

RESILIENCE

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made Indian Country lawless. Changes to laws giving tribes more authority over non-Native offenders started in 2013. However, those came with a caveat: finding the resources, including jail space, courts and court-appointed attorneys before tribal courts could be authorized to prosecute.

A ruling from the U.S. Supreme Court last month also could shake the legal landscape by giving states concurrent jurisdiction with federal authorities over crimes committed by non-Natives on tribal land, according to legal experts, though others are hopeful the ruling won't make a big difference in Oregon.

Despite painfully slow progress and a growing movement calling attention to missing and murdered Indigenous women, generations of survivors like Coyote have suffered decades of trauma with only each other to turn to.

"The United States has done a terrible thing for Indigenous people and continues to do terrible things to Indigenous people," Coyote said. "Left to our own ways before boarding school, before fur trappers, this would not exist. Sexual violence would not exist here."

Changing laws

Critics tie the high rates of violence on tribal land in part to a 1978 ruling, *Oliphant v. Suquamish Indian Tribe*, when the U.S. Supreme Court stripped tribes of the authority to prosecute non-Natives. Instead, cases involving

cuted by the tribes," said Rep. Tawna D. Sanchez, D-Portland.

Minimal funding has hindered progress, however, officials said. Only 31 of 574 federally recognized tribes in the U.S. have been authorized to prosecute non-Natives as of May 2022, according to the National Congress of American Indians. And only the Confederated Tribes of the Umatilla Indian Reservation is authorized in Oregon.

Starting Oct. 1, tribal courts legally will be able to exercise their inherent jurisdiction over non-Natives for additional crimes, including child violence, sexual violence, stalking, sex trafficking, assaults of tribal justice personnel and obstruction of justice.

Brent Leonhard, an attorney for CTUIR, said the reauthorization is another step toward overturning the 1978 case that has prevented tribes from holding non-Natives accountable.

"It'll just show, once again, those who have concerns about Indian Country exercising authority over non-Indians that they're just wrong, that there isn't anything really to be concerned about," Leonhard said.

Still, before being able to prosecute non-Native offenders the tribes will need resources — trained law enforcement, developed tribal codes and robust courts — to carry out justice.

"A lot of tribes don't have their own financial capacity to run this program," Sanchez said, "and federal resources are relatively thin."

Since *Oliphant v. Suqua-*



Kathy Aney/Underscore.news

In a field high above her home on the Umatilla Indian Reservation, Merle Kirk wears a shirt that bears the image of her sister Mavis Kirk-Greeley, who was allegedly murdered by her boyfriend in 2009. Merle Kirk created the beadwork portrait of her sister, a symbol of the Missing and Murdered Indigenous Women movement.

reservation boundaries are more clearly defined than in other states — will mean the ruling won't have a big impact in Oregon.

"I think it's a wait and see thing, and we hope it just stays simmering in the background and doesn't explode into anything else, that's what I would hope," Johnson said in an interview after the decision.

Finding a way forward

For families whose loved ones' cases were declined by federal authorities, there are unhealed wounds. Mavis MayAnne Kirk of Warm Springs, whose family lives on the Warm Springs, Umatilla and Yakama reservations, and in urban areas of Oregon and Washington, is among those cases and her family has been repeatedly struck by tragedy.

In 1957, a 32-year-old family member, Mavis Josephine McKay, was found dead in an irrigation canal in Washington, and a criminal investigator said at the time that there was "a strong possibility she was murdered," as reported by the *Yakima Herald-Republic*. Forty years later, another 28-year-old family member, Lisa Pearl Briseno, went missing. She remains one of the 11 missing Indigenous people in Oregon, according to a February report from the U.S. Attorney's Office.

The latest tragedy came in 2009, when Mavis MayAnne Kirk died after she was hit by a car following a workplace Christmas party on the Warm Springs Indian Reservation, said her sister, Merle Kirk. Family members at first did not suspect foul play. But an autopsy report indicated that Mavis Kirk had been run over twice, and the family later learned that the driver — Mavis Kirk's boyfriend at the time — asserted his Fifth Amendment right to remain silent in an interview with authorities, Merle Kirk said. That's when the family suspected Mavis Kirk was murdered.

In less than a year, however, the U.S. Attorney's Office told the family they would be dropping the case, Kirk said. No one has been prosecuted for Mavis Kirk's

death.

