incarcerated. Others similarly expressed a lack of access to these key resources. Charlie stated that “not in the county. Not in the county lockup at all. They denied us our rights as Natives to practice any of those types of ceremonies or activities.”¹²⁷ Joseph shared similar sentiments of “No, I couldn’t say so. Not that I’m –No.”¹²⁸ When possible to ignore or prevent access to culturally relevant programming, the Department of Corrections used their power and the vulnerability of American Indians and Alaskan Natives incarcerated to deny this access. Denying access to religion resources, prevents American Indians and Alaskan Natives from forming communities through drum groups, prayer circles, and sweat lodges is limited. The settler state depends on isolating American Indians and Alaskan Natives in order to prevent resistance to becoming submissive subjects to the settler states notions of control and displacement.

Community is important to American Indians and Alaskan Natives during their incarceration but that importance goes beyond the prisons and into the (re)entry process as well. When the prisons and government fail to provide inmates with adequate resources to (re)enter into society, they must rely on the communities and connections they have beyond the prison walls. While some family and communities are accepting and welcoming, others stop welcoming

¹²⁷ Charlie, Interview by Author, Phone, January 2019.

¹²⁸ Joseph.

individuals back after they have been repeatedly incarcerated for the same or similar crimes. Emily was unable to return to her family and community the last time and “then [she] was really resentful, but looking back now, probably because [she] had a history of repeating the same behavior, so [her] family and [her] community were—they didn’t welcome [her] back.”¹²⁹ Recidivism, which the system is designed to produce, causes individuals to be further removed and divided from their families and communities. When the Department of Corrections does nothing to address the behaviors and circumstances that causes individuals to be incarcerated, nothing changes, and it becomes difficult for people to trust those who repeat the same behaviors that have been deemed harmful to themselves or the community. The lack of resources and programs for (re)entry creates the cycle of recidivism, which eventually leads to the lack of connections to their communities and family, which are essential to prevent many from becoming homeless and/or returning to the prison system.

Charlie expressed a lack of family to return to or a community. He stated that “I don’t have any family to return to. The community, I mean, for the most part I just know it to be true that society in general isn’t embracing of people to come out of incarceration.”¹³⁰ He further claims that this disconnection is included in rehabilitation programs because they assume you have had something to return to through the 12 steps programs but he asks “what if you’ve never actually lived or experienced that sanity?”¹³¹ Many individuals do not know a different life or how to (re)turn or (re)integrate into a different environment because they do not know a different environment. Another aspect of the 12 steps program is making amends to community, family,

¹²⁹ Emily.

¹³⁰ Charlie.

¹³¹ Ibid.

and others you have caused harm to but if you never had the community to begin with where do you turn? This represents another failure in reentry, and thus my use of (re)entry, as the terminology for the process of leaving incarceration because it assumes there was a community for you to return to or you still have those connections to family.

Interviewees had mixed perspectives on whether belonging to an American Indian or Alaskan Native community was easier or more difficult than society as a whole tends to treat previously incarcerated individuals. When living in or around a reservation or other American Indian community, the tight knit community knows everything, which can make it more difficult to create a new start upon (re)entry. At the same time, the community cohesiveness and protection for each other, can create an environment in which individuals are more readily accepted. Joseph found that his family was accepting but it was different when returning to the tribal community. “Native communities are very judgmental. They’re very small town. Once their ideas are set, they’re set. It doesn’t matter if you’re innocent or not.”¹³² This refers to the means in which gossip spreads throughout the reservation and tribal community. Because everyone knows everyone, people talk and share the information. Once the information has been shared it is hard to reverse the community’s opinion of someone, especially when no one wants to go against the grain of the community. If no one else is standing up for individuals, it is hard for the first person to stand up and be supportive of an individual.

While American Indian communities support each other and protect each other, the “rez gossip”¹³³ can create an environment that is difficult for individuals to move beyond their past.

¹³² Joseph.

¹³³ “Rez gossip” refers to the conversations and speculations that occur on reservations. In a small tight knit community, it is difficult for anything to occur without the entire reservation community to be aware of it or become aware of it. With the popularization of social media, this has spread so that even off-reservation members of the community are readily aware of what occurs on the reservation.

The stronger connections made to community, creates an environment in which the (re)entry process, while still challenging, becomes easy due to the support. American Indians and Alaskan Natives have always created and formed communities as a means of survival, resiliency and resistance.

