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HUMAN RIGHTS IN AMERICA: AMERICAN INDIAN WOMEN ACTIVISTS, GENOCIDE, AND THE 1970s.

By

KATHERINE SHAPIRO

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The members of the Defense Committee approve the thesis of Katherine Shapiro defended on April 15, 2020.

________________________________ Dr. Andrew Frank, Allen Morris Professor of History
Thesis Director

________________________________ Dr. Sumner Twiss, Distinguished Professor of Human Rights, Ethics, and Religion
Outside Committee Member

________________________________ Dr. Maximilian Scholz, Assistant Professor of History
Committee Member

Honors in the Major
Defense Certificate

Student Information

Name: Shapiro (Last) Katherine (First) M (MI)

FSU Email: kms15ad@my.fsu.edu Department: History

Graduation Term/Year: Spring 2020

Thesis Title: HUMAN RIGHTS IN AMERICA: AMERICAN INDIAN WOMEN ACTIVISTS, GENOCIDE, AND THE 1970s

By signing below, I confirm that I have followed all procedures and guidelines regarding successful completion and submission of my Honors thesis, and have completed all requirements for graduation with Honors in the Major.

Student Signature: Katherine M. Shapiro Date: 04/22/2020

Supervisory Committee Approval: By signing below, the Supervisory Committee confirms its approval of this thesis and its defense, and that any dept. requirements beyond those of the FSU Honors Program have been met.

	Full Name	Dept.	Signature
Thesis Director:	Andrew K. Frank	History	[signature]
2nd Member:	Maximilian M. Scholz	History	[signature]
Outside Member:	Suzanne B. Twiss	Religion	[signature]
Optional 4th:			

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Introduction

The purpose of this project is to open a discussion on the importance of different voices and examining unconventional types of sources in order to better understand the history of human rights in the United States. This project will follow the sterilization of American Indian women, the creation of the Indian Child Welfare Act, and the presence of female activists in Women of All Red Nations (WARN) who fought for the preservation of their human rights. Given that Women of All Red Nations (WARN) was an organization with membership from a broad array of nations and tribes this project will not focus on one specific nation or tribe, but on women who simply identify as American Indian. While reading this thesis it is important to keep in mind these main ideas: “Genocide” is a term with many meanings and many contexts; Second, by viewing other viewpoints in history, like those of women and minorities, one can gain a new perspective on historical developments and current situations; Lastly, by taking into consideration fictional works and artwork one can reflect on the impacts that certain historical developments had on human experiences. In all, the thesis aims to expand the idea of human rights within the American context, their definitions, their events, and their impacts.

Ideas on Genocide in the American Context

Chapter One is entitled: “Unintentional Genocide.” This chapter will lay out the groundwork for an analysis of genocide in the American context and the impacts of genocidal actions against American Indian communities in the 20th century. It will discuss two definitions of the crime of genocide and make comparisons to the situation of American Indian communities in the 1970s. This chapter will also prompt the idea of cyclical discrimination and hardship as a force behind genocidal action. Overall, by analyzing the events of coerced sterilizations aimed at

American Indian women in the 1960s and 1970s we can establish that genocidal actions and human rights infractions can be found in many places and encompass many meanings.

The chapter is broken down thusly: An overview of Raphael Lemkin's original definition of genocide; A brief history of the UN Convention on the Prevention and Punishment for the Crime of Genocide in the American Context; Discussions on Article II and III; and Conclusion. The total aim of this chapter is to expand the context of the term genocide by analyzing different definitions and making comparisons between sterilizations and forced removal of children in America.

WARN and their Response.

Chapter Two will discuss a series of events traditionally overlooked in the American narrative. It will provide historical background for the Red Power movement, its actions against eugenics, and provide insight to contemporary events. This section will mainly serve to answer the question: what is the importance of many viewpoints when studying history? These viewpoints can include women, minorities, and traditionally non-western cultures. Here we will focus on the experiences of American Indian women in the 20th century. Hidden stories that these women share can create complexity in an otherwise known event, offer new analysis, and restore the humanity to a story. In short, they are important because overlooking major viewpoints or major events in certain communities can result in future ignorance or misunderstanding. Denial of a historical voice or the misrepresentation of a voice makes room for devaluing other human experiences and unknowingly allowing for cyclical repetition of social injustices. A deeper analysis of the events of the 1970s will provide a broader conversation on human rights in the American context.

Additionally, an important part in the study of American Indian communities is recognizing their individuality, multigenerational trauma, and their continued presence. By focusing on multiple viewpoints of an event it challenges the notion of static history. By examining WARN and their key members' continued advocacy in the present, historical frameworks are forced to view certain communities as dynamic and constantly evolving entities, rather than relics of the past. This project plans to encourage others to question the traditional historical narrative and specific people's place in that narrative.

Unconventional Testimonies

Chapter Three will analyze different mediums of expression including poems, fictional narratives, and television and how they reflect the historical narrative. A major portion of this project looks at local activists' accounts of coerced sterilizations and experiences as American Indians in the 20th century. Most importantly, the use of these mediums displays the human experience within human rights related events. As mentioned previously, many times, communities are pushed into ahistorical roles, forever viewed as a relic of the past. By both setting this discussion in the 1970s and involving these modern narratives, it loops this community into the present conversation. Not only does this exercise properly contextualize a community, it also allows for new viewpoints in history.

An analysis of fiction helps to document the general public's reaction to historical developments. It also reveals hidden historical timelines. For instance, the spark that started this project was found in reading a fictional work, set in the present, which focused on the effects of eugenic theory and the sterilization of American Indian women. This narrative was not found in an academic setting or evaluated through the traditional American historical timeline. Although it was meant for entertainment, it followed fictional characters who experienced very real events.

Given this examination, fictional pieces bring a greater human experience into historical narratives. These sources are invaluable in evaluating the personal impact of historical developments and events, and without it renders history lifeless and incomplete.

Chapter 1: Unintentional Genocide?

This chapter will evaluate the idea of genocide. What it is agreed to be and what some of the challenges are in its definition. To relate the term genocide back to coerced sterilizations and forcible removal of children in American Indian communities we will compare this situation to Raphael Lemkin's original definition, the guidelines provided in the UN Convention on the Prevention and Punishment for the Crime of Genocide, and similar case examples. This chapter will be broken down thusly: Raphael Lemkin's ideas behind the term genocide and the UN Convention on the Prevention and Punishment for the Crime of Genocide. These two sections will lay out the foundation for the theory behind genocide. Important portions of the Lemkin's definition and the Convention will be broken down and aligned with the actions taken against American Indian communities in the 1970s. Ultimately, through this background and comparison we can expand what we view as instances of genocide and human rights infringements.

The Ideas behind the Genocide Convention: Lemkin's Legacy

Raphael Lemkin created the phrase following the devastation of the Holocaust. A survivor himself, he sought to establish a unified word for the atrocities which took place in WWII. In response, he formulated the word "Genocide" meaning "race-killing." This new word would be the start of the UN Convention on the Prevention and Punishment for the Crime of Genocide. Although the Convention has a definition for the crime, Lemkin's definition encompasses much more than the international document. In his renowned work *Axis Rule in Occupied Europe: Analysis, Proposals for Redress*, he uses the examples created in WWII to formulate his definition. He states that genocide can include social, cultural, economic, biological, and physical factors. This flexible definition provides the backbone to the idea of genocide. WARN's mission in the 1970s greatly reflects Lemkin's flexible definition.

To begin, genocide in the social sphere includes targeting important members of the community for destruction. This "weakens the national or spiritual resources" of a targeted group.[1] Lemkin assessed that this destruction of social order, leadership, or resources qualifies as actions in genocide. In this way, a destruction of a group of people does not have to be physical, instead it is any action which is intended to destroy the essence of their communal identity.

Moving forward, Lemkin's view on genocidal action in the cultural realm established that any action which "prevents the expression of the national spirit" is destructive. He gives the example of "a local population [being] forbidden to use its own language in schools and printing." [2] Here he is not focusing on physical destruction, but rather an elimination of the cultural history surrounding a group. Next, he establishes the unique idea of economic factors in genocide. Lemkin stated that "lowering standards of living creates difficulties in fulfilling cultural and spiritual requirements." [3] It also "brings about a crippling development." [4] In sum, extreme economic pressures inflicted on a group causes both spiritual and physical hardship that destroys the health of a community. This is something that is greatly reflected in the sterilizations and removal of children from the home in the 20th century.

Subsequently, his idea of biological genocide also ties neatly to coerced sterilizations and removal of children in modern America. In this section he specifically discusses birth rate. Although he makes no mention of sterilizations, he does speak about the intent to decrease a "undesired" group's population through limiting births.

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[1] Raphael Lempkin *Axis Rule in Occupied Europe: Analysis, Proposals for Redress*, Ch 9
[2] Ibid.
[3] Ibid.
[4] Ibid.

In summary, Lemkin's definition paints a wider picture of what genocide entails. It should not only encompass the physical annihilation of a group, but also the destruction of their culture, genetics, economic power, and spiritual wellbeing. One can see the similarities between actions taken against American Indian communities and the spirit of Lemkin's definition.

Historical Background of the UN Convention on the Prevention and Punishment for the Crime of Genocide

To better understand the United States' place within the Genocide Convention the following section will focus on the specific articles and examples that pertain to situations experienced by American Indian communities. This is done in the purpose of attaining background knowledge of the Convention, while challenging readers to draw similarities in the events of the 1970s. In this way, we can broaden our scope of human rights and reflect on our own communities. On December 11, 1948 the United States became a signatory for the leading international document which defined the conditions, punishment, and responsibility to prevent the destruction of individual groups of people. In 1988, the U.S would come to ratify the document, along with some reservations. The Convention defines genocide as any deliberate action involving:

> "killing members of the group, causing serious bodily or mental harm to members of the group, deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part, imposing measures intended to prevent births within the group, and forcibly transferring children of group to another group." [5]

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[5] "United Nations Convention on the Prevention and Punishment for the Crime of Genocide," UN, https://www.un.org/en/genocideprevention/documents/atrocity-

This targeting is based on the group's national, ethnical, racial, or religious identity. This Convention will be applied to cases within the 20th century. The situation of American Indian women and children are in many ways akin to those cases.

