



Table of Contents

Preface	xi
Acknowledgments	xv
Chapter One: Introduction	1
Injustice in Indian Country	5
A Note on Specificity	10
A Note on Terminology	10
What Is Justice?	12
Chapter Two: Literature Review and Methodology	15
Framing Jurisdiction Under Federal Indian Policy	15
Race, Gender and Colonization: Intersectionality in Sexual Violence Against Native Women	18
American Jurisdiction and Federal Indian Policy: Exerting Agency and Creating Social Change	21

Chapter Three: Historicizing Jurisdiction in Indian Country	27
<i>Ex Parte Crow Dog</i> —1883: The Original Jurisdictional Conflict	28
The Major Crimes Act—1885	30
The Dawes General Allotment Act—1887	32
Public Law 280—1953	34
<i>Oliphant v. Suquamish Indian Tribe</i> —1978	37
Conclusion	39
Chapter Four: Jurisdiction and Sexual Violence Against Native Women	45
Determining Jurisdiction in Indian Country	46
Federal Declination and Impunity	53
Predatory Violence Against Native Women in the Wake of <i>Oliphant</i>	55
The Colonial Context of Sexual Violence: Constructing the Native “Other”	57
The Colonial Context of Sexual Violence: Gendering the Body, Gendering the Land	70
Conclusion: Jurisdiction as Sexual Violence	73
Chapter Five: Examining the Federal Response to Jurisdictional Conflicts in Indian Country: The Tribal Law and Order Act of 2010	79
Framing the Problem, Framing Solutions	80
Western Legal Hegemony	84
The Homogenization of Violence: Racial Identity and Predatory Violence	88
Chapter Six: The Ghost of Kǎŋǧí Šúŋka and the Enduring Myth of Savage Justice: The 2013 Reauthorization of the Violence Against Women Act	97
Chuck Grassley and the Ghost of Kǎŋǧí Šúŋka: Analyzing Opposition to Title IX of VAWA 2013	99
Title IX: Policy, Perception and Potential	106
Whose Lives Matter? Domestic Violence and the Construction of the “Other” in VAWA 2013	107
“Safety for Indian Women” as Assimilation for Tribal Governments? Reexamining the Paradigm of “Law and Order”	113
Theorizing Solutions: Radicalizing VAWA 2013	116

Chapter Seven: Differential Consciousness, the Third Space of Sovereignty, and Strategies for Social Change	125
What Is Justice?	129
Conclusion	130
Appendix A: Glossary of Terms	135
Appendix B: Law and Policy Reference Bibliography	139