Conclusion:

American Indians have been criminalized through the legal construction of Federal-Indian policies and legislation. In order to construct the American Indian criminal, journalism and media have continued to construct this image of the American Indian. The logics of settler colonialism required American Indians to disappear in order to take their land. When this did not work, the United States government used assimilation policies to criminalize American Indian customs and traditions. This required American Indians to accept heteronormative roles in which queerness was criminalized and men were superior to women, as well as the American Indian's position as less than their white counter part. When addressing prisons and (re)entry, it is essential to address this criminalization of traditions, because for the same reasons, the government denies access to culturally relevant resources, as well as the complexity of community and kinship relations due to the strain settler colonialism has put on these communities.

When (re)imagining the criminal justice system for American Indians, it is essential to center the voices of those previously incarcerated. When talking with my interviewees, common threads included a need for basic needs such as housing to be met when they are released, support for family affected by incarceration, and access to modern technology and its uses in the job market. It was important to discuss what needs weren't met or what services that they feel are necessary for (re)entry. When centering American Indians in prison scholarship, we bring forward one of the most vulnerable and the least protected demographic in the United States due to the complicated relationship with Federal Indian policy, as addressed in this thesis. Often times, previously incarcerated individuals simply want to be seen as human and not dehumanized by their past and their record.

For many tribes, their models of criminal justice have been delegitimized by the United States government but took very different forms. For the suq̣ʷabš, as with many other tribal communities, those who caused the most harm were buried away from the area so that their negative spirits did not come back to haunt and influence the suq̣ʷabš members. An example of this, was with those accused of sexual assault. After being buried alive horizontally, they were decapitated so that their head was buried separately, and they had less power on the community. Cedar trees planted above both burials were then curved during their growth so that the community knew not to use these trees so the spirits would not come back into the community. The goal was to bury them as far away from community and each other.¹³⁴ These systems of justice have been eliminated by the desire for recognition and legitimacy by the settler state, and through the settler states control over American Indian justice systems and ability to deem what represents appropriate justice.

This creates a stark difference in justice and cultural norms between communities. While we must be careful about the idea of returning to the old models of justice, we must (re)imagine a system that provides and protects American Indian communities. What would a system look like that creates healing for communities? Or protects women from the high rates of sexual violence and abuse?

Through this thesis, I addressed the legal construction of American Indian criminality and the perception of American Indians as incapable of being the victims. This creates large rates of crimes committed against American Indians, while American Indians are disproportionately incarcerated. This view of the American Indian criminal permeates media, news, and popular culture, as a means to keep American Indians in their place. For the five interviewees I

¹³⁴ Noel Purser to Author, February 28, 2018.

communicated with, they received a lack of resources to provide (re)entry and prevent recidivism. In order to navigate these system, American Indians rely on community building to form resistance.

As we move forth in looking at (re)entry in carceral studies, it is important to look at how we view and portray our own communities. In 2015, during the *Vagina Memoirs*¹³⁵, at Western Washington University, I provided a narrative of my family's history with criminalization and alcoholism. Through the performance I refer to the fact that "in our family it is more common to know what alcoholism looks like/than to know what Regalia our ancestors wore/ how to say *tul'al čəd xʷsəq'wəb*, I am from Suquamish/or how to pull in our canoes."¹³⁶ The image of the drunk American Indian commonly permeates American Indian literature and representation. Without a fully nuanced understanding of the causes of American Indian alcoholism, and accurate representation of the statistics of alcoholism, American Indians aid in their own criminalization and portrayals of deviant behaviors. While we may witness these in our communities, it is important to provide a more nuanced understanding of the conditions our communities have been in, as well as statistics that demonstrate American Indians do not in fact of the highest rates of incarceration.

As communities move forward and engage with previously incarcerated, how do we produce a system that adequately meets the needs of victims, as well as prevent a revolving door of recidivism in order to keep prisons as a capitalistic venture? This calls for a radical (re)imagining of what we consider justice, as scholars including Angela Davis, Sarah Deer, and Beth Richie have called for. It also calls for an radical analysis of how we feel a false sense of

¹³⁵ *Vagina Memoirs* is a spoken word series, developed out of student concerns with the *Vagina Monologues*, which allowed students to workshop personal memoirs, rather than performing scripted narratives of womanhood.

