2024

Borderland Violence, An Intimate Resistance: Native Women Voice Their Survival

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Borderland Violence, an Intimate Resistance: Native Women Voice their Survival

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Bachelor of Arts, Clemson University, 2023

A Thesis presented to the Graduate Faculty of The College of William and Mary in Virginia in Candidacy for the Degree of
Master of Arts

American Studies Program

The College of William and Mary in Virginia
May 2024

APPROVAL PAGE

This Thesis is submitted in partial fulfillment of
the requirements for the degree of

Master of Arts

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Approved by the Committee, April 2024

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ABSTRACT

This thesis began as an exploration of the individual resistances of Indigenous American women, in response to the crisis of gender-based violence targeting Indian country. The purpose of this work is to investigate the United States' border culture of sexual violence against Indigenous women, as well as the intimate resistances of these women voiced through the podcasting platform. Within this portfolio, I draw upon the theoretical frameworks of Gloria Anzaldua, Iris Marion Young, Saidiya Hartman, Melissa K. Nelson, Kim Tallbear to support the central thesis. With the first chapter, I expand Anzaldua's borderland to Native America, to contend that the epidemic of sexual violence against Indigenous women is an intended consequence of the state's masculinist logic, an exertion of colonial power. Through the second chapter, I construct the concept of resistant intimacy; that is, a resistance that is amassed by the creation and continuance of love and sexuality, despite the threat of gender-based brutality. Particularly, I analyze the podcasts of Indigenous women for scenes of resistant intimacy, as it is practiced and communicated to an online community of listeners. It is through this community, connected by digital means, empowered through love and pleasure, that a larger resistance is established, one that actively deconstructs the violence of the colonial state.

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ACKNOWLEDGEMENTS

The author wishes to express her gratitude to Professors Michelle Lelièvre, Simon Stow, and Leisa Meyer for their gracious support and encouragement in this project. The author is thankful for Professor Elizabeth Losh's guidance and confidence throughout this process.

The author would also like to thank Dr. Monica Griffin and Maxwell Cloe for their mentorship and generosity. She is immensely grateful for the opportunity to have worked with, and learned from, you both.

A special thanks to the author's American Studies cohort. Their camaraderie, kindness, and patience was a valuable support in the construction of this work.

For Mom, Pops, and Sam. For my lovely friends. Thank you.

Introduction

In the United States, 1 in 3 Native American women will be raped in their lifetime, a rate that is twice the national average for American women.[1] The majority of this brutality is perpetrated by non-Natives.[2] It is a reality that the broader American public, along with the state, is rarely forced to confront. To acknowledge this epidemic of violence against Native women would, for the state and public, mean recognizing their role in constructing and perpetuating this brutality. For those Indigenous women who live with the constant threat of this violence, or those who have intimately felt the impacts of this brutality, are often haunted by the traumas of their attack. Through generations, and across networks of families and friends, Indigenous women often foster connections with other survivors of these tragic experiences with sexual violence. Furthermore, through these connections, Native women have known for years the extent to which they are targeted by outsiders. From their testimony alone, it is clear that these are not individual acts of brutality, but a culture of sexual violence that effectively "hunts" Native women.[3]

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[1] "Sexual Assault," VAWnet, accessed March 31, 2024, https://vawnet.org/sc/gender-based-violence-and-intersecting-challenges-impacting-native-american-alaskan-village-1#:~:text=American%20Indians%20are%202.5%20times,are%20raped%20in%20their%20lifetimes.

[2] Ronet Bachman, Heather Zaykowski, Rachel Kallmyer, Margarita Poteyeva, Christina Lanier, "Violence Against American Indian and Alaska Native Women and the Criminal Justice Response: What is Known," Unpublished grant by the U.S. Department of Justice, August 2008, 38, https://www.ojp.gov/pdffiles1/nij/grants/223691.pdf.

[3] Kavitha Chekuru, "Sexual Violence scars Native American women," Al Jazeera, Al Jazeera Media Network, March 6, 2013, https://www.aljazeera.com/features/2013/3/6/sexual-violence-scars-native-american-women.

With this project, I combine two papers that explore the culture of violence that is cultivated against Indigenous American women by the United States government, as well as the joyful, intimate resistances of Native women communicated through modern technology. For the purpose of this portfolio, I have divided each paper into two chapters. Using Gloria Anzaldúa's *Borderlands,* I assert the existence of a border culture of brutality that targets Native America. With chapter two, I focus on a resistant response of Indigenous American women to borderland violence; in particular, I discuss the sex-positive language and practices that exists within Native women's podcasts.