Article II: Similarities

Article II in the Convention lays out the basic definition of genocide. For the purpose of this project we will focus on three of these actions. They include: b) causing serious bodily or mental harm to members of a group; d) bringing about measures intended to prevent births within the group; and e) forcibly transferring children of the group to another group. Events like coerced sterilizations can fit neatly within the confines of Article II. In this case, these women are of a specific ethnical group and had measures imposed upon them which inhibited birth and caused severe mental and physical harm. Here we will examine the similarities between our proposed case of genocide in 20th century America and widely accepted cases of genocide.

To begin, "(b) Causing serious bodily harm or mental harm…" shows that genocide can extend beyond extermination. It is important here to explore examples of this harm that were established by international bodies. One of the most potent examples of principle (b) is found in the events of Bosnia during the breakdown of Yugoslavia. In the landmark cases by the International Criminal Tribunal for the former Yugoslavia (ICTY), they established a link between rape and ethnic cleansing. During the trial of General Kristic the court found that "serious harm need not cause permanent and irremediable harm… but results in a grave and long-term disadvantage to a person's ability to lead a normal and constructive life." [6] This was

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crimes/Doc.1_Convention%20on%20the%20Prevention%20and%20Punishment%20of%20the%20Crime%20of%20Genocide.pdf, Accessed September 30, 2019.

[6] "Prosecutor V Radislav Krstic Judgement," International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the

stated in regard to the rape centers and mass instances of sexual assault found in the context of the Bosnian genocide. In the court's documents for the case of Dragoljub Kunarac, Radomir Kovac, and Zoran Vukovic, who were charged with the maintenance and organization of rape camps in Foca, repeatedly mentioned the psychological trauma experienced by the witnesses.[7] In comparison, sterilizations faced by Native American women also caused serious psychological harm. In a testimony by Jean Whitehorse, a woman of Navajo descent, she revealed the grave impacts that sterilization had on her life. According to Whitehorse, wealth in Navajo tradition is measured by the "number of children one has." She asserts that her Navajo name meant "Many Children."[8] The procedure followed an appendectomy in the 1970s at an Indian Health Services (IHS) facility. Whitehorse spoke about the feelings of cultural anxiety and trauma caused by this unwanted operation. Here we see the similarity between the use of women's bodies in genocidal conduct and the mental harm that it produces. It is important to remember that genocide or ethnic cleansing does not have to result in physical extermination, but rather irreparable damage done to a community of individuals. Additionally, this instance is an excellent reflection of Lemkin's broader definition.

Next we will compare actions which "(d) Bring about measures intended to prevent births…" One of the most well know examples of this is found in Nazi Germany. A eugenics inspired sterilization law went into force January 1, 1934, called "Law for the Prevention of

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Territory of Former Yugoslavia since 1991, August 2, 2001, https://www.icty.org/x/cases/krstic/tjug/en/krs-tj010802e.pdf.

[7] "Prosecutor V Dragoljub Kunarac, Radomir Kovac, and Zoran Vukovic Judgement," International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of Former Yugoslavia since 1991, https://www.icty.org/x/cases/kunarac/acjug/en/kun-aj020612e.pdf

[8] Mary Annette Pember, "Amá and the Legacy of Sterilizations in Indian Country," April 3, 2018, https://navajotimes.com/ae/culture/ama-and-the-legacy-of-sterilization-in-indian-country/.

Hereditary Diseased Offspring." Sterilizations were conducted on men, women, and children alike and were performed for a myriad of reasons including developmental or physical disabilities, membership of a specific "race," or presence of a criminal history.[9] Sterilizations continued until 1939 when the Nazi party took on the T-4 euthanasia program.[10] Although instances of sterilizations in the United States have not progressed to euthanasia, they have been no less impactful. Between the years 1970 and 1973 it is estimated by the U.S Government Accountability Office that 3,406 American Indian women were sterilized.[11] Admittedly, this number is flexible. Given the survey analyzed, it could range from 3,406 to 25,000.[12] These actions were conducted by contracted clinics and health services operated by the U.S government. Be that as it may, there is difficulty in establishing the government's intent for genocide in this case. More than likely it was an effect of eugenic philosophy instilled into the present culture.

Moving along with the same format, we will discuss principle "e) the transferring children of the group to another group." An internationally recognized example is again found in Nazi policy. One of the most compelling examples was found in the Czech village of Lidice. There 17 children who were Czech by birth were separated from their families to be raised by German parents. This is only one of many cases of transferring "Aryan- looking" children from their birth homes to "acceptable" German homes. As a reflection in the United States we see this

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[9] Gisela Block, "Racism and Sexism in Nazi Germany: Motherhood, Compulsory Sterilization and the State." Journal of Women in Culture and Society *8,* no. 4 (2007): 408.
[10] Ibid, 415.
[11] "Report to Congressional Requesters: Indian Child Welfare Act: Existing Information on Implementation Issues Could Be Used to Target Guidance and Assistance to States," Document GAO-05-290, United States Government Accountability Office, April 2015, https://www.gao.gov/new.items/d05290.pdf, 5.
[12] Jane Lawrence, "The Indian health service and the sterilization of Native American women." *American Indian Quarterly* 24, no. 3 (2000), 407.

in well-worn policies surrounding American Indian children. Take President Andrew Jackson, who adopted a boy of Creek descent named Lyncoya Jackson. The adoption took place after a battalion, led by President Jackson during the Battle of Tallushatchee, destroyed a Creek Town of 170 people and subsequently orphaned the boy. There is debate surrounding this peculiar aspect of Jackson's biography and his intentions for the destruction of Native Americans. But scholars such as Dawn Peterson at Emory University allude that he was practicing an experiment of assimilation. [13]

This idea continued into the 20th and 21st centuries with boarding schools and the foster care system. In 1978, under the initiative of Women of All Red Nations (WARN), the United States government passed the Indian Child Welfare Act (ICWA). This act was created in response to the

> "[A]larmingly high percentage of Indian families broken up by removal, often unwarranted, of their children from them by nontribal public and private agencies and that an alarmingly high percentage of such children are placed in non-Indian foster and adoptive homes and institutions."[14]

In a report by the Association of American Indian Affairs in 1969, they estimated that 25-35% of American Indian children were removed from their households and that 90% of those children were placed in non-Native families.[15] The ICWA is meant to give intervention power to tribal officials and families, guarantees adequate reporting of removal proceedings, and assures

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[13] Dawn Peterson, *Indians in the family: Adoption and the Politics of Antebellum Expansion,* (Cambridge, MA: Harvard University Press, 2017).

[14] P.L 9.5-608, Approved November 8, 1978 (92 Stat.3069) "Indian Child Welfare Act" https://www.ssa.gov/OP_Home/comp2/F095-608.html.

[15] Angelique Day, Cossette B. Woo, and Elizabeth Gibbons "The Indian Child Welfare Act: Lasting Legacy, Current Practice," *Children's Voice* 28, no.1 (2019), 1.

that a child will be fostered by a close relative or someone of the same tribe. Moving into the 21st century, a report by the Government Accountability Office (GAO) in 2005 found that 32 states involved in these services were not in compliance with the ICWA and 12 of which made no corrective effort at that time.[16] Instead of combating the effects of cyclical hardships and lack of support which resulted in supposed inefficiencies, service providers concluded that it was the result of botched parenting and decided to rehome a child.[17] Jane McPherson in her work "Article 25 Changed my life: How the Universal Declaration of Human Rights Reframed my Social Work Practice," proposed the idea that cyclical discrimination and cyclical poverty and their effects are human rights abuses.[18] Although these actions were not intentional ethnic cleansing, assimilation tactics were grave failures to understand a client's history and needs led to genocide-like actions.

Article III: Intent

This portion of the Convention deals with intent. It includes the following punishable acts: "a) genocide; b) conspiracy to commit genocide; c) direct and public incitement to commit genocide; d) attempt to commit genocide; e) complicity in genocide."[19] Within the context of the United States and abuse towards Native American women, this idea of intent and punishment becomes muddled. Indian Health Services (IHS) was the government entity involved in these sterilizations, but there was no blanketed sterilization policy that these doctors were adhering to. In an article written by WARN, they recounted a report by Dr. Pinkerton-Uri, a doctor of

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[16] "Report to Congressional Requesters: Indian Child Welfare Act: Existing Information on Implementation Issues Could Be Used to Target Guidance and Assistance to States," 5.
[17] Jane McPherson, "Article 25 Changed my Life: How the Universal Declaration of Human Rights Reframed my Social Work Practice." Reflections 22, no. 2 (2016).
[18] Jane McPherson, "Article 25 Changed my Life: How the Universal Declaration of Human Rights Reframed my Social Work Practice." Reflections 22, no. 2 (2016).
[19] "UN Convention on the Prevention and Punishment for the Crime of Genocide."

Choctaw heritage. Dr. Pinkerton-Uri investigated coerced sterilizations and concluded that she "did not believe sterilizations [were] prompted by a government plan to exterminate American Indians.[20]

The idea of intent is again recorded in a newsletter called the Akwesasne Notes, a wide spanning newsletter published by members of the Mohawk Nation beginning in 1968. In the Early Spring issue of 1977, the newsletter claimed that GAO's audit was incomplete. The Akwesasne Notes stated that the "investigation examined only four of the IHS service areas – Aberdeen, Albuquerque, Oklahoma City, and Phoenix."[21] From these four locations it was found that 3,001 women between the ages of 14 and 44 had been sterilized within the scope of three years.[22] The newsletter also stated that there were eight other IHS locations where sterilizations were performed but not investigated by the GAO.

With this knowledge, it is clear that American Indians were targeted for these procedures, but it is not clear whether they were targeted for their heritage or their situation. Sterilization had not been a concentrated tactic on American Indian women but had affected all women of color and those who lacked material resources as a supposed solution to poverty. Be that as it may, we must do a deeper investigation due to the proportional effects of these sterilizations. Although 3,406 women may seem slight in the context of the entire United States population, this was a huge shock to the small community of American Indians. For instance, Dr. Connie Pinkerton-Uri

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[20] Hearing Before the United States Commission on Civil Rights: national Indian Civil Rights Issues: Hearing held in Washington D.C, March 19-20, 1979: Volume II, Exhibits: "The Theft of Life," WARN, 23.
[21] "Killing our Future: Sterilizations and Experiments," *Akwesasne Notes* vo1. 9, no.1, (1977), 4.
[22] Sally Torpy, "Native American Women and Coerced Sterilizations: On the Trail of Tears in the 1970s," *American Indian Culture and Research Journal,* vol 24, no 2 (2000), 7.

is quoted as saying "We only have 10,000 women of child-bearing age, total."[23] The existing vulnerability of a group is a factor in defining it as a genocide.