¹³⁶ Kylie Gemmell, "Scars" (Performance, February 28, 2015).

safety because the criminals are in jail, when in reality we are more likely to be victims by acquaintances. Who gets to feel this sense of security under the prison state? Under the current justice system, as demonstrated, tribal governments are limited in the protections and services they can provide for their community. Often times, services are designed with a one size fits all model rather than an individualistic approach.

With this in mind, (re)imagining justice means imagining what it looks like to have an individual, regionally, and even tribally specific approach to issues. When culturally relevant programming and access to American Indians during incarceration is provided, it is often following this same one size fits all model. Religion often falls back onto sweat lodges, which for Coast Salish Territory is not culturally relevant. What does it look like for religious access to address the needs of individuals culture and the region in which these institutions are situated?

When (re)entry programs are created, what does it look like to individualize services and needs to the person. For example, those without community or family to return to there would be a need for more housing and basic resources while entering the workforce. Others may be looking at reuniting with children and family or receive substance abuse treatment or protection from violence.

Criminalization of American Indians is a community and societal issue, not an individual issue that requires (re)imagining in order to prevent disproportionate rates of incarceration but also a system in place to provide for those affected by incarceration of family, friends, or community members. Talking about the effects that criminalization has on us is often taboo and overlooked. Rather than judge those in our community who have been incarcerated, how do we do better? How do we create a space of healing? What does it take to create programs that address the individualized needs of our communities?

Appendix A: List of Carceral Institutions in Washington State

Federal Facilities:

Federal Detention Center
“SEA-TAC”
2425 S. 200th St.
Seattle, WA 98198

Tacoma Northwest Detention
Center (ICE)
1623 E. J St., Suite 2
Tacoma, WA 98421

State Prison Facilities:

Airway Heights Corrections
Center
11919 W. Sprague Ave.
Airway Heights, WA 99001

Cedar Creek Corrections
Center
12200 Bordeaux Rd.
Littlerock, WA 98556

Clallam Bay Corrections
Center
1830 Eagle Crest Way
Clallam Bay, WA 98326

Coyote Ridge Corrections
Center
1301 N. Ephrata Ave.
Connell, WA 98326

Larch Corrections Center
15314 NE Dole Valley Rd.
Yacolt, WA 98675

Mission Creek Corrections
Center for Women
3420 NE Sand Hill Rd.
Belfair, WA 98528

Monroe Corrections Center
1650 177th Ave. SE
Monroe, WA 98272

Olympic Corrections Center
11235 Hoh Mainline
Forks, WA 98331

Stafford Creek Corrections
Center
191 Constantine Way
Aberdeen, WA 98520

Washington Corrections
Center
2321 West Dayton Airport Rd.
Shelton, WA 98584

Washington Corrections
Center for Women
9602 Bujacich Rd.
Gig Harbor, WA 98332

Washington State Penitentiary
1313 N. 13th Ave.
Walla Walla, WA 99362

State Work Release

Facilities:

Ahtanum View
2009 S. 64th Ave.
Yakima, WA 98903

Bellingham
1127 N. Garden St.
Bellingham, WA 98225

Bishop Lewis
703 8th Ave.
Seattle, WA 98104

Brownstone
223 S. Browne St.
Spokane, WA 99201

Eleanor Chase House
427 W. 7th Ave.
Spokane, WA 99204

Helen B. Ratcliff
1531 13th Ave. S.
Seattle, WA 98144

Longview
1921 1st Ave.
Longview, WA 98632

Olympia
1800 11th Ave. SW
Olympia, WA 98502

Peninsula
1340 Lloyd Parkway
Port Orchard, WA 98367

Progress House
5601 6th Ave.
Tacoma WA, 98406

Reynolds
410 4th Ave.
Seattle, WA 98104

Tri-Cities
524 E. Bruneau Ave.
Kennewick, WA 99336

Secure State Juvenile

Facilities:

Echo Glen Children’s Center
33010 SE 99th ST
Snoqualmie, WA 98065

Green Hill School
375 SW 11th St.
Chehalis, WA 98532

Naselle Youth Camp
11 Youth Camp Lane
Naselle, WA 98638

State Community Juvenile Facilities:

Canyon View
260 N. Georgia Ave.
East Wenatchee, WA 98802

Oakridge
8701 Steilacoom Blvd. SW
Lakewood, WA 98498

Parke Creek
11042 Park Creek Rd.
Ellensburg WA 98926

Ridgeview
1726 Jerome Ave.
Yakima, WA 98902

Sunrise
1421 E. Division
Ephrata, WA 98823

Touchstone
2010 Puget St. NE
Olympia, WA 98506

Twin Rivers
605 McMurray St.
Richland, WA 99354

Woodinville
14521 124th Ave. NE
Woodinville, WA 98034

County Jails:

Adams County Jail
210 W. Broadway
Ritzville, WA 99169

Asotin County Jail
838 5th St.
Clarkston, WA 99403

Benton County Jail
7122 W. Okanogan Pl.
Kennewick, WA 99336

Chelan County Jail
401 Washington St.
Wenatchee, WA 98801

Clallam County Jail
223 E. 4th St.
Port Angeles, WA 98362

Clark County Jail
707 W. 13th St
Vancouver, WA 92470

Columbia County Jail
341 E. Main St.
Dayton, WA 99328

Cowlitz County Jail
1935 1st Ave.
Longview, WA 98632

Douglas County Jail
401 Washington St.
Wenatchee, WA 98801

Ferry County Jail
165 N. Jefferson Ave.
Republic, WA 99166

Franklin County Jail
1016 N. 4th Ave.
Pasco, WA 99301

Garfield County Jail
789 Main St.
Pomeroy, WA 99347

Geiger Corrections Center
3507 S. Spotted Rd.
Spokane, WA 99224

Grant County Jail
35 C St. NW
Ephrata, WA 98823

Grays Harbor County Jail
100 W. Broadway Ave.
Montesano, WA 98563

Island County Jail
101 6th St. NE
Coupeville, WA 98239

Jefferson County Jail
79 Elkins Rd.
Port Hadlock, WA 98339

King County Jail
516 3rd Ave.
Seattle, WA 98104

Kitsap County Jail
614 Division MS-37
Port Orchard, WA 98366

Kittitas County Jail
205 W. 5th Ave.
Ellensburg, WA 98620

Klickitat County Jail
205 S. Columbus
Goldendale, WA 98620

Lewis County Jail
360 NW North St.
Chehalis, WA 98532

Lincoln County Jail
404 Sinclair St.
Davenport, WA 99122

Mason County Jail
411 N. 4th St.
Shelton, WA 98584

Okanogan County Jail
149 4th Ave. North
Okanogan, WA 98840

Pacific County Jail
300 Memorial Dr.
South Bend, WA 98586

Pend Oreille County Jail
331 S. Garden Ave.
Newport, WA 99156

Pierce County Jail
910 Tacoma Ave. S.
Tacoma, WA 98402

San Juan County Jail
96 Second St.
Friday Harbor, WA 98205

Skagit County Jail
600 S. 34d St.
Mount Vernon, WA 98273

Skamania County Jail
200 Vancouver Ave.
Stevenson, WA 98648

Snohomish County Jail
3025 Oakes Ave.
Everett, WA 98201

Spokane County Jail
1116 W. Broadway Ave.
Spokane, WA 99201

Stevens County Jail
215 S. Oak St.
Colville, WA 99114

Sunnyside City Jail
401 Homer St.
Sunnyside, WA 98944

Thurston County Jail
2000 Lakeridge Dr.
Olympia, WA 98502

Wahkiakum County Jail
64 Main St.
Cathlamet, WA 98612

Walla Walla County Jail
300 W. Alder St.
Walla Walla, WA 99362

Whatcom County Jail
311 Grand Ave.
Bellingham, WA 98225

Whitman County Jail
411 N. Mill St.
Colfax, WA 99111

City Jails:
Aberdeen City Jail
210 E. Market St.
Aberdeen, WA 98520

Auburn City Jail
340 E. Main St.
Auburn, WA 98002

Buckley City Jail
133 S. Cedar St.
Buckley, WA 98321

Enumclaw City Jail
1705 Wells St.
Enumclaw, WA 98022

Fife City Jail
3737 Pacific Highway E
Fife, WA 98424

Forks City Jail
500 E. Division St.
Forks, WA 98331

Grand View City Jail
207 W. Second ST.
Grandview, WA 98930

Hoquiam City Jail
215 10th St.
Hoquiam, WA 98550

Issaquah City Jail
130 E. Sunset Way
Issaquah, WA 98027

Kent City Jail
1230 S. Central Ave.