With chapter one, I connect the culture of gender-based violence at the U.S.-Mexico border with the current crisis of brutality against Indigenous American women in the United States. Beginning with Gloria Anzaldúa's *Borderlands,* I establish the violent conditions that exist at the U.S.-Mexico boundary; as Anzaldúa depicts, this border culture instilled by the United States works to strip Indigenous peoples of their land, label them as threats to the Nation, and exert a brutal, often gender-based force over these populations of migrant women. Next, I utilize the findings of Sarah Deer, an Indigenous legal scholar, and the author of *The Beginning and End of Rape: Confronting Sexual Violence in Native America,* to depict the United States' centuries-long systematic campaign to weaken tribal sovereignty, that for decades, effectively rendered violent crimes committed by non-Natives on reservation land unpunishable. Within this section, I note Deer's work in the 2022 Reauthorization of the Violence Against Women Act, which included a provision that restored authority over violent crime to tribal courts. Certainly, while these decisions by the federal government greatly impacted the current culture of gender-based violence that targets Native women, I

assert that the cause of this brutality is rooted in a larger context, beyond the U.S. legal sphere. Drawing upon Iris Marion Young's theory of the border as an exertion of the United States' masculinist logic of protection, I contend that this border culture of violence is an extension of a larger U.S. system intended to silence, to other, and to brutalize migrant and Native American women, all in the name of the State as protector. As such, I assert that the brutality of a borderland extends well beyond the boundaries of the Southern border of the United States, and the border of an Indigenous tribe's reservation. For this reason, I contend that it is not enough to simply restore jurisdiction to Native Nations, or offer harsher punishments to abusive state agents assigned to the U.S.-Mexico border; rather, as Young encourages, citizens must organize as a community to protect the inhabitants of the borderland from further violence; it is a community resistance, rather than a federal decision, that will ultimately free migrant and Indigenous American women from the violence of the borderland.

In chapter two, I chose to analyze a singular subset of Indigenous resistance: Native women and the podcast medium. With this platform in mind, chapter two seeks to answer these two questions: How do Indigenous women engage with the topics of pleasure and intimacy during the missing and murdered Indigenous women (MMIW) crisis? Can intimacy be an act of resistance? Using Saidiya Hartman's stunning depictions of Black women and girls in her monograph *Wayward Lives, Beautiful Experiments: Intimate Histories of Riotous Black Girls, Troublesome Women, and Queer Radicals,* I establish the term "resistant intimacy" to describe the joyful, uninhibited desire for pleasure, that boldly resists settler colonial shame and fear that intends to silence and control women's fantasies and actions. With this concept in place, I return to

Iris Marion Young, and her solutions to the United States' masculinist exertions of violence. Mainly, through a brief historiography, I contend that podcasting is the ideal medium to establish a set of communities, that would challenge U.S. logics of power, and reach a large number of interested, like-minded individuals. As evidenced by the viral sensation "Serial," this medium can effect real-world change in the lives of a podcast's subject. Moreso, with the growing popularity of podcasts, the medium is accessible for creators and audiences, and an effective space for topics of relationships, sex, and pleasure. Specifically, I listened to three Indigenous women's podcasts through a resistant intimacy framework: "All My Relations," "New Fire," and Kim Tallbear's audio essays. Despite the range in conversations, questions, and advice that hosts provided on their distinct platforms, they each presented a resistant intimacy that is deeply rooted in Indigenous culture and tradition. For example, as a guest on the "All My Relations" podcast, Kim Tallbear educates the audience on the impact colonization had on Native relationships, reorganizing relationships toward monogamy, and shaming those that practiced polyamory. By sharing her own experience with polyamory, Tallbear explains the ways in which the practice makes her life better as a lover, a mother, and a career woman. Her honesty provides an opportunity for listeners, to reconnect with an Indigenous tradition, and to consider polyamory in their own lives. For the "All My Relations" podcast, simply sharing this anticolonial relationship dynamic is an act of resistance, but there is an opportunity, as with each of these platforms, that this resistance can be reflected in the members of their audience. Within the podcasting space, this resistant intimacy practice becomes an active recommendation, a reality, communicated by Native women, for Native women.

Furthermore, in my exploration of sexual violence against Indigenous women, I engage with scholarly works by migrant and African American women. My intention is not to conflate or compare the experiences of women from these backgrounds. Rather, I draw upon these non-Indigenous sources for their theoretical constructions and apply these frameworks to my analysis of the violence against, and resistance of, Indigenous women. Similarly, as I navigate crisis of gender-based brutality that exists within, I can speak broadly about Indigenous women, particularly when referencing the rate to which sexual violence occurs. This is not to glaze over the individual's experience; I understand that, for survivors of sexual violence, each assault is distinct in its brutality, and healing is a unique and delicate process for a survivor. For this reason, I include a number of survivors' narratives. Their words serve as powerful testimonies of the borderland's brutality, and I commend these women for telling their story. Lastly, I also want to acknowledge the survivors who cannot or choose not to speak publicly of their experience; I wish you safety and healing.

