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Missing and Murdered Indigenous Women and Girls:

From Killers of the Flower Moon to Present

There is a misconception that the abuse of Native peoples is a regrettable yet exclusively historical occurrence. The 5.5 million Native Americans that were enslaved in the Americas (“Colonial Enslavement of Native Americans”), the weaponization of smallpox to decrease the population of Native American people (Wills), and the forced displacement of tribes by the government (“Trail of Tears”) are among the few of many adversities that are commonly cited. While the exploitation of Native Americans is certainly a pattern throughout American history, injustices done to Indigenous peoples, especially women and girls, continue to plague tribes across the United States. This paper will compare the circumstances of the women in David Grann’s *Killers of the Flower Moon* to the Native American women of the present.

David Grann’s book *Killers of the Flower Moon* is about a string of murders in Oklahoma in the 1920s. Shortly after oil was found beneath reservation land, the Osage quickly became one of the wealthiest groups of people in the United States. With their wealth came mass media attention and outsiders flocked to the oil town to make their own fortunes. William Hale, an influential figure in the town, hatched a plot with his nephews to infiltrate an Osage family to systemically murder them and steal their oil rights. Mollie, her sisters, and her mother became Hale’s targets.

Mollie Burkhardt was fiercely devoted to her family. She, along with her husband Ernest Burkhardt, William Hale’s nephew, cared for her elderly mother Lizzy. In Grann’s retelling of

events, Mollie hosted a luncheon for Ernest's family. Mollie called her sister Anna to visit with their mother while Mollie attended to her guests; however, when Anna arrived she was intoxicated. Mollie cleaned her up, changed her clothes, and sent her home. A week later on May 27, 1921, a badly decomposed corpse was found. Mollie identified the corpse immediately, as the body wore the clothes she had changed her sister into just the week prior (Grann 11-17). Over five years, Mollie became the last surviving member of her family. Her sister Minne had died a few years prior to a "peculiar wasting illness" that was likely induced by poison (Grann 6). Her mother Lizzie would succumb to the same fate (Grann 39). Mollie's cousin Henry Roan was found murdered in an abandoned car (Grann 91). Her sister Rita Smith and brother-in-law Bill Smith died in a house explosion (Grann 101). The nature and proximity of these deaths made the likelihood of coincidence improbable at best. As we know from the end of the book, this family was preyed upon by influential opportunists looking to steal the oil rights they collected as members of the Osage tribe.

When Lily Shangreaux, an independent film producer who mainly works with Native American stories, visited the University of Arkansas - Fort Smith to screen a short film she had co-produced, "Osage Murders," she was asked by an audience member what has changed for the Native American people since the murders. She replied, "The music and the clothes." Native Americans, especially women and girls, still experience violence at disproportionate rates, and most times their abusers walk free.

According to the National Institute of Justice Journal, more than 4 in 5 Indigenous women experience violence in their lifetime and 97% of this violence is committed by non-Natives (Rosay). Until recently, tribes did not have the legal authority to prosecute non-Native offenders. The Indian Law Resource Center proposed the following:

The Census Bureau reports that non-Indians now comprise 76% of the population on tribal lands and 68% of the population in Alaska Native villages. Many Native women have married non-Indians. However, it is unacceptable that a non-Indian who chooses to marry a Native woman, live on her reservation, and commit acts of domestic violence against her, cannot be criminally prosecuted by an Indian nation and more often than not will never be prosecuted by any government. (“Ending Violence Against Native Women”)

For decades, tribes have been denied the right to protect their women from violence done to them by non-Natives, which accounted for the majority of such violence.

When a crime is committed by a non-Native on Native land, the tribe must appeal to the Federal Government to prosecute the offender. According to the U.S. Government Accountability Office, the U.S. Attorney's Office “declined to prosecute 46 percent of assault matters and 67 percent of sexual abuse and related matters” between 2005 and 2009 (“U.S. Department of Justice Declinations of Indian Country Criminal Matters.”). Tribes had not only been unable to protect Native women themselves but were also prevented from seeking justice for abused women and girls via federal means.

The following are examples of Indigenous women and girls that have been reported missing within the last five years. Of the cases presented in this paper, no convictions were made despite evidence leading to a person of interest. Numerous explanations were provided for this such as lack of physical evidence, public aversion to the police, and changes in county jurisdiction. The degree of action taken by law enforcement is varied throughout the three cases.

Khadijah Britton, twenty-three at the time she went missing, was a 4.0 student and talented athlete who planned to play basketball in college. She would often coach her little brother who wanted to follow in his sister's footsteps. On January 30th, just a few weeks before Britton's reported disappearance, a deputy responded to a call from her boyfriend's, Negie Fallis', residence to take a report of domestic violence between the couple ("Family Vows"). According to a local newspaper, witnesses claimed they last saw her forced into a car at gunpoint by Fallis after a physical altercation (LaFever). Despite these accounts, Fallis was never charged in connection with Khadijah Britton's disappearance.