Kent, WA 98032

Kirkland City Jail
123 5th Ave.
Kirkland, WA 98033

Lynwood City Jail
19321 44th Ave W
Lynnwood, WA 98036

Marysville City Detention
Center
1635 Grove St.
Marysville, WA 98270

Oak Harbor City Jail
860 SE Barrington Dr.
Oak Harbor, WA 98277

Olympia City Jail
900 Plum St. SE
Olympia, WA 98507

Puyallup City Jail
311 W. Pioneer
Puyallup, WA 98371

Toppenish City Jail
1 W. 1st Ave.
Toppenish, WA 98948

Wapato City Jail
205 S. Simcoe Ave.
Wapato, WA 98951

Yakima City Jail
200 S. 3rd St.
Yakima, WA 98901

County Juvenile Facilities:

Benton-Franklin Counties
Juvenile Justice Center
5606 W. Canal Dr.
Kennewick, WA 99336

Chelan County Juvenile
Detention Facility
316 Washington St.
Wenatchee, WA 98801

Clallam County Juvenile
Detention Facility
1912 W. 19th St.
Port Angeles, WA 98363

Denney Juvenile Justice Center
2801 10th St.
Everett, WA 98201

Island County Juvenile
Detention Center
501 N. Main St.
Coupeville, WA 98239

King County Youth Services
Center
1211 E. Alder St.
Seattle, WA 98122

Kitsap County Juvenile
Detention Facility
1338 SW Old Clifton Rd.
Port Orchard, WA 98366

Lewis County Juvenile
Detention Center
351 NW North St.
Chehalis, WA 98532

Martin Hall Juvenile Detention
Facility
201 S. Pine
Medical Lake, WA 99022

Mason County Juvenile
Detention Center
317 N. 5th St.
Shelton, WA 98584

Okanogan County Juvenile
Detention Center
237 4th Ave. N
Okanogan, WA 98840

Pierce County Juvenile
Detention Center (Remmann
Hall)
5501 6th Ave.
Tacoma, WA 98406

Spokane County Juvenile
Detention Facility
902 N. Adams St.
Spokane, WA 99260

Thurston County Juvenile
Detention Facility
2801 32nd Ave. SW
Tumwater, WA 98512

Walla Walla Juvenile Justice
Center
455 W. Rose St.
Walla Walla, WA 99362

Whatcom County Juvenile
Detention Facility
311 Grand Ave.
Bellingham, WA 98225

Yakima County Juvenile
Justice Center
1728 Jerome Ave.

Regional Facilities:

Regional Justice Center
620 W. James St.
Kent, WA 98032

Score Regional Jail
20817 17th Ave. S.
Des Moines, WA 98198

Tribal Detention Centers:

Neah Bay Public Safety
Detention Center
290 3rd St.
Neah Bay, WA 98357

Nisqually Corrections
11702 Yelm Hwy SE
Olympia, WA 98513

Puyallup Tribal Adult
Detention Facility
1638 E. 29th St.
Tacoma, WA 98404

Yakama Nation Correctional
Center
50 Wishpoosh Rd.
Toppenish, WA 98948

**University Police Jails
(Holding Cells)¹³⁷**

Central Washington University
Eastern Washington University
Evergreen State College
University of Washington
Washington State University
Western Washington
University

¹³⁷ In this research, only public state universities were found to have police jails. Upon further search, private universities appeared to have campus safety or public safety offices, rather than police units.

Tribal Police Jails (Holding Cells)¹³⁸

Chehalis
Colville
Elwha
Lummi
Muckleshoot
Puyallup Tribal
Port Gamble S' Klallam
Quileute
Quinault
Sauk-Suiattle
Shoalwater Bay
Squaxin
Suquamish
Swinomish

Cheyney
Chewelah
Clarkson
Clyde Hill
College Place
Colville
Connell
Cosmopolis
Covington
Des Moines
DuPont
Duvall
East Wenatchee
Edmonds
Eatonville
Ellensburg
Elma

Lakewood
Liberty Lake
Long Beach
Long View
Lynden
Lynnwood
Mason County Sherriff
Maple Valley
Mattawa
McCleary
Medina
Mercer
Mill Creek
Milton
Monroe
Montesano
Morton