As a white woman engaging in Indigenous studies, I want to acknowledge my place in academia, a space that is often unsafe and constricting for individuals, and in particular, women of color. This thesis intends to serve as a work of solidarity; in identifying the systems of the state that target Indigenous women with a gender-based brutality, in building upon the work of Indigenous scholar, Sarah Deer, to recommend strategies to dismantle the brutal power of the state, in constructing a resistant intimacy that honors the work of Indigenous women activists and podcasters like Kim Tallbear, Melissa K. Nelson, Adria Kurchina-Tyson, the ladies of *All My Relations* and *New Fire*, and their influential role within digital communities, as well as real-world relationships, it

is the purpose of this project to unite with the larger movement toward Indigenous liberation and the decolonization of state and self. That is not to say I am committed to this movement for my own benefit. Rather, in the words of Aborigine activist Lilla Watson, “If you have come to help me, you are wasting your time. If you have come because your liberation is bound up with mine, then let us work together.”[4] To simply support liberation is to communicate a weak, and rather unreliable connection to your community. Rather, this work asserts the tenet that we are in community with one another, not with the state. The violence of the white supremacist, settler-colonial state against a community member, is a violence against us all. It is the responsibility of the community to resist this violence, to protect one another, and to respect the work of Indigenous scholars and activists who are deconstructing and resisting the colonial systems that confine us all.

[4] Lilla Watson, “About,” Lilla: International Woman’s Network, accessed April 3, 2023, https://lillanetwork.wordpress.com/about/.

Borderland Survivors: Native Women and Colonial Violence

"This is her home / this thin edge of / barbwire."[5] This line from Gloria Anzaldúa's *Borderlands* captures the brutal conditions for women living within the U.S.-Mexico borderland. Whether she is within her home, or crossing borders in search of a new life, "the Mexican woman" is always vulnerable to violence; she is often the unknown survivor of sexual violence.[6] A poet and an author, Anzaldúa's work calls attention to the crisis at the U.S.-Mexico border, the lives and conditions of its inhabitants, and the impacts of colonial systems of control and violence.[7] Similarly, Sarah Deer, a member of the Muscogee Creek Nation of Oklahoma, and an Indigenous legal scholar and professor of Women, Gender, and Sexuality studies at the University of Kansas, links the abuses of the United States' government to the epidemic of sexual violence against Indigenous women. Currently in the United States, 1 in 3 Native women will be raped in their lifetime, a rate that is twice the national average for American women.[8] As troubling as this statistic is, in her personal travels around Native America, Deer was often confronted by a difficult reality, "I heard more than once, *I don't know any woman in my*

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[5] Gloria Anzaldúa, *Borderlands : the new mestiza = La frontera* (San Francisco: Aunt Lute Books, 2007), 13.

[6] Gloria Anzaldúa, *Borderlands : the new mestiza = La frontera,* 12.

[7] Gloria Anzaldúa, *Borderlands : the new mestiza = La frontera,* 12.

[8] "Sexual Assault," VAWnet, accessed March 31, 2024, https://vawnet.org/sc/gender-based-violence-and-intersecting-challenges-impacting-native-american-alaskan-village-1#:~:text=American%20Indians%20are%202.5%20times,are%20raped%20in%20their%20lifetimes.

community who has not been raped."[9] [Italics in original]. With such high rates of gendered violence against Indigenous women, the question as to why arises. Deer's monograph *The Beginning and End of Rape,* along with her numerous other works, deconstructs Federal law, to reveal the colonial tactics that strip Native Nations of their legal power, as well as the colonial systems that allow crimes of sexual violence against many Native women to go unpunished. This work is not the first to draw connections between the women inhabitants of the U.S.-Mexico border and Indigenous American women; Anzaldua explicitly references their shared circumstance within *Borderlands,* "The Gringo, locked into the fiction of white superiority, seized complete political power, stripping Indian and Mexicans of their land while their feet were still rooted in it."[10] These connections are not meant to conflate the experiences of migrant and Indigenous women, but rather to identify and dismantle the systems that target these distinctly vulnerable populations.

In this essay, I will argue that many Native American women live within a borderland, like that depicted in Anzaldúa's *Borderlands.* Through an analysis of Sarah Deer's works, I will assert the Federal government's role in the centuries-long offensive to divest tribes of their legal jurisdiction, effectively devaluing and manipulating reservation borders across the United States; borders which, in their construction, only served to identify and target Indigenous women. Drawing on political theorist, Iris Marion Young's, theory of the border as an extension of masculine power, this essay will

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[9] Sarah Deer, *The Beginning and End of Rape: Confronting Sexual Violence in Native America* (Minneapolis: University of Minnesota Press, 2015), 5.