The Spring 1977 issue of the Akwesasne Notes mentioned questioned intent. It takes into account the complexity of the issue. It states that "IHS personnel is a mixed bag, some are highly dedicated doctors…who practice out of a genuine desire to provide good health care to native people. Others are young doctors who are attracted to rapidly complete requirements for specialized certifications." [24] This statement discusses the lack of uniform intent by the government. Additionally, for the doctors and policy makers alike, it did not come down to ethnic cleansing, but to economy. The native community had a limited number of resources and therefore were dependent of government services. The upkeep of these services was funded by more affluent citizens, who were predominately white, so resorting to sterilizations of the "have-nots" was seen as a cost-effective solution. [25] This idea should not over-shadow the idea of race and the impact that eugenics ideology has on day-to-day interactions on the overall creation of these policies. Ultimately, the proportions of women of color sterilized were dramatically larger than those of white women. This can be understood as a combination of cyclical racism and misinformation which caused irreparable damage.[26]

In summary, a main question to consider when evaluating this case of abuse within the confines of the Convention is the idea of purposeful intent. Through an analysis of genocide, we see the issue of cyclical natures and accountability of governments to these issues. According to John Quigley, the Convention was drafted in response to individuals committing genocide and

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[23] "Killing our Future: Sterilizations and Experiments," 5.
[24] Ibid.
[25] Ibid.
[26] Jane McPherson, "Article 25 Changed my Life: How the Universal Declaration of Human Rights Reframed my Social Work Practice."

gives nations the responsibility to punish it.[27] Logically, systematic killings and genocide cannot occur without at least the tacit support of a government in charge. Here one can think back to examples found in colonialization and the discriminatory repercussions of these actions. There is power behind propaganda and an underlying history of racism in policies and procedures, even without uniform intent. It is clear that the reason for these procedures was not a uniform decision to eliminate a group of people, but when taking into account this community's vulnerability and the nature of these actions they were no less devasting.

Conclusion

This chapter has described two definitions of genocide and analyzed two components of the Convention and how it affects our central theme. Lemkin's initial definition of genocide was used to expand our lens of genocide, while the UN's definition works as the internationally accepted framework. The United States in specific has seen instances in the 20th century similar to other instances that were described as genocide. Here we tackled the idea of "intent" and found that there was no organized intent on behalf of the United States government, but instead a long- standing history of prejudice which inspired these actions. From there we broached the question, can genocide be unintentional?[28] As in, can policies and actions proving to stem from cyclical prejudice which cause any form of destruction to a group be defined as a genocide? Although sterilizations and the removal of children in the United States during the 20th century were not uniform, they were fueled by eugenic thinking and did cause great destruction to a

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[27] John Quigley, International Court of Justice as a Forum for Genocide Cases, 40 Case W. Res. J. Int'l L. 243 (2008), https://scholarlycommons.law.case.edu/jil/vol40/iss1/14

[28] The term genocide for the remainder of this project will be used to describe genocide-like actions or similarities to genocide, not a declaration of genocide as it is defined in the Genocide Convention.

community. Genocide or genocidal actions can include many times and places. In all, examining multiple meaning of genocide, comparing similar events, and discussing the effects of cyclical discrimination on a community work to expand the definition of human rights and genocide. Moving forward into the next chapter, we will explore the historical background of these events and hear from the women activists who brought them to light.

Chapter 2: Other Viewpoints

As we continue our discussion on genocide in the 20th century American context, this chapter will focus on the historical analysis of the sterilizations and removal of children from American Indian communities. A major theme that this project hopes to embody is the empowerment of the female voice in history by focusing on neglected viewpoints. By the end of the chapter the reader should have a preliminary knowledge of why these sterilizations and removals took place, who some of the important actors and activists were and what they did, and how their actions are still relevant in today. By studying neglected narratives, we can better understand human rights history in America.

By focusing on underrepresented stories and events, like the ones found here, historians can work to broaden the American experience and become more mindful of past injustices and their effects on present situations. It can also create the opportunity to recognize new voices. Overall, challenges like these are imperative for the preservation of documents and ideals like those found the UN Convention on the Prevention and Punishment for the Crime of Genocide and the Universal Declaration of Human Rights, because it provides further legitimacy and universality to these ideals.

Women's Voices: Testimonies

It is important to understand these historical events through these activist's voices. It is a treasure that the 20th century has ample recording techniques. The 20th century is also a time where women leaders began to become more prominent and grew in numbers. Even so, we must still to focus on women's voices in order to continue this trend of inclusion. Women's testimonies work to provide primary accounts and include women in the greater historical discussion.

In a speech captured by author Jacqueline Agtuca in *Sharing our Stories of Survival: Native Women Surviving Violence,* a survivor of unauthorized sterilization shared that "[she] was badly beaten by [her] husband and left on the street outside of [her] apartment building. An ambulance took [her] to the hospital. When [she] woke up, [she] felt [her] stomach and there were stiches. [She] asked the nurse "Did my husband do this?" [The Nurse] said, "No the doctor gave you a hysterectomy."[29] This woman's needs were ignored, and her rights were abused. Not only do we hear her story as an example of gross misconduct, but here we can see limitations of numerical studies when testimonies are not accounted for. This woman's testimony adds a personal element to understanding human rights.

Diverse Ideals of Feminism

The 1970s saw continued civil rights movements and the rise of the women's movement. This movement sparked feminist awakenings in legislature and social theory, but also significant backlash from its opponents and other women. The broad feminist theory that rocked the 1960s and 1970s failed to encompass the needs or views of American Indian women. Mainstream feminism tends to be ethnically focused on the issues of white women and has troubles with intersectionality.[30] The term "intersectionality" or "intersectional" can be defined as the "interconnected nature of multiple social identities, such as race, gender, and social class, and how they apply to the individual or a group."[31] This term tends to be used in discussions surrounding feminism. Here it is important to understand feminism in multiple contexts and

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[29] Jacqueline Agtuca, "Beloved Women," In *Sharing our stories of Survival: Native Women Surviving Violence,* ed. Sarah Deer , Bonnie Clairmont, Carrie A. Martell, and Maureen L. White Eagle, Altamira Press (2008), 18.
[30] Devon Abbott Mihesuah, "Indigenous American Women: Decolonization, Empowerment, Activism, University of Nebraska Press, (2003), 160.
[31] "Definition of Intersectionality in English: Intersectionality," Oxford: Lexico, Accessed April 20, 2020. https://www.lexico.com/en/definition/intersectionality

cultures. As Devon Mihesuah, discussed in her work *Indigenous American Women: Decolonization, Empowerment, and Activism,* there is a tension between ideals of white feminism and American Indian feminism. For instance, mainstream white feminist movements focused on women's rights *not* to have children and having say over their reproductive rights including abortions. While American Indian women's movements focused on their reproductive rights and their right *to* have children. Here we seen the effects of racial and cultural differences in women's rights. This is important in the discussion of history and advocacy because it further complicates and allows us to explore other viewpoints in events and ideas of an era.

As for different the ideologies, we will focus on tribalism and feminism and their impacts in American Indian communities. In an interview with Elizabeth Cook-Lynn (1930-), an accomplished writer, activist, and member of the Crow Creek Sioux tribe, she stated that "most people think that I am a feminist. I'm not. I'm tribal."[32] In this quotation she revealed that in American Indian women's movements there is a greater emphasis on communal well-being. Devon Mihesuah commented in her work that, Native women who do identify as feminist are criticized as being "assimilated." Critics say that these female activists are "more concerned about fighting for civil rights than about fighting for tribal sovereignty."[33] Mihesuah continues by saying that American Indian women are concerned with their rights and dignity as women, but their gender issues are compounded by issues of race and cultural preservation.[34] This builds a frame for understanding WARN's activists and how their gender and culture are inexplicably intertwined. In essence, the actions that they fought against were also not only attacks on their female identity, but also their on their political and tribal identity.

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[32] Mihesuah, 160
[33] Mihesuah, 162
[34] Ibid.

Sterilizations, birth control, and revocation of child custody were seen not only as a threat to women, but to the survival of a group. In an interview taken in 1979 of Katsi Cook of the Mohawk nation, she stated that "women are the base of generations. Our reproductive power is sacred to us."[35] It is asserted that "children are not only for the joy that they gave parents but [they are also essential] for group survival [which is] an important aspect of tribal culture."[36] It was not that American Indian women did not use or condemned the use of contraception, in fact many tribes understood the menstrual cycles relation to fertility and used natural methods of birth control like the use of the herb Mexican wild yam which is also used in pharmaceutical birth control pills.[37] Instead, it is the lack of choice and imposition of birth control and birth control methods which directly threaten a core values of these women; their reproductive power and mission of cultural preservation.[38]

Women of All Red Nations: WARN.

"Who are these women?" They are described by Ted Means, one of the core leaders of the American Indian Movement (AIM), as the "backbone" of American Indian civil rights movements both nationally and internationally.[39] Women of All Red Nations (WARN) was founded in 1974 in Rapid City, S.D by a conference of 30 native nations. WARN splintered off from AIM following the incidents at Second Wounded Knee at Pine Ridge reservation in 1973. Second Wounded Knee involved a bloody stand-off between AIM leaders and FBI agents which left multiple dead and AIM without key leaders. WARN, like AIM, was a broad organization,

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[35] Lawrence, 412.
[36] Ibid.
[37] Ibid.
[38] Ibid.
[39] Hearing Before the United States Commission on Civil Rights: National Indian Civil Rights Issues: Hearing held in Washington D.C, March 19-20, 1979: Volume II, Exhibits: WARN, 12.

made up of numerous American Indian women of various cultures, backgrounds, and experiences. Unlike AIM, WARN was centered on the growing need for protection of the rights of American Indian women and children. AIM was a traditionally masculine organization and at the time left little room for female leaders. Although many female leaders took on major roles within the organization, WARN gave these women a larger platform to press matters pertaining to intersectional feminism, cultural preservation, environmentalism, children's rights, and rights of the family. Some of its founding members include Madonna Thunderhawk, Lorelei DeCora Means, Phyllis Young, Pat Bellanger, and Janet McCloud.