"They made it like she didn't matter," Merle Kirk said. "It hurts. She matters."

A spokesperson for the U.S. Attorney's Office said in an email response to questions about this case that the office "cannot discuss the specifics of investigations that do not result in criminal charges."

Merle Kirk remains shaken. Every year, she pins red ribbons on every stop sign in the Warm Springs community to remind people of her sister. This year, six days before the anniversary of her sister's death, Merle Kirk's daughter had a child. She named her newborn daughter Mavis.

Money for justice

Congress has passed two pieces of landmark legislation providing billions of dollars in federal support for crime victims: the Victims of Crime Act in 1984 and the Violence Against Women Act in 1994. In 2001, Oregon also established the Oregon Domestic & Sexual Violence Services

Fund, which began funding 49 nonprofit organizations supporting victims statewide.

Tribal victims services programs rely heavily on state and federal grant awards that are funded by these pieces of state and federal legislation, according to state and tribal officials. But for years, Oregon struggled to connect these resources with tribes across the state.

During listening sessions with tribes in 2010, Diana Fleming, program analyst for the Oregon Department of Justice Crime Victim and Survivor Services Division, and Coyote, who also worked for the state, said many tribes told them they didn't even know grant funds through the state of Oregon were available to them.

"The bottom line is, yes, we acknowledge that the funding wasn't getting to tribal nations in the way that we had thought it was," Fleming said.

It wasn't until 2011 that the nine federally recognized tribes in Oregon became eligible to receive funding from the Oregon Domestic & Sexual Violence Services Fund and the Violence Against Women Act. Two years later, seven of the tribes could start receiving these grant funds for victim's services — \$20,000 per year, per tribe.

In the following years, state and federal grant funds for tribal victim's services would continue to increase. Now, tribes in Oregon can receive \$120,000 per year from the Oregon Domestic & Sexual Violence Services Fund and the Violence Against Women Act, and eight of the nine tribes in Oregon can receive an additional \$125,000 per year from the Victims of Crime Act.

But advocates say the slow progress and meager funds help explain why it is such a challenge for victims of crimes on tribal land to get support. In Oregon,

there is one domestic violence shelter on tribal land.

Voice of resilience

In the decades since Coyote reported the alleged kidnapping to tribal police in 1991, and the authorities did not charge him, Cruz has twice pleaded guilty in federal court to child sex crimes, the latest coming in 2013, when he pleaded guilty to two counts of first-degree child molestation in Rhode Island. He was sentenced to 15 years in prison.

William Cruz declined to comment for this story.

Coyote has shared her story from that night near Deadman Pass in north-eastern Oregon countless times. As an advocate for Indigenous survivors of violence, she hoped to amplify injustice and help survivors feel less alone. And yet, as she opened the red and white envelope with the police report in May, she wondered if memory served her right, or if perhaps it had all been a bad dream. She was silent as she read the four-page report in her office in the Nixyaawii Governance Center in Mission.

For years, she had said that Cruz did not rape her, that somehow she convinced him to stop and drive her home. But now, the report told a different story. A memory she had long suppressed flooded back.

"I think I chose not to remember it," she said. "I do think it happened. Because it wasn't the only time he raped me."

No matter how many years go by, she cannot forget that night up near Deadman Pass. But that hillside has taken on a new meaning. Each year, on Memorial Day weekend, Coyote returns to those foothills near the Blue Mountains. There, alongside her daughter and grandchildren, she picks flowers and spreads them on her mother's grave.

"Before, abusers could do horrible things to their wives, their partners, and run free and nothing would happen to them because they couldn't be prosecuted by the tribes."

— Rep. Tawna D. Sanchez, D-Portland

non-Natives were forwarded to federal authorities.

But the threshold for prosecuting these crimes is high, tribal and legal experts say. Between 2011 and 2019, the only years for which data is available, federal figures show the U.S. Attorney's Office in Oregon declined to prosecute nearly 25% of violent crime cases forwarded by law enforcement from tribal land, while nationwide case declination was around 35%. The U.S. Attorney's Office declined to provide comparative data about declined non-Indian Country crimes, citing Justice Department policy.

The Violence Against Women Act reauthorization in 2013 gave tribal courts authority to prosecute non-Native offenders for acts of domestic violence, if certain conditions were met.