[10] Gloria Anzaldúa, *Borderlands : the new mestiza = La frontera,* 7.

argue that migrant and Native American women are the intended targets of the United States' exertion of colonial power. This logic of masculinist protection demonstrates the steps to which the United States' removal of tribal legal sovereignty created a culture of state sanctioned violence against Indigenous Americans, which especially impacted Native women. As I will contend, this border culture connects to that of Anzaldúa's migrant women; the governments that police these borderlands propagate a system of power that targets women inhabitants of these borderlands. Ultimately, this essay works to expand Anzaldúa's concept of the borderland and expose the brutal effect of colonial systems of power and influence that target women from vulnerable populations.

The Southern Borderland

To begin, using *Borderlands,* I will first define the term borders. Anzaldúa provides a thorough definition of the word, stating: "Borders are set up to define the places that are safe and unsafe, to distinguish *us* from *them.* A border is a dividing line, a narrow strip along a steep edge."[11] [Italics in original] This definition provides that borders have layered functions; they are transformative. According to Anzaldúa, borders define and claim a space; for those within the border, this creates a façade of safety and an identity as a citizen, an *us.* However, for those outside the defined border, these individuals are tainted with the stain of *them,* relegated to a vulnerable position outside of the border. Iris Marion Young argues in her article "The Logic of Masculinist Protection: Reflections on the Current Security State," that the United States is a masculinist security state, wherein the U.S. adopts and exerts the gendered logic of

[11] Gloria Anzaldúa, *Borderlands : the new mestiza = La frontera,* 3.

patriarchal protection and power. In this way, the U.S.-Mexico border is an extension of state power, protecting citizens from the constant threat of unknown outsiders; “It constitutes itself in relation to an enemy outside, an unpredictable aggressor against which the state needs vigilant defense.”[12]

Notably, in her border definition, Anzaldúa alludes to the extent to which the border wields power over citizens of the state. From her lived experience as an outsider, Anzaldúa understands first-hand the dominance of the “dividing line” that is the U.S.-Mexico border. Yet, in her words, Anzaldúa does not explicitly commit the powers of the border to the boundaries of the state. Rather, the border functions to “define” and defend “places that are safe and unsafe,” including those places that are well within the boundaries of the state. As with outsiders, the United States extends the masculinist powers of the state inward; as Young writes, “To protect the state and its citizens, officials must therefore keep a careful watch on the people within its borders and observe and search them to make sure they do not intend evil actions and do not have the means to perform them.”[13] The safety promised by citizenship, and life within a boundary, is dependent on an individual’s acceptance of the “reduction of [their] freedom and submission to possible surveillance.”[14] The insiders, the citizens, are not without fear of their own governments. If they fail to submit, or if they are accused by

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[12] Iris Marion Young, “The Logic of Masculinist Protection: Reflections on the Current Security State,” *Signs: Journal of Women in Culture and Society* 29, no. 1 (2003): 8.

[13] Iris Marion Young, “The Logic of Masculinist Protection: Reflections on the Current Security State,” 8.

[14] Iris Marion Young, “The Logic of Masculinist Protection: Reflections on the Current Security State,” 14.

state agents of the intent to commit “evil acts,” the insider, the citizen, can quickly transform into the traitor, the outsider. In effect, the border serves as a justification of state power, marking those non-citizens and citizens alike, with the potential towards violence.[15]

A border culture, as it is defined by Anzaldúa, is a painful and bloody clash between Indigenous North Americans, Mexicans, and the U.S.-Mexico border. Here, Anzaldúa is directly referencing colonization of North America and the annexation of Texas, both which “stripped Indians and Mexicans of their land while their feet were still planted in it.”[16] This collision between grief and power forms “a third country- a border culture,” inhabited by the undesired and prohibited bodies of the “los atravesados: the squint-eyed, the perverse, the queer, the troublesome, the mongrel, the mulato, the half-breed, the half dead…”[17] By existing outside of the border, or in efforts to cross the border through migrant channels, these humans are cast as near non-human beings, dangerous aliens and trespassers. In adopting these labels, the United States applies to migrants, Anzaldúa exposes the logic of this masculinist power. As Marinella Marmo, Professor of Criminal Justice, asserts in her article “Unmasking State Harm: The Border as a Theatrical Space of Gendered Violence,” it is the effect of colonial powers to control and “circulate” the concept of migrants as violent actors, in order to classify gendered border violence perpetuated by “state agents or their proxies” as “nonexistent

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[15] Iris Marion Young, “The Logic of Masculinist Protection: Reflections on the Current Security State,” 8.

[16] Gloria Anzaldúa, *Borderlands : the new mestiza = La frontera,* 7.