WARN focused on community involvement, lobbying efforts, and were considerably less militant than its brother organization. One of their main areas of focus was coerced sterilizations which took place against American Indian women. In 1978 they published a newsletter entitled "The Theft of Life" which was used as key evidence in the U.S Civil Rights Hearing on national Indian civil rights issues in 1979. The article detailed various studies performed surrounding the issue of sterilizations on reservations including a study done by Government Accountability Office (GAO) and a study done by an independent doctor Dr. Connie Pinkerton-Uri. Both reports revealed the abuse of such procedures. WARN helped to report that a dangerously high number of American Indian women were being sterilized often without their knowledge or proper consent. Many women were either misinformed about the surgery or were led to believe that their social benefits would be revoked or that their children would be taken away from them if the procedure was not done. In addition to reporting numbers WARN reported testimonies. This raw data was used to understand the situation behind sterilizations. WARN also made efforts in their testimonies to recognize the emotional devastation that affected individuals and communities. Through its continued efforts, WARN's actions led to the new federal regulations

which increased the mandatory waiting period between signing a consent form for sterilization and the actual surgery from 3 days to 30 days.[40]

Including their work in ending coerced sterilizations, they fought against the illegal removal of children from families. WARN had both a historical and cultural understanding of the legacy of boarding schools and the foster care system at the time. They worked in the mindset to preserve their cultural heritage by assuring the passage of cultural knowledge to the next generation. WARN's actors also worked to assure that children were not unlawfully being taken from their homes due to a difference in home structures or failure by welfare actors to overcome eugenic ideology. WARN's advocacy, along with the advocacy of other native rights groups, led to the creation of the Indian Child Welfare Act (ICWA) in 1978, which serves to maintain tribal rights in the protection of vulnerable children in the foster care system.

In addition to WARN's actions against sterilizations of women and the unjust seizure of children, they also ran surveys on Pine Ridge reservation in South Dakota and Navajo reservations in New Mexico which revealed huge amounts of radiation pollutions and contaminations which resulted in increased miscarriages and instances of cancer. WARN sought to defend both its current generation and future generations through these studies. WARN's work in environmentalism has not ceased, as many of its original members have gone on to become well-respected environmentalists and activists for renewable energy.

WARN was active beginning in the late 1970s up into the 1990s, but in the beginning of 2020 it returned. WARN is currently acting against the Keystone XL pipeline in South Dakota with the slogan #WARNRidesAgain. WARN is now working in conjunction with the Warrior

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[40]Brianna Theobald, "A 1970 Law Led to the Mass Sterilization of Native American Women. That History Still Matters," *Time,* November 28, 2019, https://time.com/5737080/native-american-sterilization-history/.

Women project. The Warrior Women project has the mission of collecting "scholarship, media, and activism that seeks to provide a forum for the Warrior Women of the Red Power Movement and current indigenous activists to tell their stories…"[41] Additionally, WARN has now become an intergenerational organization comprised of its original actors, their descendants, relatives, and new supporters.

The Keystone XL pipeline reportedly threatens five aquifers and indigenous sovereignty. The women of WARN are not only concerned with the political and environmental issues surrounding the pipeline, but also harken back to their core ideals of protecting women and children. They are currently acting on evidence from the construction of the 2012 Brakken oil boom, which allegedly saw a 300% rise in reported rapes.[42] Lakota People's Law Project (LPLP) reports that "Missing and Murdered Indigenous Women and Girls is exacerbated by the man camp phenomenon."[43] Essentially, mining industries near reservations allows for increased abuses and injustices to take place against American Indian women. In effect, WARN pushes against the Keystone XL which could potentially threaten the safety and rights of American Indian women.

In an article by Kelsey Hill published on the LPLP's website, it states that "[h]istory books do not often mention WARN, and if they do, they rarely capture the courage and efficacy of this group of unrelenting Indigenous matriarchs and their impact on history."[44] Women of All Red Nations has been a large part in feminist movements, indigenous rights movements,

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[41] "Warrior Women Project: The Project," *Warrior Women Project,* Accessed April 3, 2020, https://www.warriorwomen.org/about-us.
[42] Kelsey Hill, "Warrior Women: #WARNRides Again," Lakota People's Law Project, January 24, 2020, https://www.lakotalaw.org/news/2020-01-24/warn-rides-again
[43] Ibid.
[44] Hill, "Warrior Women: #WARNRides Again,"

environmentalist movements, and current day movements. Its actors and situations are constantly dynamic, constantly present, and impactful. Consistently we see exposure of AIM in academia and we see the analysis of human rights abuses before the 20th century. Rarely do we analyze the contributions of American Indian women in the 20th century. WARN has been an on-going active player in human rights discussions, both nationally and internationally. By capturing these women in the historical narrative, we can create a holistic view of human rights history and its progression within the United States.

Eugenics Theories in America

Human rights abuses in the American context is not a new phenomenon. It is most definitely not new for American Indian communities. Although it this is well known through the context of colonialization, forced displacements, and destruction of homes and lives during Manifest Destiny, there seems to be little discussion on American Indians in the 20th century and the roles of women. In this section, we will discuss the history and impacts of coerced sterilizations in the United States perpetuated against American Indian women.

To begin, race theory and eugenics have had a place within the American context since before the official creation of the word in 1883 by Sir Francis Galton.[45] The word eugenics was used to describe "the use of genetics to improve the human race."[46] The 20th century saw a rise in eugenics movements with the creation of compulsory sterilization laws. Beginning in 1907 with Indiana and fifteen other states, compulsory sterilizations were used on women with developmental delays or disorders. At the time these state laws were considered unconstitutional. The unconstitutional ruling was then overturned by Buck v Bell. This case looked at three

[45]Torpy,1.
[46] Ibid.

generations of women, Emma Buck, her daughter Carrie Buck, and her daughter Vivian Buck. Facing poverty these women were falsefully considered "slow." Their supposed developmental delays proved to eugenicists that disabilities, poverty, and immorality were inherited. The court ruled to uphold the Virginia law of Compulsory Eugenic Sterilization. This case went on to justify policies surrounding increased sterilizations of women, minorities, and the economically disadvantaged. Justice Oliver Wednell Holmes summarizes this sentiment in the quotation "it is better for all the world if instead of waiting to execute degenerate offspring for crime, or let them starve for their imbecility, society can prevent those who are manifestly unfit from continuing their kind. The principle that sanctions compulsory vaccination is broad enough to cover cutting the fallopian tubes."[47] Here we see the beginnings of a tradition of human rights violations targeted at gender, economy, and eventually race.

Moving forward into the future, the late 1960s saw the rise of eugenics practices once more in response to growing poverty. "Johnson's War on Poverty initiative shows the fear of lack of world resources" and inspired increased family planning initiatives focused on vulnerable segments of the American population.[48] Jane Lawrence dove into this idea in her work *"*Indian Health Service and the Sterilization of Native American Women*."* She assessed that the prevalence of sterilizations was caused by the "warped thinking of doctors who think the solution to poverty is to not allow people to be born."[49] This is a direct violation of the Universal Declaration of Human Rights (UDHR), of which the United States was a party of. In Article XVI of the UDHR it states that "Men and women…have the right to marry and to found a family."[50]

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[47] Tophy, 1.
[48] Lawrence, 410.
[49] Lawrence, 410.
[50] "Universal Declaration of Human Rights," United Nations, (1948) https://www.un.org/en/universal-declaration-human-rights/, article 16.

These instances of sterilizations fueled by eugenics also draws a parallel with section Article II section (d) of the Genocide Convention, "Imposing measures intended to prevent births within the group."[51] It is important to remember in the American Indian context these injustices had serious effects on smaller communities, cultural preservation, and the individual families.

Population of non-whites reportedly increased in the 1970s both domestically and internationally. Anxiety surrounding this increase revealed the eugenic tendency of United States policy. In a declassified memo by Henry Kissinger one can see a clear rhetoric of eugenic theory. He stated that, "population factors contribute to socio-economic variables including breakdowns in social structures…if current increased population pressures continue, they may have greater potential for future disruption in foreign relations."[52] University of California Riverside Professor Andrea Smith links this international anxiety to the domestic targeting of Native American women in sterilizations efforts. This is further proven by Berkeley student Sally Torpy in her 2000 article where she wrote that sterilizations for women between the year 1970 and 1975 increased by 350 %.[53] American Indian women were even more at risk of sterilization abuse. In a survey created in 1972 by Dr. Pinkerton-Uri she claimed that the procedures were specifically targeting women of full-blooded heritage. Pinkerton-Uri's study focused predominately on interviews by affected women and regions which were not included in the later GAO report. [54]

Moving forward, there was an extreme variance in the events surrounding sterilizations. Sterilizations protocols differed across Indian Health Services clinics at the time and there were

[51] "UN Convention on the Prevention and Punishment for the Crime of Genocide."
[52] Andrea Smith, *Conquest: Sexual Violence and American Indian Genocide,"* Duke University Press, (2015), 81.
[53] Torpy, 1.
[54] Torpy, 1.

different concentrations of sterilizations across the United States. This undoubtedly leads to inconsistent numbers of those affected. These abuses mostly included sterilizations without adequate consent. In this case, clinics did not abide by the 72-hour waiting period between patient authorization and the actual surgical procedure. There were recorded cases where women would be immediately sterilized following the birth of their child. If the consent form was signed, these authorizations would happen while the woman was heavily drugged, and surgeries would follow closely after. Women would also be coerced through the power imbalance between medical professionals and social workers via threats of revoking child custody or ceasing social service benefits.

Reactions and Studies: The GAO and Pinkerton-Uri

In reaction to the activism led by WARN and their associates, a study was filed by the Government Accountability Office (GAO) of four clinics out twelve IHS or contracted clinics that participated in sterilizations of American Indian women between the years of 1973-1976.[55] The clinics that were in this study were Aberdeen S.D, Albuquerque N.M, Oklahoma City, O.K, and Phoenix A.Z. The GAO report was part of a larger study about medical malpractice taking place in Indian Health Services including medical studies on both adults and children and sterilizations of both women and men. This study focused its attention on some of the densely populated areas according to the 1970 census. Meanwhile, larger concentrations of American Indians in other areas in the country, such as the Pacific, Midwest, and the East Coast, were left out of the study. Additionally, the IHS clinics in this study were found on or near reservations, so this study does not include people who lived off of reservations.

[55] United States Government Accountability Office (GAO), "Investigation of Allegations Concerning Indian Health Service," Report 160431(5), November 4, 1976. https://www.gao.gov/assets/120/117355.pdf, 3.