Police Jails (Holding Cells)¹³⁹

Airway Heights
Algon
Anacortes
Arlington
Asotin
Auburn
Battle Ground
Bellevue
Bellingham
Bingen-White Salmon
Black Diamond
Blaine
Bonney Lake
Bellingham
Bremerton
Brewster
Brier
Buckley
Burien
Burlington
Camas
Castle Rock
Centralia
Chehalis

Enumclaw
Ephrata
Everett
Federal Way
Ferndale
Fife
Gig Harbor
Goldendale
Grand Coulee
Grandview
Granger
Granite Falls
Hoquiam
Issaquah
Kalama
Kelso
Kenmore
Kennewick
Kirkland
Kittitas
Kettle Falls
La Center
Lacey
Lake Forest
Lake Stevens

Moses Lake
Mossy Rock
Mount. Vernon
Mountlake
Mukilteo
Napavine
Nisqually
Nooksack
Normandy
Oaksdale
Oak Harbor
Ocean Shores
Olympia
Omak
Palouse
Pasco
Port Angeles
Port of Seattle
Port Orchard
Port Townsend
Poulsbo
Prosser
Pullman
Puyallup
Quincy

¹³⁸ List may not be exhaustive. This lists the tribal holding cells that were found in my research. Some names may be listed under tribal and police jails due to city and tribe by the same name having police forces.

¹³⁹ List may not be exhaustive. This includes the police holding cells that were found during my research

Raymond
Redmond
Renton
Richland
Ridgefield
Ritzville
Roy
Royal City
Ruston
Sammamish
SeaTac
Seattle
Sedro-Wooley
Selah
Sequim
Shoreline
Snohomish

Snoqualmie
Soap Lake
South Bend
Spokane
Spokane Valley
Stanwood
Steilacoom
Sultan
Sumas
Tacoma
Tenino
Tieton
Toledo
Tonasket
Tukwila
Tumwater
Twisp

Union Gap
Union Town
Vader
Walla Walla
Warden
Washington State Patrol
Washougal
Wenatchee
West Richland
Westport
Wilbur
Winlock
Woodland
Yakima
Yelm
Zilla

Appendix B: Letter of Support from Suquamish Cultural Co-Op Committee



SUQUAMISH TRIBE ADMINISTRATION DEPARTMENT

December 5, 2018

To Whom It May Concern:

Kylie Gemmell, graduate student at the University of California, approached our board to request permission to engage in research with members of our tribal community. Our community has reviewed her project on incarceration of American Indians/Alaskan Natives in Coast Salish Territory. Her project is a portion of her research for master's thesis of American Indian Studies.

Kylie's project involves conducting interviews with members of our community who have previously been incarcerated. She provided us with interview questions and details regarding her research.

The Suquamish Cultural Co-Op Committee as the IRB for the Suquamish Tribe reviewed Kylie's proposal. We support Kylie Gemmell in her request, with the understanding that she will share her findings with our community. We are proud to see a community member doing this important work and succeeding in her educational goals.

Any questions, please feel free to contact my office.

Thank you

Sincerely,

Tina C Jackson
Cultural Co-Op Committee
Cultural Activities Coordinator
Administration Department
Suquamish Tribe
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18490 Suquamish Way NE
Suquamish WA 98392
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W: <http://www.suquamish.nsn.us>
O: 360-394-8455
F: 360-598-3135
C: 360-434-8840

Bibliography

“About Us.” Longhouse Media. Accessed May 20, 2019.
<https://www.longhousemedia.org/about-us>.

Amanda. Interview by Author. Phone, October 12, 2018.

Arvin, Maile, Eve Tuck, and Angie Morrill. “Decolonizing Feminism: Challenging Connections between Settler Colonialism and Heteropatriarchy.” *Feminist Formations* 25, no. 1 (2013): 8–34.

Baldy, Cutcha Risling. *We Are Dancing for You: Native Feminisms and the Revitalization of Women’s Coming-of-Age Ceremonies*. Seattle: University of Washington Press, 2018.

Barsh, Russel Lawrence, and James Youngblood Henderson. “The Betrayal: Oliphant v. Suquamish Indian Tribe and the Hunting of the Snark.” *Minnesota Law Review* 63, no. 4 (April 1979): 6009–6640.

Charlie. Interview by Author, January 19, 2019.

“Chemawa Indian School History.” Chemawa Indian School. Accessed May 20, 2019.
<https://chemawa.bie.edu/history.html>.

Cherokee Nation v. Georgia, No. 30 U.S (5 Pet.) 1 (1831).