[17] Gloria Anzaldúa, *Borderlands : the new mestiza = La frontera,* 12.

or peripheral to other prevailing narratives."[18] In other words, by characterizing migrants as "mongrels," the brutish acts of border agents occur largely in darkness. The dissemination of these dehumanizing narratives is often linked to the "intensification" of the masculinist state's efforts to "tighten borders to assert sovereignty," leading to "higher levels of harm experienced by transnational migrants, especially women."[19] This assertion is echoed in Anzaldúa's description of existence within the borderland. For the inhabitants of these borderlands, living along the U.S.-Mexico border, they have come to expect a culture of violence and death; "Do not enter, trespassers will be raped, maimed, strangled, gassed, shot."[20]

Specifically, Anzaldúa reflects on the painful experience of migrant women living within and crossing through this border culture. For all those living precariously within the borderland, safety and security is a dream rarely realized. Regardless, this reality does not deter inhabitants of the borderland from risking life and limb, returning to their "homeland," in search of a peaceful existence; "The choice is to stay in Mexico and starve or move north and live."[21] Anzaldúa depicts the preparation and experience of border crossing for migrant women: First, the migrant woman sells her property and valuables. Second, these funds are used to hire a coyote, a smuggler, to guide her

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[18] Marinella Marmo, "Unmasking State Harm: The Border as a Theatrical Space of Gendered Violence," *Violence Against Women* 29, no. 8 (2023): 1546.

[19] Marinella Marmo, "Unmasking State Harm: The Border as a Theatrical Space of Gendered Violence," 1546.

[20] Gloria Anzaldúa, *Borderlands : the new mestiza = La frontera,* 12.

[21] Gloria Anzaldúa, *Borderlands : the new mestiza = La frontera,* 10.

across the United States' border, and into a city with the promise of opportunity. In doing so, she leaves behind her home, her family, and in many cases, her safety. Often, the smuggler takes advantage of the migrant woman's isolation and precarious position; "often he rapes her or sells her into prostitution."[22] Through her liminal position as a migrant, the smuggler easily takes advantage of the migrant woman and her unprotected and law-less position. If she seeks support from U.S. Border Patrol agents or the state police, the migrant woman risks deportation and further violence. As Marmo writes, the border is the site where "the representation of patriarchy and hegemony becomes raw and unmasked," U.S. agents are certainly not exempt from this characterization.[23] Since *Borderlands'* release in 2007, U.S. news agencies have reported on countless cases of sexual violence by Customs and Border Control Agents.[24] In reviewing hundreds of Department of Homeland Security documents received through the Freedom of Information Act (FOIA), the Human Rights Watch released a report exposing documented incidents of "assault, sexual abuse, due process violations, denial of medical care, harsh detention conditions, and dehumanizing treatment at the border" by Border patrol agents and U.S. Customs and

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[22] Gloria Anzaldúa, *Borderlands : the new mestiza = La frontera,* 12.

[23] Marinella Marmo, "Unmasking State Harm: The Border as a Theatrical Space of Gendered Violence," 1545.

[24] Clara Long, "'They Treat You Like You're Worthless:' Internal DHS Reports of Abuses by US Border Officials," *Human Rights Watch,* Human Rights Watch, October 21, 2021, https://www.hrw.org/report/2021/10/21/they-treat-you-you-are-worthless/internal-dhs-reports-abuses-us-border-officials.

Border Protection officers.[25] Of these reported abuses, the Human Rights Watch details that few incidents receive further investigations, while the majority of state agents avoid punishment for these alleged incidents. Years of unchecked violence against migrants and investigative negligence by border agencies, created a culture of silence, wherein, the majority of abuses are unreported. For survivors of this trauma, as witnesses to the culture of unaccountability, further discouraged their desire to seek justice. Their stories of survival fading as the grand narrative of the masculinist state criminalizes migrants, those hoping to return to their homeland and access a better life.

To end this section on the violence towards Mexican women, Anzaldúa writes: "This is her home / this thin edge of / barbwire."[26] With the line break, Anzaldúa subverts the expectation of the home. The home, a safe place, a place where family comes together. Yet, for the "Mexican woman" living within the borderland, there is no assurance of safety within her home. Instead, Anzaldúa's description of this home reads more like an open-air prison. Her emphasis on the "edge" of the "barbwire" reveals the danger and pain of living and leaving this home. The barbwire, which encases the inhabitants of the borderland, is man-made. Its unnatural presence and looming threat serves as a symbol of the assault borders forced upon the land. As Anzaldúa asserts, those within the barb-wired home, will endure a life of powerlessness and anxiety, always grieving the next borderland martyr. For the migrant woman who escapes this

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[25] Clara Long, "'They Treat You Like You're Worthless:' Internal DHS Reports of Abuses by US Border Officials," *Human Rights Watch,* Human Rights Watch, October 21, 2021, https://www.hrw.org/report/2021/10/21/they-treat-you-you-are-worthless/internal-dhs-reports-abuses-us-border-officials.