"Before, abusers could do horrible things to their wives, their partners, and run free and nothing would happen to them because they couldn't be prose-

mish Indian Tribe, the high court earlier this month placed limits on a 2020 decision recognizing a large area of Oklahoma as unceded Indian reservation land. This gives states the authority to prosecute non-Natives who commit crimes against Native Americans on tribal land.

While state officials in some parts of the country have applauded the ruling, many tribal leaders say the decision strikes a major blow to nearly two centuries of precedent and could imperil tribal sovereignty and further complicate law enforcement on tribal lands.

Umatilla Tribal Court Chief Judge William Johnson said many tribal leaders still are trying to figure out what the ruling could mean, but that it's a reversal of centuries of policy and practice. Still, he's hopeful that Oregon's history — where state authorities have had some jurisdiction on tribal land since the 1950s, and where

Market in 2009. Then called Fresh Exchange, the program allows farmers market patrons to double their SNAP dollars and bring home more fresh produce.

The Farmers Market Fund took over the SNAP program three years later, and in 2019, the Oregon State Legislature appropriated \$1.5 million in funds to the organization. This enabled the expansion of the DUFEB program to more Oregon farmers markets, farm share sites and grocery stores.

Ryan Schoonover, the grocery team manager for the Double Up Food Bucks program, noted that one of the goals of expanding to grocery stores is to increase access to fresh, local produce for SNAP shoppers who might not have vibrant farmers markets nearby.

"It's also an opportunity to have the program

be available during months of the year, like in winter, when farmers markets are typically not in season," he said.

As part of the program, Market Place Fresh Foods must commit to sourcing Oregon-grown produce during the peak growing months, between May and October. According to Blake, approximately 10% of the store's produce is locally grown: from peaches and cherries to its corn and spring mix.

Blake has seen the amount of money going back to the community double since they started the Double Up program. She's hopeful that more EBT card users in La Grande will have access to local produce.

"We just want to make sure that everyone in our community knows about it," she said.

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benefits. If a Market Place customer uses \$10 of SNAP dollars to purchase fresh produce, they earn \$10 in Double Up Food Bucks, redeemable only for fresh produce. Shoppers can save up their coupons for later use and there is no limit on how many coupons can be redeemed at once.

The La Grande Farmers Market participates in the DUFEB program, but Market Place Fresh Foods is the only local grocery store that offers Double Up Food Buck benefits. Blake noted that the store's hours offer shoppers flexibility.

"We have that option of seven days a week, at your convenience," she said.

The DUFEB program took root at the Portland Farmers

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TUES	1:30pm	Bucking Horse Stampede — Main Street
WED	9:30am	Little Buckaroo Special Needs Rodeo
	2:00pm	Slack — Arena
	6:00pm	Rodeo Gates Open — Harley Tucker Memorial Arena
	7:00pm	PRCA RODEO — Harley Tucker Memorial Arena
	9:00pm	Family Fun at the Thunder Room — DJ
THUR	9:00am	Tough Enough to Wear Pink Walk
	9:00am	Steer Tripping, Three Rounds
	2:00pm	Slack — Arena
	6:00pm	Rodeo Gates Open — Harley Tucker Memorial Arena
	7:00pm	PRCA RODEO — Harley Tucker Memorial Arena
	7:00pm	Tough Enough to Wear Pink — Wear Pink
	9:00pm	Fun at Thunder Room after Rodeo — Stay Tuned!
FRI	10:00am	Chief Joseph Junior Parade — Main Street
	2:00pm	Slack — Arena
	6:00pm	Rodeo Gates Open — Harley Tucker Memorial Arena
	7:00pm	PRCA RODEO — Harley Tucker Memorial Arena
	9:00pm	All Teen Dance — Joseph Community Center
	9:30pm	Live Music and Dancing at Thunder Room — Whiskey Creek
SAT	10:00am	Grand Parade — Main Street
	2:30pm	Slack — Arena
	6:00pm	Rodeo Gates Open — Harley Tucker Memorial Arena
	7:00pm	PRCA RODEO — Harley Tucker Memorial Arena
	9:00pm	All Teen Dance — Joseph Community Center
	9:30pm	Live Music and Dancing at Thunder Room — Whiskey Creek
	After Rodeo	Cowboy Breakfast — Rodeo Grounds — til 3:00am
SUN	6:00am	Cowboy Breakfast — Rodeo Grounds — til 10:00am
	9:00am	Cowboy Church Service





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