Davis, Angela Y. *Are Prisons Obsolete?* New York: Seven Stories Press, 2003.

Deer, Sarah. *The Beginning and End of Rape: Confronting Sexual Violence in Native America*. Minneapolis: University of Minnesota Press, 2015.

“Department of Corrections Washington State Fact Card.” Department of Corrections Washington State, March 31, 2019.
<https://www.doc.wa.gov/docs/publications/reports/100-QA001.pdf>.

“Double Exposure: Edward S. Curtis, Marianne Nicolson, Tracy Rector, Will Wilson | Jun 14 – Sep 9 at Seattle Art Museum.” Seattle Art Museum. Accessed May 20, 2019.
<http://doubleexposure.site.seattleartmuseum.org/>.

Dylan. Interview by Author. In person, January 23, 2019.

Emily. Interview by Author. Phone, February 5, 2019.

- Finley, Chris. "Decolonizing the Queer Native Body (and Recovering the Native Bull-Dyke): Bringing 'Sexy Back' and Out of Native Studies' Closet." In *Queer Indigenous Studies: Critical Interventions in Theory, Politics, and Literature*, edited by Qwo-Li Driskill, Chris Finley, Brian Joseph Gilley, and Scott Lauria Morgensen, 31–42. Tucson: The University of Arizona Press, 2011.
- Gemmell, Kylie. "Scars." Performance presented at the Vagina Memoirs, Western Washington University, February 28, 2015.
- Goeman, Mishuana. "Land As Life: Unsettling the Logics of Containment." In *Native Studies Keywords*, edited by Stephanie Nohelani Teves, Andrea Smith, and Michelle Raheja, 71–89. Tucson: The University of Arizona Press, 2015.
- . *Mark My Words: Native Women Remapping Our Nations*. First Peoples: New Directions in Indigenous Studies. Minneapolis: University of Minnesota Press, 2013.
- Gordon, Avery F. *Ghostly Matters: Haunting and the Sociological Imagination*. Minneapolis, Minn.: Univ. of Minnesota Press, 2008.
- Haley, Sarah. *No Mercy Here: Gender, Punishment, and the Making of Jim Crow Modernity*. Justice, Power, and Politics. Chapel Hill: The University of North Carolina Press, 2016.
- Hernández, Kelly Lytle. *City of Inmates: Conquest, Rebellion, and the Rise of Human Caging in Los Angeles, 1771-1965*. Justice, Power, and Politics. Chapel Hill: The University of North Carolina Press, 2017.
- "Incarceration | Washington State Department of Corrections." Washington State Department of Corrections. Accessed May 20, 2019. <https://www.doc.wa.gov/corrections/incarceration/default.htm>.
- Indian Country Today. "The Shooting Death of John T. Williams." IndianCountryToday.com, February 21, 2011. <https://newsmaven.io/indiancountrytoday/archive/the-shooting-death-of-john-t-williams-XsKxgnO9GkKRECYKnd7Ong/>.
- Johnson and Graham's Lessee v. McIntosh, No. 21 U.S. (8 Wheat.) 543 (1823).
- Johnson, Peter. "Fare Enforcement Brings Policing onto Transit (Part 2 of 3)." *Seattle Transit Blog* (blog), November 13, 2018. <https://seattletransitblog.com/2018/11/13/fare-enforcement-brings-policing-onto-transit-part-2-of-3/>.
- Joseph. Interview by Author. In person, January 19, 2019.
- Kroman, David. "Local Native Leaders Want Pike Place Totem Poles Removed." Crosscut, September 27, 2018. <https://crosscut.com/2018/09/local-native-leaders-want-pike-place-totem-poles-removed>.