[26] Gloria Anzaldúa, *Borderlands : the new mestiza = La frontera,* 12.

prison-like existence, she leaves behind everything: her family, her life's work, and an evil she knows. Instead of finding opportunity in the United States, the migrant woman is violently crossed, her personal boundaries so carelessly disregarded. For Anzaldúa, the brutality of the borderland is constructed and enforced by the state. The vulnerability of the migrant woman under the law upholds a system of gendered violence which allows for rape and sexual assault without punishment. In this crisis of sexual violence, the migrant woman's body maps the masculinist state's brutality and disrespect for borderland inhabitants.

The Reservation Borderland

In the United States, there are approximately 326 federally recognized Indian reservations.[27] At each of these borders, there is a clash of jurisdiction, a struggle for sovereignty. Broadly, Indigenous reservations are not beholden to state jurisdiction; the same cannot be said for the Federal government. Through centuries of stripping tribes of their jurisdiction, the boundary of a reservation functions as a place of confrontation between an Indigenous Nation and a colonial power. As with Anzaldúa's borderland, this clash is not without victims, or targets of violence. In expanding the borderland to Indian country, the crisis of violence against Native women shifts from a series of isolated incidents, an individual exertion of racist brutality, and towards an effective power of the state, a prescriptive of this masculinist government, rooted in settler colonial values. By expanding the borderland to Native America, the experiences of many Indigenous women, as both targets and survivors of masculinist violence, serve

[27] "What is a federal Indian reservation," U.S. Department of Indian Affairs, August 19, 2017, https://www.bia.gov/faqs/what-federal-indian-reservation.

as testimony against this system of brutality. The actions of individuals are nearly impossible to control; rather, a system can be dismantled.

In my efforts to argue the existence of a borderland and border culture with the United States and Indigenous Nations, I will begin with the brutal evidence of sexual violence against Native women. For Anzaldúa, the culture of the U.S.-Mexico border is stained with sexual violence towards the migrant woman. Similarly, Sarah Deer seeks to inform the American public of the prevalence of gendered violence against Native women. Throughout her monograph, *The Beginning and End of Rape: Confronting Sexual Violence in Native America*, Deer depicts the legal mechanisms deployed by the United States which strip Native Nations of their tribal sovereignty, leading to an epidemic of sexual violence towards Indigenous women. First published in 2015, Deer states in that 1 in 3 Native women will experience sexual violence in their lifetime.[28] Yet, as mentioned at the start of this essay, when Deer moves beyond statistics and connects with Indigenous communities across the United States, and engages in communication with Native women, she encounters the depth of this reality; "I heard more than once, *I don't know any woman in my community who has not been raped.*"[29] [Italics in original].

These brutal statistics beg the question: why is there such a pattern of sexual violence against Indigenous women, like that depicted in Anzaldúa's borderland? How

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[28] Sarah Deer, *The Beginning and End of Rape: Confronting Sexual Violence in Native America* (Minneapolis: University of Minnesota Press, 2015), 1.

[29] Sarah Deer, *The Beginning and End of Rape: Confronting Sexual Violence in Native America,* 5.

has this violence against Native women continued under a masculinist power? As I noted previously, living as a citizen does not protect women from the violence of state agents. Yet, the majority of these crimes are not exclusively committed by official state agents; rather, more broadly, two-thirds of sexual assaults against Native women are committed by white or non-Native Americans.[30] Deer attributes much of this epidemic of violence that targets Native women to the United States' 120-year history of stripping tribes of their jurisdiction. Deer never explicitly defines "border;" rather, she refers to the legal powers, or jurisdiction, granted to the borders and territories of sovereign nations. Without full tribal jurisdiction, Native Nations are powerless to protect and defend those living within their borders. In 1885, Congress passed the Major Crimes Act. Amongst its many stipulations, it provided the Federal justice system jurisdiction over certain violent crimes, including rape. While the MCA maintained concurrent jurisdiction between the U.S. Government and the tribal Nations, as Deer notes, tribes often did not pursue rape investigations, largely deferring this practice to the Federal government.[31] In 1978, over a century after the MCA was passed, the Supreme Court decided in *Oliphant v. Suquamish Indian Tribe* to strip tribes of their criminal jurisdiction over non-Natives. The result of *Oliphant* is staggering. For decades, Native women endured acts of sexual violence; for those that sought justice, Sarah Deer notes that, in a study conducted by

[30] Ronet Bachman, Heather Zaykowski, Rachel Kallmyer, Margarita Poteyeva, Christina Lanier, "Violence Against American Indian and Alaska Native Women and the Criminal Justice Response: What is Known," Unpublished grant by the U.S. Department of Justice, August 2008, 38, https://www.ojp.gov/pdffiles1/nij/grants/223691.pdf.