The GAO report showed instances of abuse, but the report itself has statistical flaws. In effect, it is difficult to approximate the true amount of people affected by these procedures. Be that as it may, this study was important to the activists of WARN, because it was a governmental study which firmly revealed the abuses their community was facing. In addition to this study, the personal accounts by activists, writers, and other women in American Indian communities paint a more impactful image of what they faced. This will be further explored in Chapter three through narrative works by American Indian activists of the 20th century.

The findings of the GAO study reveal that 3,406 American Indian women were sterilized between the years of 1973 and 1976 at these four facilities.[56] Of these women 3,001 were between the ages of 15 and 44, or of childbearing age.[57] There were 36 sterilizations involving women under the age of 21. This was in direct violation of a moratorium in 1973.[58] Basing this recorded number on the 1970 census, this is roughly 3-4% of the entire population of American Indian women in these states.[59] Over 3,000 women in a population of 98,000 is a significant proportion. Numbers aside, this data set is incomplete, not only due to its small scope, but also because of its failure to interview the women affected by these procedures. The GAO claimed that it did not interview the women affected due to a "high level of inaccuracy in the recollection of patients four to six months after giving informed consent."[60] Lack of personal statements by these women makes it difficult to establish the true nature of these sterilizations and the effects that they had on their community and overall wellbeing.

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[56] United States Government Accountability Office (GAO) 1976, 4..
[57] Ibid.
[58] Ibid.
[59] U.S Census Bureau, "Indian Population by Sex and Urban and Rural Residence: 1970," table 1.
[60] United States Government Accountability Office (GAO) 1976, 4.

The GAO study revealed multiple issues surrounding consent to these procedures. First the agency assessed that the consent forms used at these four clients did not meet the Department of Health Education and Welfare (now known as the Department of Health and Human Services) standards. The report found that "consent forms mainly failed to provide full disclosure" and disclaimers about the rights of the patient such as the reassurance that "the decision at any time not to be sterilized will not result in the withdrawal or withholding of any benefits."[61] Both of these failures point out that physicians and social workers were not under proper obligation to reveal certain elements of the procedure which left them susceptible to engage in eugenic ideals and also left patients vulnerable to harmful medical malpractice.

Another issue surrounding these sterilizations was the prevalence of inadequate documenting. The 113 consent forms that the GAO evaluated in Aberdeen S.D, Oklahoma City, OK and Phoenix, A.Z IHS areas did not comply with HEW regulations.[62] These forms had three main issues: they did not indicate the basic elements of informed consent had been presented orally to the patient; they did not contain written summaries of this oral presentation; and they did not contain a statement for the patients indicating that social benefits right were *not* tied to this procedure.[63] Essentially, this left patients without leverage. They could easily sign a document without disclosure of what the document stated.

Finally, a large issue found at these clinics is the violation of a federal regulation which required 72-hours between consent and the actual sterilization procedure. Of 113 consent forms 13 had signatures dated less than the required 72 hours.[64] In conjunction with the studies done by

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[61] Ibid, 19.
[62] United States Government Accountability Office (GAO) 1976, 23.
[63] Ibid.
[64] United States Government Accountability Office (GAO) 1976, 24.

local agencies and actors, it can be reasonably asserted that there were a higher number of abuses in other areas that were not studied by the agency. Additional testimonies by women accounted by different news sources and activists revealed that women were threatened into these procedures, misinformed, or were not consulted at all. The prevalence of such testimonies also reveal that reliance on faulty documentation which can conclude in a lower estimated number of victims and does not recognize the actual impacts on individuals and their communities.

In 1974, two years before the GAO released their report, Dr. Connie Pinkerton-Uri did her own independent study which included the interviews of some women affected.[65] Dr. Pinkerton-Uri had discovered the presence of coerced or uninformed sterilizations when a young patient, a 26 year-old woman, came into her Los Angeles office inquiring about a "womb-transplant."[66] The young woman explained that at 20 years-old she was having issues with alcoholism, which had now been resolved, and a doctor at the Indian Health Services (IHS) had given her a complete hysterectomy. This young patient was left completely uninformed about of the permanence of such a procedure and was now unable to have children with her newly wedded husband.[67]

This was not the only instance that Dr. Pinkerton-Uri had encountered. Two teenagers were sterilized in Montana, both members of the Northern Cheyenne nation. The girls were to undergo appendectomies, but also had tubal ligations performed during the procedure. This was done without parental consent. Although, these cases seem to be extreme, there was prevalence of similar situations in the 1960s and 1970s. Dr. Pinkerton-Uri estimated that 25% of all

[65] Lawrence, 411.
[66] Ibid, 400.
[67] Ibid.

American Indian Women between the ages of 15 and 44, has been sterilized. [68] Importantly, both of these procedures took place outside of the GAO study sites, this assumes that the later GAO studies numbers would be predictably low.

To step back from the numbers, it is important to understand the individual effects of the procedures had on those affected. Norma Jean Serena, a Shawnee woman, was sterilized immediately following the birth of her son, Shawn in 1970. She had been receiving welfare benefits at the time of her pregnancy and was reportedly sterilized for her socioeconomic status.[69] Authorities had coerced her into signing consent forms telling her that if she had any more children that they would be at risk for developmental delays or physical disabilities.[70] Even after her sterilization her children were still removed from her custody. This led to an intense legal battle. A woman named "Janet" who was a 29-year-old mother of three, was reportedly approached by social workers who recommended that she get sterilized as a form of birth control.[71] After finding out the procedure was permanent, she spiraled into a depression and sought help from a psychiatrist for the next fifteen years. "Diane" was sterilized immediately following the cesarean birth of her son.[72] She reported that she cannot remember signing a consent form, even so the 72- hour limitation had been breached. She too sought counseling after the procedure due to the emotional damage it had caused.[73] "Debra," also from Montana, underwent a hysterectomy following the birth of her daughter. Then, she was made to sign what

[68] Lawrence, 400.
[69] Meera White, edited by Johnathon Lanz and Alyssa Rusell, "Sterilization in the 1970s: Native Women, Newspaper Coverage, and Community," *George Town History Journal*, Accessed April 3, 2020, https://georgetownhistoryjournal.org/spring-2016-edition/native-women-sterilization-in-the-1970s-newspaper-coverage-and-community/.
[70] Ibid.
[71] Lawrence, 413.
[72] Ibid.
[73] Lawrence, 414.

she believed to be the consent form the day following the procedure and was advised to sign the previous day's date.[74] Here it is important to look at numbers and their impact on communities, but also the reported experiences of those affected. Numbers do not reveal depression, falsified documents, or destruction of family units.

In this series of events, we have seen the effects of eugenic philosophy and racial ideology on a vulnerable community. Although many activists assert that this was not an intentional act of genocide sanctioned by the United States government, it was still a detrimental human rights violation stemming from a long history of abuses. In the grand scheme, the numbers of those affected are proportionally large and greatly hindered the quality of life for these communities. Feeling as though their culture and power was again at stake, activists like those in WARN decided to take action.

Rights of the Child

In conjunction with sterilizations, there was a continued threat to cultural preservation and general wellbeing surrounding the protection of children. WARN not only took actions against sterilizations, but also against certain practices in the foster care system and education system. They took action against the legacy of government boarding schools and the baseless placing of children in foster homes. WARN saw the fruition of their works in the creation of the Indian Child Welfare Act (ICWA) in 1978 which assured that if American Indian children were placed into foster care the tribe would have the authority to find a suitable household for the child. This act aimed to preserve tribal culture, but also assure that the child will maintain links to their established community.

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[74] Lawrence, 414

In 1977, the U.S Senate hearing on the Indian Child Welfare Act (ICWA) revealed that 25% of all American Indian children were in foster homes, adoptive homes, or boarding schools.[75] Another study revealed that American Indian children were reported to be 500% more likely to be placed in foster care in Minnesota, 1,600% more likely in South Dakota, and 1,900% more likely in Washington.[76] Additionally 85% of American Indian children placed in foster care or adoptive homes were placed under non-Indian care.[77]

The presence of boarding schools continued into the 20th century. The boarding school era first began in the late 1860s and progressed to the late 1970s.[78] WARN reported in their newsletter that 30,000 children were still in federal boarding schools in 1977.[79] It was the continuation of the Civilization Fund Act of 1819 which supported assimilation efforts by Christian ministries and the U.S government.[80] In these institutions children were stripped of their native identities, punished for speaking their native languages, subject to rampant abuses, and death. One writer by the name of Zitkala-Sa accounts her experiences in the government run boarding school during the 1880s. “I cried aloud, shaking my head all the while I felt the cold blades of scissors against my neck, and heard them gnaw off my thick braids. Then I lost my spirit.”[81] Zitkala-Sa’s account is reminiscent of both Lemkin’s definition of genocide in the

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[75] Hearing Before the United State Senate Select Committee on Indian Affairs: US Hearing 1977 on Indian Child Welfare Act. 95th Cong. (1977), 1.
[76] Smith, 41.
[77] Ibid.
[78] Wendy Holiday, “Hopi Prisoners on the Rock,” National Park Service, 1995, https://www.nps.gov/alca/learn/historyculture/hopi-prisoners-on-the-rock.htm.
[79] Hearing Before the United States Commission on Civil Rights: national Indian Civil Rights Issues: Hearing held in Washington D.C, March 19-20, 1979: Volume II, Exhibits: WARN, 28.
[80] Mary Annette Pember, “Death by Civilization,” The Atlantic, March 8, 2019, https://www.theatlantic.com/education/archive/2019/03/traumatic-legacy-indian-boarding-schools/584293/.
[81] Zitkala-Sa [Gertrude Simmons Bonnin]. “School days of an Indian Girl” The Cutting of My Long Hair. *American Indian Stories.* Washington: Hayworth Publishing House, (1921) Digital

cultural realm and Article II of the Convention. In addition, their parents were usually threatened for refusing to send their children to these schools. In 1895, 19 Hopi men were arrested for protesting the removal of their children. Moving into the 20th century parents were still faced with the potential for police seizures and threats.[82]

As the boarding school era was ending, the adoption era was beginning in the 1950s. In an interview with NPR in 2011, Dwayne Stenstrom recounted when he was taken into foster care at 8-years-old in 1968. He remembered one day being taken away from his mother, brother, grandparents, and aunts and uncles, only to return as an adult. In his interview he recounts the feelings of detachment and confusion surrounding his childhood which followed him into adulthood. Strenstrom stated that "…[O]ther people would say look, you're now a history professor, you're a success story. You have a family of your own. It all worked out… But emotionally and psychologically, I mean, a lot of stuff that I've carried all these years I still carry."[83]

In relation to the UN Genocide Convention, these instances in the 19th and 20th century relate to Article II. These are clear attacks on a group through the hindering of births and the seizure of children which constitute genocidal actions. Authors Rose L. Clark and Carrie L. Johnson, describe these effects in their work "Sharing stories of Survival: Native Women Surviving Violence" in which they discuss the idea of a multigenerational trauma cycle

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Library University of Pennsylvania, Accessed March 24, 2020, http://digital.library.upenn.edu/women/zitkala-sa/stories/school.html.

