

Broken Traditions:

Overcoming the Jurisdictional Maze to Protect Native American Women from Sexual Violence

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INTRODUCTION

The rape of Native American women has been likened to the destruction of indigenous culture because both are seen as “attacks on the human soul.”¹ Both, it is claimed, are “a kind of spiritual death.”² This sentiment is explained by Andrea Smith, a Native American anti-violence rape counselor and activist, who wrote that “every Native [rape] survivor I ever counseled . . . said to me at one point, ‘I wish I was no longer Indian.’”³ These women, who believe that they are targets of violence specifically because they are *Native* women, therefore consider that the only solution to the rape crisis currently sweeping Indian country⁴ is to lose their indigeneity.⁵

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1 Sarah Deer, *Sovereignty of the Soul: Exploring the Intersection of Rape Law Reform and Federal Indian Law*, 38 SUFFOLK U. L. REV. 455, 459 (2005).

2. *Id.*

3. Andrea Smith, *Not an Indian Tradition: The Sexual Colonization of Native Peoples*, HYPATIA, Spring 2003 at 70, 71.

4. The term “Indian country” refers to all lands within an Indian reservation, all dependent Indian communities within the U.S., and all Indian allotments or trust lands. 18 U.S.C. § 1151 (2000).

5. In fact, Sarah Deer, staff attorney and Victim Advocacy League Specialist for the Tribal Law & Policy Institute, has stated that “when speaking with Native American women who