[31] Sarah Deer, *The Beginning and End of Rape: Confronting Sexual Violence in Native America,* 37.

the General Accounting Office in 2010, federal prosecutors rejected more than two-thirds of cases.[32] This created a layered culture of violence and distrust for many women. In a lecture for St. Mary's College in Maryland, Deer asserted her belief that *Oliphant* ushered in decades of near unchecked violence against Native women, "there's a sort of knowledge out there, or an expectation, that white people can get away with doing things on tribal lands."[33] This assertion is felt by many Indigenous women across the United States; as Lisa Brunner, a rape survivor and member of the White Earth Nation in Minnesota, states, **"**I call it hunting – non-natives come here hunting. They know they can come onto our lands and rape us with impunity because they know that we can't touch them."[34] For those living within a reservation borderland, there is an undeniable connection between the divestment of tribal sovereignty and the epidemic of violence against Native women. Further, this practice of "hunting," as identified by the survivors of the borderland, depicts a more than a pattern of violence committed by individual actors. Rather, their words are confirmation of the culture of gendered brutality in Indian country, a shared knowledge and action by non-Natives.

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[32] Sarah Deer, "Bystander No More? Improving the Federal Response to Sexual Violence in Indian Country," *Utah Law Review* 2017, no. 4 (2017): 777, https://dc.law.utah.edu/ulr/vol2017/iss4/7.

[33] Sarah Deer, "Margaret Brent Lecturer Sarah Deer," St. Mary's College of Maryland, March 19, 2021, Youtube video, https://www.youtube.com/watch?v=X17Si8KlIGA&t=3347s.

[34] Kavitha Chekuru, "Sexual Violence scars Native American women," Al Jazeera, Al Jazeera Media Network, March 6, 2013, https://www.aljazeera.com/features/2013/3/6/sexual-violence-scars-native-american-women.

Alone, this legal history is not reason enough to account for this culture of violence against Indigenous women. With first contact, then settlers, and later United States citizens, employed masculinist logic to create and label the Indigenous populations of America as an insubordinate and violent people; in his speech to Congress entitled, “On Indian Removal,” President Jackson characterized Natives as uncivilized savages, with “savage customs,” who are “unwilling to submit to the laws of the States.”[35] As with the United States’ characterization of migrants as “the perverse, the queer, the troublesome, the mongrel,” President Jackson’s rhetoric is political, as he justifies the mass displacement of Native peoples from their homeland in the south-eastern region of the United States. In the years after President Jackson stood in front of Congress delivering this speech, calling for the creation of an “interesting, civilized, Christian community”[36] on Native land, U.S. soldiers worked to violently displace, starve, rape, and murder Indigenous peoples.[37] In a letter written decades after his involvement in the Trail of Tears, Private John G. Burnett recalls the “4000 silent graves that mark the trail of the Cherokees to their exile.”[38] The masculinist powers at play

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[35] Andrew Jackson, “On Indian Removal,” Congressional Address, December 6, 1830, https://www.nps.gov/museum/tmc/manz/handouts/andrew_jackson_annual_message.pdf.

[36] Andrew Jackson, “On Indian Removal,” https://www.nps.gov/museum/tmc/manz/handouts/andrew_jackson_annual_message.pdf.

[37] Amnesty International, “Maze of Injustice,” Amnesty International USA, August 8, 2011, https://www.amnestyusa.org/reports/maze-of-injustice/.

[38] John G. Burnett to children, December 11, 1890, in a North Carolina History Online Resource,” https://www.ncpedia.org/anchor/primary-source-soldier-0.

effectively rendered the violence of Native displacement “nonexistent or peripheral” to the narratives of Native savagery, and barriers to U.S. expansion of Christian communities.[39] The United States maintained this narrative of Indigenous Americans as outsiders until 1924. After over 12,000 Natives served in the U.S. military during World War 1, Congress passed the Indian Citizenship Act, which granted citizenship to all Natives born in the U.S..[40] Despite this decision, Indigenous Americans were not automatically viewed as full citizens or committed insiders. Along with the legal barriers to tribal and self-sovereignty mentioned above, many Natives could not access their full rights to citizenship, with many states explicitly denying their right to suffrage well into the mid-twentieth century. For centuries, the U.S. cast Indigenous Americans as outsiders, as enemies of the state; their commitment to this hostile narrative is not so easily forgotten by citizens and state agents. In allegiance to this system of masculinist power, the state, along with non-Native Americans, have perpetuated a culture of gendered violence against Indigenous women.