[82] Alia Wong, "The Schools that Tried -but failed- to Make Native Americans Obsolete," The Atlantic, March 5, 2019, https://www.theatlantic.com/education/archive/2019/03/failed-assimilation-native-american-boarding-schools/584017/.

[83] "Improving Foster Care for Native American Kids," National Public Radio: Talk of the Nation, October 31, 2011, https://www.npr.org/2011/10/31/141872944/improving-foster-care-for-native-american-kids.

generated by cultural repression and discrimination in American Indian communities.[84] This cycle involves continuous disharmony and violence passed down through generations. This cycle can be caused by instances of assimilation, colonialization, and relocation. For instance, a child put into a boarding school could have their parenting abilities impaired later in life. After experiencing harsh punishments and abuse in these situations, it would follow them back into their communities. In comparison to Lemkin's view of cultural genocide, we can see the use of continued assimilation tactics as a form of genocidal action. Dwayne Stenstrom and Zitkala-Sa both showed the feelings of loss of culture. This feeling is magnified throughout generations and leads to the erosion of cultures, languages, and identities through these assimilation projects. This form of multigenerational trauma was the product of historical genocidal actions and continued discriminations. Ultimately this pattern normalizes abuse and threatens an entire communities identity and power.

WARN responded to these acts by reporting it in their newsletter and by intervening in custody battles. It and other native activist groups, like AIM, lobbied for the passing of the ICWA. Its founding members like Pat Bellanger and Madonna Thunderhawk lobbied for the creation of the Indian Child Welfare Act and continue to work as advocates for children. This past year the 41-year-old bill's constitutionality has come up for debate. The 2019 Brackeen v Bernhardt lawsuit scrutinize the ICWA claiming it lays too much emphasis on the preservation of culture rather than the immediate needs of a child.[85] Both parties agreed on the insufficient

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[84] Rose L. Clark and Carrie L. Johnson, "Overview of Issues Facing Native Women who are Survivors of Violence in Urban Communities," in *Sharing stories of Survival: Native Women Surviving Violence,* 87.

[85] Lean Litman and Matthew L.M. Fletcher,"The Necessity of the Indian Child Welfare Act", The Atlantic, January 22, 2020, https://www.theatlantic.com/ideas/archive/2020/01/fifth-circuit-icwa/605167/.

resources available to the foster care system in general. The case continued into January 2020 where the Fifth Circuit held that the ICWA is constitutional because of the Constitution's unique obligation towards Indians.[86] The issue surrounding the constitutionality of the ICWA, shows how actions of these activists continue as a part of current human rights discussions. It ultimately reveals that actors like those in WARN are dynamic, influential contributors to the greater historical timeline. Recognizing the value of these alternative viewpoints or timelines is key to understanding contemporary human rights issues in the United States.

WARN Activists Now.

The original founders of WARN and members of AIM are still active in human rights initiatives today. Many of these actors continued in their quest for American Indian women's rights and protection of children. Their continued stories show themselves and their communities as constantly present and dynamic players in the American historical timeline. Even more, their continued advocacy shows the persistent need for human rights support within the United States.

Madonna Thunderhawk and Phyllis Young continue to be engaged in advocacy efforts through the Lakota Peoples Law Project (LPLP). Thunderhawk is an original member of AIM, participated in the occupation of Alcatraz, the siege of second wounded knee, and co-founded WARN. She is currently one of the key organizers of the Lakota Peoples Law Project where she focuses on rights surrounding child custody. Currently LPLP is fighting for the return of over 2,000 children in South Dakota who were illegally removed from their homes and placed into

[86] Erin Dougherty Lynch and Dan Lewerenz, "Brackeen V Bernhardt-Indian Child Welfare Act, Native American Rights Fund, Accessed March 24, 2020, narf.org/cases/brackeen-v-bernhardt/.

non-Indian care, this was done in direct violation of the ICWA.[87] Thunderhawk is also the founder and spokesperson for Black Hills Alliance, an organization which actively fights uranium mining on sacred land and the construction of the Keystone XL Pipeline.

Phyllis Young is a co-founder of WARN and is enrolled in the Lakota tribe. She currently serves the LPLP with Thunderhawk as a part of the Local Lakota staff. Young has worked predominately in the field of environmentalism and was one of the leaders against the Dakota Access Pipeline. She currently leads a campaign called #GreenTheRez, which focuses on bringing renewable energy and energy independence to Standing Rock reservation in South Dakota. This mission aims to create a "blueprint for other tribal nations to follow."[88] In addition, to her work locally, she also served on the Smithsonian's National Museum of the American Indian board for 15 years. Young is an example of a continued leader in her field of activism, but also in her work with the Museum of the American Indian as a key person in the transmission and preservation of history.

Pat Bellanger (1943-2015) also continued to be a major advocate for WARN, AIM, children's rights, and women's rights throughout her life. She was dubbed the "Grandmother of AIM" and participated in the occupation of the BIA office in Washington D.C and the Occupation of Wounded Knee.[89] Bellanger was a founder and board member of the International Indian Treaty Council recognized by the UN. Even more so, she helped to lobby for the ICWA and was a life-long grassroots leader in Minneapolis.

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[87] "#GreenTheRez: Support Energy Sovereignty for Standing Rock," Digital Petition: Lakota People's Law Project. Accessed March 24, 2020, https://www.lakotalaw.org/our-campaigns/land-and-resources.
[88]Ibid.
[89] Randy First, "Pat Belanger, Prominent Indian Activist from Minneapolis, dies." Star Tribune, April 6, 2015, https://www.aimovement.org/moipr/PatB2.html.

Lorelei DeCora Means, the co-founder of WARN, was a present member of AIM during second wounded knee and acted as a medic. Through this experience she continued into the health profession and became a registered nurse. She founded Talking Circles in 1993 at Porcupine Clinic in Pine Ridge South Dakota, a diabetes treatment and prevention project.[90] This was a nationally recognized project that aimed to created community centered healthcare and disease prevention. DeCora brings new ideas surrounding healthcare for American Indians and has continued to be an active advocate in human rights.

Janet McCloud (1934-2003) was responsible for the organization of "fish-ins" in Washington during the 1960s which protested the continued state violations of tribal treaties. Her actions resulted in the 1974 Boldt decision which assured treaty fishing rights in the Nisqually and Puyallup rivers.[91] She was an active member of both AIM and a founding member of WARN. In addition to her work in treaty rights, McCloud continued to support actions to end domestic abuse in American Indian communities throughout her life.

Another major actor in WARN is Winona LaDuke who focuses predominately on environmental issues. LaDuke, ran with Ralph Nader in his campaign as candidate for Vice President of the United States in 1996 and 2000. She is the program director of Honor the Earth, a non-profit focused on international and national issues of climate change, renewable energy, food systems, and environmental justice for indigenous communities.[92] She was also inducted into the National Women's Hall of Fame in 2007. LaDuke's contributions to her community and to the greater United States fully embody the idea of the integration of American Indian actors

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[90] Schaller SK.B , *100+ Native American Women who Changed the World*, Sarasota, FL: The Peppertree Press, 2014.
[91] Ibid.
[92] "Winona LaDuke: Executive Director- Honor the Earth," Honor the Earth, Accessed March 24, 2020, https://www.humansandnature.org/winona-laduke.

into mainstream American History. She is not only an American Indian leader, but a leader in general. Her story continues to break down the walls between multiple historical timelines and works to show that the American Indian community and identity is a continuous part of contemporary historical discussions.

In conclusion, the continued presence of these women shows a dynamic and modern view of women and American Indians. Not only did they participate in major historical developments in the 1960s and 1970s, but they have continued to affect their communities and national discussions. WARN's founders are all examples of the need for continued research into neglected histories. Without an understanding of these past injustices, the actions that were taken against these injustices and *all* of the people involved, we cannot understand the complexity of modern conversations around issues like the Keystone XL Pipeline, ICWA, claims of genocide, and other major human rights violations.

Why is this important for Human Rights?

As we saw in the chapter one, the events that transpired, such as sterilization and coerced removal of children, can constitute genocidal action. In chapter two, we have been able to look more in-depth at the situations, players, and the effects of these events. Often, we hear the masculine side of historical developments in human rights or civil rights movements. For instance, it is usually AIM and its male actors that are commonly reported in textbooks, academic articles, and news articles. Here we sought to deeply discuss other viewpoints in this era, such as American Indian women. To do so is to incorporate intersectionality into human rights understanding. It challenges the scope of human rights to reach across from potentially euro-centric ideologies and missions. It also challenges traditional protectors of human rights

ideology, like the United States, to constantly account for its own histories and individual perspectives.

Human rights work in general is a female dominated field. One of the major political influencers and a chairperson for the Universal Declaration of Human Rights was Eleanor Roosevelt, the founder of the social work profession in the United States is Jane Addams, and the non-profit sector was built by and continues to be run predominately by women. WARN's successes and its members' continued successes show the influence of these activists. Their struggles also bring to light new ideologies and valuable information about human rights abuses. In all, by focusing on the female actors of WARN it empowers their stories and pushes them into mainstream conversations.

Moving forward, understanding past abuses helps to understand current ones. With the reestablishment of WARN in January 2020 and with continued protests against the construction of pipelines, mines, and border walls, there is a need to account for past human right infractions in order to fully understand the missions of activists today. In the context of coerced sterilizations and removal of children, we also see the reasons for long-standing community trauma. The narratives of women in those communities offer valuable insight to the feelings, effects, and the scope of these events. Women activists and actors continue to act as voices for other women, but also as major advocates for their communities. Their testimonies and actions provide evidence of these abuses and also offer reasons behind these abuses. These ideas and accounts can be overlooked in traditional narratives, like the GAO report or in popular news articles, because they fail to account for these women. The inclusion of these dialogues from other viewpoints allows for the creation of a more inclusive understanding of present human rights in America.

