

THE LINK BETWEEN DOMESTIC VIOLENCE & ANIMAL ABUSE IN INDIAN COUNTRY

Sarah Deer
Diana Webster
Liz Murphy

“We cannot address animal oppression or talk about animal liberation without naming settler colonialism and white supremacy as political mechanisms that require the simultaneous exploitation or destruction of animal and Indigenous bodies.”

- Billy-Ray Belcourt

“Equality is thus not simply a human attribute but a recognition of the creaturehood of all creation.”

- Vine Deloria, Jr.

- I. Traditional Relationships and Treatment of Animals within Tribal Communities
- I. Colonization & Its Affects on Human-Animal Relationship in Tribal Communities
- I. Native America Humane Society
- I. Survey & Domestic Violence
- I. Potential Contemporary Solutions & Reform

I. TRADITIONAL RELATIONSHIPS AND TREATMENT OF ANIMALS IN TRIBAL COMMUNITIES

- Every tribal culture has distinct and different relationships to animals.
- Fundamental Tenets/Edicts (General)
 - Creation Stories & Spirituality/Religion
 - Identity: Clan and Affinity Animals
 - Hunting
 - Philosophy

CREATION STORIES

- Tribal values v. Judeo-Christian beliefs → contrast!
 - Tribal: animals play pivotal role in creation of universe, planet earth, and emergence of humans
 - ◆ Animals and humans both revered and respected equally
 - ◆ Stories for both adults and children
 - Judeo-Christian: does not credit animals; creator allows humans to exercise dominion over animals
 - ◆ Animals bifurcated → good v. evil
 - ◆ Animal stories reduced to “nursery rhymes”

IDENTITY: Clans and Affinity Animals

- Clan identity is centrally important to structure of community and family
- Intertwines relationship between animal and human
- Clan creates alliance between human and larger kinship
- Special obligations to clan and animal

HUNTING LAWS

- Most tribal groups are traditionally omnivorous—hunting was a necessity for survival
- Obligations to animal world called for hunting laws → specific protocols
- Belief system: animals had spirits too
- Tribal hunting laws called for respect for the animal. Contrary to Western hunting

- Ex: Makah whaling traditions and laws
- In many tribal cultures, a child's first "kill" of animal is a significant rite of passage for transition from child into adulthood.
- Western hunting currently viewed as "sport" or dominance/superiority over animals
- Ex: Lac du Flambeau deer hunting protocol and laws

II. COLONIZATION AND ITS EFFECTS ON HUMAN-ANIMAL RELATIONSHIPS IN TRIBAL COMMUNITIES

- Colonization changed our relationship to animals.
- Prior to colonization, animal abuse was largely unheard of in tribal communities.
- Clash of cultures
- Same way gendered violence introduced to communities to destroy tribal communities, animal abuse shares similar linkages.

- Two primary European imports: patriarchy and dominion over animals → contrary to most tribal communities' values
- Missionaries and federal agents sought to “civilize” tribal people
- Required tribes to adopt Christianity → changed tribal animal-human relationship to adopting European dominion concept
- Similar to adoption of patriarchy, child abuse and domestic violence in tribal communities

WEAPONIZED ANIMALS

- DOGS: On Columbus' 2nd voyage, he brought dogs trained to attack Caribbean Indians.
- Significant disruption of relationship between Native people and dogs
- Spanish began selling human body parts at markets for training attack dogs to be used in tribal communities.
- Europeans often used dogs to maim and kill Native people (highly documented in 16th & 17th century)
- Mastiffs, greyhounds

- Dogs revered and respected in many tribal cultures
- Prior to European arrival, many tribal cultures:
 - ◆ dogs found in many cosmology & creation stories
 - ◆ dogs viewed as a status symbol for wealth
 - ◆ dogs buried with their owners
 - ◆ dogs used as hunters, protectors, companions
- Europeans using dogs as torture and attack devices altered the relationship between dogs and Native people
- U.S. still using weaponized dogs against Native people (Standing Rock, Sept. 3, 2016).

Contemporary Challenges in Tribal Communities

Some of the most prevalent:

- Animal abuse
- Overpopulation
- Feral animals
- Pack animals, esp. dog maulings

III. Native America Humane Society



- Non-profit founded in 2014 by White Earth Ojibwe Attorney Diana Webster
- Only national organization currently addressing animal wellness from a tribal-centric perspective.

- Mission of NAHS: To empower Native communities to become healthier, happier and safer by providing information, support and resources for animal care programs in Indian Country.
- Multi-prong approach:
 - awareness and education
 - population management including spay/neuter
 - good pet guardianship through wellness clinics
 - youth programming and community leadership
 - facilitating partnerships with outside providers.