- Lyons, Scott Richard. *X-Marks: Native Signatures of Assent*. Indigenous Americas Series. Minneapolis: University of Minnesota Press, 2010.
- McCoy, John, Ethan Hoffman, and Dan Berger. *Concrete Mama: Prison Profiles from Walla Walla*. 2nd ed. Seattle: University of Washington Press, 2018.
- Miranda, Deborah A. *Bad Indians: A Tribal Memoir*. Berkeley: Heyday Press, 2013.
- Mogul, Joey L, Andrea J Ritchie, and Kay Whitlock. *Queer (In)Justice: The Criminalization of LGBT People in the United States*. Boston: Beacon Press, 2011.
- NCAI. "Special Domestic Violence Criminal Jurisdiction FAQ's." *Tribal Governance | NCAI* (blog). Accessed February 18, 2019. <http://www.ncai.org/tribal-vawa/sdvcj-overview/faqs>.
- Ogden, Stormy. "Pomo Woman, Ex-Prisoner, Speaks Out." In *Color of Violence: The INCITE! Anthology*, edited by INCITE! Women of Color Against Violence, 164–69. Cambridge: South End Press, 2006.
- Pommersheim, Frank. *Broken Landscape: Indians, Indian Tribes, and the Constitution*. New York: Oxford University Press, 2009.
- . "Due Process and the Legitimacy of Tribal Courts." In *The Indian Civil Rights Act at Forty*, edited by Kristen A Carpenter, Matthew L. M Fletcher, and Angela R Riley. Los Angeles: UCLA American Indian Studies Center, 2012.
- Purser, Noel. Letter to Author, February 28, 2018.
- Reid, Joshua L. *The Sea Is My Country: The Maritime World of the Makahs*. New Haven: Yale University Press, 2018.
- "Residential Facilities | DSHS." Washington State Department of Social and Health Services. Accessed May 20, 2019. <https://www.dshs.wa.gov/node/30201/>.
- Revised Code of Washington 9.02.049 (n.d.).
- Revised Code of Washington 9.02.050 (n.d.).
- Revised Code of Washington 9.91.025 (n.d.).
- Richie, Beth. *Arrested Justice: Black Women, Violence, and America's Prison Nation*. New York: New York Univ. Press, 2012.
- Rifkin, Mark. *When Did Indians Become Straight? Kinship, the History of Sexuality, and Native Sovereignty*. Oxford: Oxford University Press, 2011.

Ross, Luana. *Inventing the Savage: The Social Construction of Native American Criminality*. Austin: University of Texas Press, 1998.

Schick, Rob Manning | Tony. "Life And Death At Chemawa Indian School." Oregon Public Broadcasting, October 30, 2017. <https://www.opb.org/news/series/chemawa/chemawa-indian-school-student-safety-salem-oregon/>.

Stack, Andy. "The Northwest's Indian Murder Case." *Master Detective*, 1978.

"The 2018 Annual Homeless Assessment Report (AHAR) to Congress." The U.S. Department of Housing and Urban Development: Office of Community Planning and Development, December 2018. <https://www.hudexchange.info/resources/documents/2018-AHAR-Part-1.pdf>.

The Indian Civil Rights Act, 1301–1304 25 § (1968).

The Major Crimes Act, 1153 18 § (1885).

Thrush, Coll. *Native Seattle: Histories from the Crossing-over Place*. Second edition. Weyerhaeuser Environmental Books. Seattle: University of Washington Press, 2017.

———. "Placing the City: Crafting Urban Indigenous Histories." In *Sources and Methods in Indigenous Studies*, edited by Chris Andersen and Jean M. O'Brien, 110–17. New York: Routledge, 2017.

Treaty of Point Elliott, Suquamish and Duwamish - U.S., 927 12 § (1855).

"U.S. Census Bureau QuickFacts: Washington." United States Census Bureau. Accessed May 20, 2019. <https://www.census.gov/quickfacts/wa>.

U.S. v. State of Washington, 694 (F.2d) 1374 (1982).

Walters, Kate. "Seattle Homeless Population Is Third Largest in U.S., After LA and NYC." *KUOW* (blog), December 19, 2018. <https://www.kuow.org/stories/here-s-how-seattle-and-washington-compare-to-national-homeless-trends>.

Washington State Department of Corrections. "Residential Parenting Program: Teaching Parenting, Infant-Child Bonding to Incarcerated Mothers," May 2017. <https://www.doc.wa.gov/docs/publications/fact-sheets/400-FS003.pdf>.

Welch, Craig. "Billy Frank Jr.: Champion of Tribal Rights Dies at Age 83." *The Seattle Times*, May 5, 2014. <https://www.seattletimes.com/seattle-news/billy-frank-jr-champion-of-tribal-rights-dies-at-age-83/>.

Wolfe, Patrick. "Settler Colonialism and the Elimination of the Native." *Journal of Genocide Research* 8, no. 4 (December 2006): 387–409.

Worcester V. Georgia, No. 31 U.S. (6 Pet.) 515 (1832).