In all, WARN provides a holistic view of historical human rights studies that includes the 20th century, the United States, and women. It encapsulates the need to look beyond traditional narratives, to self-reflect, and to broaden the scope of human rights.

Chapter 3: Contemporary Testimonies

Introduction

Fictional narratives and poetry are key to understanding the depth and personal impact of historical events relating to human rights. Narrative works tend to reflect historical development. In many of the following works in this chapter we will see references to AIM, read stories about foster care abuse and witness instances of multigenerational trauma. Although these events are experienced by fictional characters, they still hold a grain of truth and come from real-life inspiration. Additionally, many historical analyses and rare viewpoints are found within these writings. By exploring outside of traditional academic literature, we can find how events affected people and hear from voices that tend to be overlooked. In this section we will specifically focus on female writers of American Indian heritage, both to amplify their voices and to fill important gaps in information. These writers focus on a variety of topics ranging from alcoholism, racism, criminal justice, and depression. Most interestingly they focus on the topics that WARN laid heavy focus on including coerced sterilizations and removal of children. This section will examine multigenerational trauma which stemmed from genocidal actions. It will also take into account women's roles in their communities and ideas of female activism. In all, this chapter aims to create a more holistic, human view of history.

Testimony through Poetry

Poetry is a popular medium of expression employed by many of these women writers. Within these works they express feelings, define situations, and give insight on the effects of multigenerational trauma. The key authors that we will discuss are Nila NorthSun, Laura Tohe, Joy Harjo, and Linda Hogan. All of these authors are contemporary writers and spin ancestral narratives into commentary on historical developments in the 20th century. Each poem articulates

issues spanning from coerced sterilizations, removal of children, and the importance of motherhood and the cultural power of reproduction. Not only do these short poems give light to ideas surrounding feminism, tribalism, and social problems, they offer a uniquely personal viewpoint on how these events affected people and their communities.

Nila NorthSun " Social Worker"

Nila NorthSun (1951-), born of Chippewa and Shoshone descent in Nevada, wrote an anthology of her works entitled "A Snake in Her Mouth: Poems 1974-1996" She is considered a major part of the Native American literary renaissance of the 1970s. NorthSun focuses on everyday life for women on the reservation and issues dealing with culture, domestic violence, and the aftereffects of major trauma. One of NorthSun's poem that will be explored in this section is called "Social Worker." In this work NorthSun focuses on the issues surrounding social work and human services on reservations.

In the poem "Social Worker," NorthSun highlights the perceived threat of social workers on the reservation in a critical way. NorthSun uses her voice to artfully recognize the disparities in human rights work and lack of intersectionality which ultimately harms a community. She uses her art in order to draw readers attention to the eugenic thinking which separates families and threatens the larger community. The opening line of the poem states, "They call her the 'basket lady''" She states that there is an "Indian legend" that involves a woman scooping up children in her basket only for the children to never been seen again.[93] The poem goes on to predict that the social worker is a reincarnation of this legend, but instead "scoop[s] children into her car waving petitions of child abuse and neglect." [94] This poem provides an emotionally

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[93] Nila NorthSun, *A Snake in Her Mouth,* University of Michigan: West End Press (1997), 78
[94] NorthSun, 78.

charged example of the need for the Indian Child Welfare Act (ICWA). Traditional reports fail to show this aspect of policies and its effect on the individual person.

This short poem further illustrates the issues that activists were trying to address, which was the lack intersectionality in human rights and presence of eugenic thinking. In the quotation “the parents bleary eyed, maybe drunk, not really knowing that is not the way children are ‘supposed to be’ raised,” NorthSun addresses multigenerational issues concerning alcohol abuse.[95] Most importantly she highlights the imposition of standards which are either not congruent with culture or difficult to achieve due to multigenerational trauma and lack of resources in this community. Ultimately, the imposition of these standards resulted in botched processes which did not address cyclical issues caused by generations of imposed hardship.

To link this back to our earlier discussion on genocide, here we see the issue eugenic ideology in past human rights work. This instance displays the commonality of removing Indian children from their homes and usually to be placed in non-American Indian homes. It can be inferred that the focus of these efforts was charged with ideas about race and nationality. Although this was not done with the intent of destroying a community, cyclical discrimination did wreak considerable damage. With all things considered, Nila NorthSun’s poem highlights the emotional qualities of policy work that usually go under recognized. Her distinct voice sheds light on human rights situations

The Effects of Human Rights Infringements Shown through Artwork

A great deal of focus for many of these writers is the importance and power behind a woman’s reproduction capabilities and sense of motherhood. Activists and authors alike assess

[95] Northsun, 78.

through their works that procedures, such as sterilizations and the removal of children threatened not only a woman's physical health but also her spiritual well-being. Authors such as Joy Harjo (1951-) emphasizes women's experience and often melds the natural world and the individual. Joy Harjo is a member of the Mvskoke Nation in Oklahoma and the first Native American United States Poet Laureate. In one of her works, "Early Morning Woman," Harjo emphasizes the connection between a woman's fertility and natural balance.[96] In the quotation, "early morning woman she begins the sun, the child are the moving cycle…" she illustrates a cyclical connection between the sun, a woman, and her child. [97]

In poem offered by Linda Hogan (1947-), an author of Chickasaw heritage, entitled "The Women are Grieving," she explores the loss of children and the affect that it has on the mother. Hogan describes the deep depression felt by these mothers in either their inability to have children or the removal of their children. In one remarkable line she states, "They light fat candles their hands molded in the hopeful shape of children."[98] Here the idea of children as a "light" could mean the idea of children as the future of a community. In that sense, there is not only serious pain for the parents but also the feeling that their cultural future is in jeopardy.

In all, Joy Harjo and Linda Hogan highlight in their works the importance of understanding the individual's emotion in context to greater events. These authors show that in human rights study it is not enough to see the harm in the numbers. One needs to be able to recognize the spiritual and emotional harm done to those involved. Writers like these two women reveal the human side to human rights.

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[96] Joy Harjo ,"Early Morning Woman" in *That's What She Said"* ed. Rayna Green, Indiana University Press, (1984), 127.
[97] Ibid.
[98] Linda Hogan, "The Woman are Grieving," in *That's What She Said*, 167.

Lastly, Laura Tohe (1952-), a member of the Navajo nation, a poet Laureate, and a professor of English at Arizona State University, wrote a poem entitled "In Dinétah." In this work she describes the century of hardship and resilience of the Diné people. Tohe took a historical event and reflected the feelings around these events. Interestingly, she openly compares their suffering to examples of genocide in history. Here not only is she providing commentary on how her people were forced to suffer, but steps further and asserts that their human rights were violated in the most extreme way.

Tohe's comparison illustrates the history behind multigenerational traumas related to genocidal actions. In the quotation, "What was our crime? We only wanted to live as we had in our sacred mountains…Others had their death march: The Trail of Tears, Auschwitz."[99] She makes a clear comparison to the trauma felt during the Holocaust and American Indians during the time of Manifest Destiny. This similarity urges readers to include ideas of human rights and genocide within the framework of American history. Tohe's poem expands the understanding of human rights from a European context and challenges readers to examine their own histories and ideals. Her ending remains hopeful as she recognizes both the damage and resilience of her people.

In summary, artforms like poetry give an important testimony for genocide studies. It reflects the individual thoughts and feelings of those involved in tragedy. Analyzing poetry gives history a more humanistic view of events. Within these works, authors display deeper meaning behind these events. For instance, looking at the GAO study one can understand that at least 3,406 women were affected by sterilizations. But by looking at artwork you see greater themes

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[99] Laura Tohe, "In Dinetah," in *Sister Nations: Native American Women Writers on Community,* St. Paul, MN: Minnesota Historical Press (2002), 102.

like the effects on one's identity and ideas of womanhood. Lastly, poetry is a popular medium for women activists and members of the American Indian communities. One can attribute the wide use of poetry among this community to its emphasis on use of metaphors, vivid imagery, and its non-linear style. These works reflect the greater historical developments of the time that they are written and the feelings felt by the community during that time. By including these works as historical testimonies we can open up the discussion to a wider community and reflect more on the human experience behind human rights related events.

Human Rights History in Novels and Entertainment

Contemporary novels by American Indian women activists and male authors are rich in comparisons, emotional developments, and historical reflection. The following section will analyze the works of Winona LaDuke, Sherman Alexie, and Craig Johnson.

To begin, the well-known activist and environmentalist Winona LaDuke wrote a novel entitled "Last Standing Woman" in 1998. It specifically looks at her own tribe the Ojibwe in White Plains Minnesota. The book is arranged chronologically beginning in the turn of the 20th century and up to the millennium. One feature that is present in this book is that it contains many intertwining characters and timelines. The novel spans seven generations of the Anishinaabe people and focuses specifically on women actors. LaDuke mirrors many fictional situations in the novel to real life events. Her book also looks specifically at women and their place in activism in contemporary history. By using her work as a testimony, it creates a space where historical human rights related events are seen in a deeper context.

In "Last Standing Woman," she makes reference to the mission of WARN. LaDuke writes about a character named George whose mother suffered from alcoholism and himself from developmental damage due to his own substance abuse at a young age. The narrative points

to cyclical discrimination from the U.S government which caused these hardships. That they were "curses for resisting the white people."[100] The chapter explains this idea further in the quotation, "The Pine Point people prevailed, drawing from the deepest wells of their souls to outlive president after president, one Indian agent after another, and four decades of stingy, malevolent, and sometimes just plain bizarre Indian policy." [101] This section displays the idea of multigenerational trauma and Lemkin's broader definition of genocide. Here George reflects on the effects that all of these impositions had on his community and identity, even if they were not physically destructive. LaDuke's writings do not describe physical destruction but Lemkin's idea of cultural destruction caused by generations of assimilation and hardship imposed on a community based on their identity.