More information about NAHS at: <http://www.nativeamericahumane.org/>

- One of the obstacles standing in the way of improving tribal animal laws is that it has been difficult to develop discrete priorities due to a lack of information.
- There is no known national study attempting to assess the types of animal problems that tribal nations confront.
- One exception: study conducted by NAHS

IV. NATIONAL SURVEY

- NAHS conducted a national survey in Fall 2015
- About animals in tribal communities directed towards tribal community members, off-reservation Natives, and non-Natives who work in tribal communities.
- Survey monkey
- 262 participants

- Average participant age range: between forty (40) to fifty-nine (59) years old
- 88.17% of participants identified as pet owners
- Dogs, cats, and horses were the most common pets among the participants
- Questions about tribal communities' animal laws, animal treatment, animal shelters, animal abuse and domestic abuse were posed to determine the current state of animals in Native communities.

Four major themes emerged from survey

1) Overpopulation

1) Lack of community resources (veterinary services, animal shelter services, pet-friendly domestic violence shelters)

1) Lack of knowledge and code enforcement

1) Lack of awareness

- Most of the survey and the recommendations that followed were focused on dogs.

OVERPOPULATION

- Overpopulation primarily due to two factors:
 - (1) allowing or unable to control reproduction among companion animals;
 - (2) companion animals that are relinquished by their owners
- Many tribal communities lack access to spay and neuter services.

FERAL/WILD ANIMALS

- Largely attributed to overpopulation
- Risks: maulings, dog bites, traffic safety
- Recently several high profile dog maulings in Native communities
- In some regions, Native children experience higher rates of dog bites
- “Response” Legislation: breed bans or require euthanasia or dog to be shot

ABUSE AND MISTREATMENT

- Many tribes already have animal abuse codes, but most of them do not address tribal cultural adherences
- Big Issues: neglect, domestic violence including companion animals, dog fighting,
- Typically low-level misdemeanors

DOMESTIC VIOLENCE

- For the past several decades, a lot of research has been produced showing the link between domestic violence and animal abuse [non-Native studies]
- Prominent Researchers: Frank Asicone, Phil Arkow
- NAHS Survey revealed: (1) animals belonging to victims are frequently abused to control victims; and (2) tribal domestic violence shelters currently lack resources to keep victims and their companion animals together.

V. POTENTIAL CONTEMPORARY SOLUTIONS

- Revitalize tribal animal laws: Many current tribal animal laws are “boilerplate” legislation and do not reflect tribal traditional values, laws, or principles
- Adoption of customary laws should be open and transparent to community members
- Hopi Legal Scholar Pat Sekaquaptewa: Dedication of time, attention and funding to accurately identify and define community customs

LEGISLATION CONCERNING DOGS IN TRIBAL COMMUNITIES

Overpopulation:

- Tribal governments could consider appropriating more funding for animal population management programs or partnering with nearby animal care services and groups
- Tribal governments could consider offering incentives for tribal members getting their animals spayed/neutered: bonuses, prizes, raffle drawings for utility coverage for a fixed term, or other creative ideas specific to each community

Feral/Wild Dogs:

- Allocating more resources to providing spay and neuter services and other population management strategies along with veterinary services
- Revitalizing community customs in addressing feral/wild dogs
- Caution to Response Legislation: Required euthanasia and/or breed specific bans do not fix problem of feral/wild dogs

Abuse and Mistreatment:

- Statutes could include penalties that require convicted abusers to attend cultural courses with community leaders, community service, and/or therapy
- Require the convicted abuser to be banned from owning or housing any animal within the community, subject to higher penalties if violated. This could require routine home visits from tribal police, animal control, or community advocates.
- Require the convicted abuser pay for the animal's veterinary medical costs, kenneling fees, or foster fees of their animal victims.

Domestic Violence:

- Consider amending, re-writing, or creating domestic violence legislation that explicitly includes companion animals and livestock as protected parties (civil and criminal).
- Courts could include companion animals or livestock on orders of protection, in conditions of release, and any other orders or injunctions imposed by the court.
- Courts could also impose post-conviction requirements that are focused more towards rehabilitation, such as cultural courses or therapy.

Domestic Violence Continued:

- Consider allocating more financial resources towards expanding their community's domestic violence shelter space in order to accommodate companion animals.
- Could also require that those convicted of domestic abuse with allegations of animal abuse be required to pay for any veterinary medical costs, foster or kenneling fees of their victim's companion animal.
- Provide incentives for community members to become foster homes (tailored to each community's needs).

RESOURCES FOR TRIBAL COMMUNITIES

Native America Humane Society

<http://www.nativeamericahumane.org/>

Contact: info@nativeamericahumane.org