Those close to the couple, including Britton's family, testified to the turbulent nature of their relationship. Laura Betts, Khadijah's aunt, told Dateline of the "history of abuse" between the couple. Fallis was later arrested and convicted of multiple crimes; however, the crimes were concerning possessing a gun as a felon, and none were connected directly to Khadijah's disappearance ("Family Vows"). Sheriff Kendall of Mendocino County has released several statements since 2018, some in collaboration with the FBI, updating the public about Khadijah's case. Kendall attributes the case being unsolved to "a culture of not talking to law enforcement that exists in Round Valley" (LaFever). Though witnesses have come forward about what they saw that day, authorities are hesitant to give the case a trial without conclusive evidence. According to a local article posted four years after Britton's disappearance, "the evidence relies on individuals that provided initial statements to deputies after Britton's disappearance, later recanting them after it was determined Britton had been killed and then wanting to submit a new statement" (LaFever). No information on new leads or charges is available online. Her body has not been found.

Ashley Loring Heavyrunner disappeared from the Blackfeet Indian Reservation in June 2017. Twenty years old at the time, Ashley was pursuing a degree in environmental science at a local community college. Her family reached out to Blackfeet Law Enforcement for help who then conducted a three-day search; Ashley's family continued the search on their own ("Missing and Murdered Indigenous Women Featured").

Two weeks into the family's investigation, a witness came forward and claimed they had seen Ashley running from a vehicle on the highway. The family went to the scene and found a sweater and boots stained with a red substance. Ashley's family turned over the clothing to the police to be DNA tested but never received a response. Ashley's sister, Kimberly, was determined to keep searching. She routinely revisited the scene to look for clues and followed leads from community members. In 2018, Kimberly appeared before the U.S. Senate Committee on Indian Affairs to tell her sister's story and share her experience with law enforcement ("Annual Walk Held for Student"). No information about new leads is available online. Her body has not been found.

The Bureau of Indian Affairs (BIA) did not become involved until two months after Ashley was reported missing. A representative of the BIA told Dateline in June 2021, "the BIA, the Office of Justice Services, Missing and Murdered Unit did receive some recent tips related to the case that officers followed up with, but those did not result in any new information" ("Missing and Murdered Indigenous Women Reported"). Like the case of Khadijah Britton, it is possible the lack of progress could be partially attributed to the reluctance of Native American communities to speak with the police; however, it is important to note the willingness and cooperation of the close family and friends of Ashley was met with silence by investigators and law enforcement.

After Faith Lindsey disappeared from the apartment she shared with her boyfriend Tanner Washington, Faith's sister received a string of bizarre texts from her number. Investigators quickly developed probable cause that Washington was involved and arrested and charged him with first-degree murder on December 19th, 2019 ("Missing and Murdered Indigenous Women Featured"). Before Washington was tried in court, the McGirt ruling in August 2020 decided that "a major part of the land of Oklahoma is still located within the Muskogee Creek Indian reservation" ("McGirt v. Oklahoma: Understanding the Decision and Its Implications for Indian Country"). The location of the alleged crime was then deemed Native American land, so state officials no longer had jurisdiction and the case was dismissed.

The most recent news of Tanner Washington is the claim that the case had been handed off to the FBI. District Attorney Paul Smith expressed his frustration about the dismissal in April 2021: "Having to go back to federal court or tribal court and now knowing what's going to happen – it's just a train wreck" (qtd. in Porterfield). No further information about an upcoming trial or sentencing is available online. Her body has not been found.

It is uncertain what will come of the Faith Lindsey case. This case was unique from the Khadijah Britton and Ashley Heavyrunner cases in a few ways. Unlike the previous cases, the case of Faith Lindsey was successful in getting the attention of local authorities. The action taken by authorities to charge a suspect despite the absence of a confession or body is a rarity among cases of missing Indigenous women. In the Faith Lindsey case, it was an exploit of a recent change in jurisdiction resulting in the dismissal of the case, not a lack of physical evidence as seen in the previous cases. The cases are similar in that a person of interest avoided conviction despite strong evidence against them and are indicative of the lack of transparency between authorities and the families of missing and murdered women and girls.

The previous victims were denied justice despite evidence pointing to clear suspects; however, there are many more victims whose cases are never even reported. In 2016, the National Crime Information Center did a study of 71 reservations in the United States to estimate how many Indigenous women were missing. Of the 5,712 cases of missing women they identified, only 116 of these cases were reported by the US Department of Justice (“Murdered & Missing Indigenous Women”). The lack of communication is not just between authorities and families, but between the jurisdictional lines of tribal, state, and federal agencies.

As deplorable as Hale’s actions were, he was but a point in an expansive history of abuse and exploitation that has loomed over Native peoples since the insurrection of America and was certainly not alone in his contribution to the Osage Reign of Terror. Despite this, the FBI closed an additional twenty-four cases of murdered Osage when Hale was convicted of Henry Roan’s murder (Grann 277). The event responsible for instigating the FBI was not spared from the judicial gatekeeping that is prevalent today. Like the thousands of unreported missing women in 2016 and the cases of Faith Lindsey, Khadijah Britton, and Ashley Heavyrunner, the twenty-four Osage who were ruthlessly murdered for their wealth were denied the right to seek justice in a court of law. The abuse of Indigenous women and girls is not an exclusively historical problem. There is a clear and continuous lack of representation for Native American women and girls in the judicial system. If the repetitious failure to provide protection and justice goes unaddressed, America cannot claim the title of a land of freedom and justice for all.

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