Moving forward, this same chapter has George reflecting on policies which led to the ICWA. The following excerpt discusses issues surrounding foster care. This theme is present in many other fictional works as well as historical reports about American Indian families in the 1970s:

> "Welfare had barged into her house one day after her infant son and toddler daughter. Clucking about poverty and squalor, the social worker had conducted a terse and one-sided interview with the bewildered woman, and within twenty minutes walked out the door with a bag of clothes and her two children, leaving George's mother empty and confused. Many years later, she heard that her children had been moved from foster home to foster home across the state of Minnesota, until they were finally adopted into separate white households. Having signed over

[100] Winona LaDuke, *Last Standing Woman,* Stillwater, MN: Voyageur Press (1997), 115.
[101] Ibid, 116.

> her parental rights, she could never relocate them, and they could never know of her, their blood family, or even each other."[102]

This narrative reflects historical developments like the ones found in the U.S hearings which created the ICWA. For instance, the narrative takes place in 1970 and in the 1977 the U.S Hearing on the ICWA reported that American Indian children in Minnesota were 1,600% more likely to be place in foster care. LaDuke's narrative also allows for a personal look at the impacts of these polices as it follows George's mother throughout the chapter until her suicide.

Winona LaDuke goes further in her novel "The Last Standing Woman" and creates a scene which mirrors the events of Second Wounded Knee but highlights the roles of women in such events. These fictional events took place in 1990 and involve the characters occupying a logging operation as a protest against tribal corruption and environmental devastation. It involves actions by the FBI, the killing of a protestor, and occupation of tribal buildings. In this section entitled "The Occupation" the main actors include three women named Elaine and Lucy, the main organizers, and reporter Alanis. By focusing on woman and their contribution to activism this work mimics real-life histories surrounding WARN and also LaDuke's organization Honor the Earth. Ultimately "Last Standing Woman" recognizes women's important connections and human rights roles within their communities.

Author Sherman Alexie, an enrolled member of the Couer d'Alene nation in Spokane Washington, offers another historical testimony through his narrative works "The Lone Ranger and Tonto Fist Fight in Heaven." It should be noted that Alexie was brought up for sexual harassment charges in 2018, some of which have been confirmed. Given the nature of this project, his work, not his status as an activist, will be referenced only in as it pertains to

[102] LaDuke, 117.

WARN's overall mission. In this work he makes mention of the Red Power Movement, sterilizations, and adoptions. Alexie makes commentary on human rights abuses and multigenerational trauma in his novel. The addition of these types of works in studying history makes it possible to create a more holistic and humanistic view of events surrounding human rights.

To begin, Alexie's work "The Lone Ranger and Tonto Fist Fight in Heaven" highlights the effects of sterilization in Indian Health Services (IHS). In his chapter entitled "Every Little Hurricane" set in the year 1976 the character Victor, based on Alexie himself, recalled the hardships and discriminations his parents had faced. One in particular involved his mother. In the quotation, "Victor's mother remembered how the Indian Health Service doctor sterilized her moments after Victor was born."[103] Here we see the reflection of history in narrative form. As the chapter progresses Victor states "The hurricane that fell out of the sky in 1976 left before sunrise, and all the Indians, the eternal survivors, gathered to count their loses." In this quotation, Alexie pulls at the idea of multigenerational trauma and genocide, especially in the phrase "eternal survivors." This theme of storms, disasters, and loss are present throughout his work. Their presence displays the effects of cyclical discrimination and genocidal acts which continue to affect his community into the 20th century.

Alexie mentions sterilization once more in the chapter entitled "Fun House." The narrator recalls his aunt Nezzy giving birth to her only son, Albert. The delivery room at the IHS was described as " a madhouse, a fun house."[104] The section starts off with an unexperienced doctor

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[103] Sherman Alexie, *The Lone Ranger and Tonto Fist Fight in Heaven,* New York City, NY: Grove Press (2005), 8.
[104] Alexie, 81.

yelling to his nurses "I've never done this before. You've got to help me."[105] This statement reflects the issues stated in Lawrence's work, WARN's "The Theft of Life," and in the GAO report. Incompetence and lack of training from medical staff in the health clinics which served in American Indian communities during this era. Furthermore, the issue surrounding consent waivers and not abiding by the 72-hour waiting period is touched on in this work. The narrative goes on to describe how the narrator's aunt was sterilized following the birth of her son. In the quotation, "While my aunt held her baby close to her chest, the doctor tied her tubes, with the permission slip my aunt signed because the hospital staff lied and said it proved her Indian status for the BIA."[106] This piece of realistic fiction emphasizes the widespread permeation of sterilization in American Indian communities, so much so that they have become a regular part of contemporary narratives. Testimony through fictional works to show the larger social and emotional impact of such human rights related events.

Western mystery writer Craig Johnson, a white man from Wyoming, does much to highlight the dynamic quality of the Northern Cheyenne, Lakota, and Crow communities. In many of his contemporary fictions he makes mentions of the Red Power movement, issues surrounding violence towards American Indian women, and abuse in foster care systems. Although both the book series and popular television show were highly dramatized, when comparing the root of each story to historical evidence there is a great deal of truth.

In the novel "Another man's Moccasins" the characters explore the possible link between a Crow man named Virgil White Buffalo and the murder of a Vietnamese woman. The novel includes many flash backs to the United States Vietnam era where there is discussion on Civil

[105] Alexie, 81.
[106] Ibid.

Rights infringements against American Indians and the Red Power movement. While the main characters examine a bag of evidence, they find Virgil's army jacket with "Red Power" written on it.[107] One of the main characters Henry Standing Bear notes that "…he's one of us."[108] In other portions of the series and within this novel it is well understood that Henry was a part of many American Indian civil rights movements in his youth. The permeation of Red Power and specific traumas related to genocidal actions in narrative works show the deep interest and lasting effects that they had on entire communities.

The popular A&E televised version of the Longmire Series dedicated three episodes that relate to the mission of WARN. One episode entitled "Miss Cheyenne," follows a woman and her life-long grief after being sterilized without consent by a volunteer reservation doctor in the 1970s. This episode uncovers the eugenic ideology behind these procedures and relates back to Dr. Pinkerton- Uri's idea of "warped thinking." The former doctor in the episode states that "…it was a constant cycle of poverty and substance abuse, sterilization was the only way of breaking that cycle, now some saw it as radical, but I saw it as a way to help women escape the horrors of the reservation."[109] Later the women he had sterilized stated this doctor had performed an appendectomy on her only to find out years later that he had also sterilized her. This sent the character into a deep depression and an attempt at suicide. This fictional character's situation was quite similar to other historical accounts. This fictional rendition of history allows viewers to better understand the intense loss and grief which accompanies human rights abuses.

Another episode entitled "Dog Solider," details children forcibly removed from their parents and placed into foster care. This episode tackled issues surrounding the ICWA, the

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[107] Craig Johnson, *Another Man's Moccasins,* New York: Viking Adult (2008), 46.
[108] Ibid.
[109] *Longmire,* S3, E3, "Miss Cheyenne," Alex Graves/Craig Johnson/Hunt Baldwin/ Robert Taylor, Katee Sackoff, Lou Diamond Phillips, June 16, 2014, A&E, minute 33:17.

vulnerable positions that actions like these left families, and eugenic model thinking. One character, the father of a boy in foster care, remarked "They [family services] took him out of school and put him in foster care, they didn't even have the decency to tell us."[110] Lastly, one of the newest initiatives of WARN as it reemerged in January 2020 was to combat the occurrence of "man-camp" phenomenon. "Man-camp phenomenon" is seen in on episode entitled "The Calling Back," detailing the experience of a young woman who was sexually assaulted by a miner from a nearby oil drilling site.

The use of such historical themes in contemporary entertainment shows the large impact that these events had. The telling of such developments in narratives gives activists and authors a space to depict human tragedy and personal connection to these events through characters based on realty. No narrative is perfect or unbiased, but they lend a valuable testimony to the effects and legacies of human rights in history.

Conclusion

Artwork and fictional works can be used in conjunction with historical sources to create greater human understanding in historical developments, especially in the topics of human rights. Narratives, entertainment, and poetry tend to reflect the emotions and personal impacts surrounding historical events that are seldom captured in primary source materials. Works like the ones above have key insights to historical events and the impacts that they had on communities. Additionally, the use of fictional characters based on realty gives readers insight to very true emotions. Poetry and other literary artforms provide a platform for authors and activists to analyze historical developments. These works also reveal greater themes within these events

[110] *Longmire,* S1, E5, "Dog Solider," Alex Graves/Craig Johnson/Hunt Baldwin/ Robert Taylor, Katee Sackoff, Lou Diamond Phillips, July 1, 2012, A&E, 4:47.

which stretch outside of official reports. Themes like the importance of fertility in a woman's identity, the links between generational traumas to human rights, and the overall attitudes of those affected by genocidal actions like sterilizations, foster care injustices, and cultural repression. Finally, the inclusion of such works allows for more voices to be heard. Many of those affected by genocidal events express themselves through art. By including artworks as testimonies, it creates a more inclusive and human centered approach to history.

Conclusion

Reflecting on the past three chapters, the question of genocide in the American context continues to be an ever-present idea with a very real impact. Human rights history encompasses much more than analysis reports and policy, but also a recognition of cyclical causes and individual experiences pertaining to events like coerced sterilizations and removal of children.

The term “genocide” can include the cultural realm as well as physical existence. What is a culture without its members? The analysis of this term throughout this project was done in order to expand the idea of where human rights topics are applied. This was done in order to open the American historical development to comparison and reflection. Although there was a lack of uniform intent, the cyclical issues surrounding the situation of American Indian communities, past and present, made them susceptible to grave human rights abuses which bear great similarity to genocidal actions.

In exploration of new viewpoints or actors one can find new perspectives. By specifically looking at WARN and female activism, alternative ideas and accounts of community impacts are exposed. This empowers other voices in history and offers a new lens to see past and present events. Ultimately, WARN’s actions and the continued activism of its members displays the need to continuously challenge overarching narratives or silence. The Red Power movement of the 1970s is a moment in history which challenges historians to engage in mindfulness in order to strengthen the concept of human rights.

Finally, the use of artwork and fictional narratives as historical testimonies amplifies new voices in the historical development. Many actors use artful mediums to express the impact of historical events on themselves and their communities. Poetry by these female activists shed light on hidden themes, emotions, and consequences of this moment in history. The presence of such

reflections in novels and television hints at the magnitude of instances like sterilizations and removal of children. In all, the analysis of these works as testimonies express the human element to human rights studies.

It is our duty as historians to seek out these stories. Human rights remain a distant objective, but it become closer and more universally understood when we incorporate more stories, definitions, voices, and reflect on ourselves.

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