With dwindling tribal jurisdiction, and a national narrative that rationalizes Indigenous Americans as outsiders, the border to a reservation is little more than an unmoving target, or a signal for unpunishable violent crimes. When returning to Anzaldúa’s definition of borders, her words depict the United States’ history of devaluing Native lives and borders; “Borders are set up to define the places that are safe and

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[39] Marinella Marmo, “Unmasking State Harm: The Border as a Theatrical Space of Gendered Violence,” 1546.

[40] Library of Congress, “Today in History - June 2,” https://www.loc.gov/item/today-in-history/june-02/.

unsafe, to distinguish *us* from *them.*"[41] The *us,* the community within a reservation, those Indigenous individuals who have survived and resisted American settler colonialism. Those*,* who at first contact, suffered sexual violence at the hands of Christopher Columbus and his crew; "I wanted to put my desire to execution, but [the Carib woman] was unwilling for me to do so, and treated me with her nails in such wise that I would have preferred never to have begun."[42] Those*,* like Desireé Coyote, who in 1991 was "kidnapped, beaten and sexually assaulted by her ex-husband" within the borders of the Umatilla Indian Reservation.[43] Or, like Kola Shippentower-Thompson, a member of the Confederated Tribes of the Umatilla Indian Reservation, who in 2010 was raped and beaten by her former partners.[44] The missing and murdered Indigenous women movement (MMIW) formed as a response to this generations-long border culture of violence, calling attention to the high rates of missing persons and murder cases wherein Native women are the victims. In the most recent study completed in 2022 by the FBI's National Crime Information Center, reported 5,491 cases of missing

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[41] Gloria Anzaldúa, *Borderlands : the new mestiza = La frontera,* 3.

[42] Sarah Deer, *The Beginning and End of Rape: Confronting Sexual Violence in Native America,* 33.

[43] Zack Demars and Bryce Dole, "Indigenous Survivors: Voices of Resilience," Underscore, July 9, 2022, https://www.underscore.news/reporting/indigenous-women-tell-stories-of-violence-and-recovery.

[44] Zack Demars and Bryce Dole, "Indigenous Survivors: Voices of Resilience," https://www.underscore.news/reporting/indigenous-women-tell-stories-of-violence-and-recovery.

Native women.[45] From that same year, a study by the National Institute of Justice reported 793 American Indian/Alaska Native missing persons cases, 68% of which were identified as women.[46] To note, the discrepancy in reported cases is likely due to the NIJ's stipulation that information must be directly reported to their system. For a number of Indigenous women, the violence of the border extends well beyond the boundary of the reservation. The 2020 Census revealed that only 13% of those who identify as Native American live on "reservation or other trust lands;" while 60% of Natives live in metropolitan areas.[47] While the NCIC does not provide location-specific data, the 2022 report by the NIJ notes that 44% of missing persons were not residents of tribal land, while 53% of missing persons cases occurred outside of tribal land.[48]As with many migrant women, the United States' borderland targets Indigenous women well beyond the boundary of the reservation. By systematically weakening tribal sovereignty, there is

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[45] Federal Bureau of Investigation, "2022 NCIC Missing Person and Unidentified Person Statistics" (2023), https://www.fbi.gov/file-repository/2022-ncic-missing-person-and-unidentified-person-statistics.pdf/view.

[46] National Institute of Justice, "American Indian/Alaska Native Missing Persons Cases December 2022" (National Missing and Unidentified Persons System's Report, 2022), https://namus.nij.ojp.gov/sites/g/files/xyckuh336/files/media/document/namus-stats-ai-an-december-2022.pdf.

[47] U.S. Department of Health and Human Services Office of Minority Health, "American Indian/Alaska Native Health," US Department of Health and Human Services, https://minorityhealth.hhs.gov/american-indianalaska-native-health#:~:text=As%20of%202022%2C%20there%20are,reservations%20or%20other%20trust%20lands.

[48] National Institute of Justice, "American Indian/Alaska Native Missing Persons Cases December 2022," https://namus.nij.ojp.gov/sites/g/files/xyckuh336/files/media/document/namus-stats-ai-an-december-2022.pdf.

no safe place for Native women. Their homes, wherever they might be, are marked by "this thin edge of / barbwire," a persistent threat of gender-based violence.[49] Their country, of which Native woman are citizens, actively works to cultivate this culture of colonial brutality.

As a result of the United States' centuries-long colonial violence, countless Indigenous women in the U.S. endure the brutal effects of a borderland, much like Anzaldúa depicts for many migrant women at the U.S.- Mexico border. Weakened jurisdictions and a history of dehumanizing politics, cause sexual violence to go largely unpunished by the Federal government, creating a culture of state-sanctioned violence. As I have argued, both migrant women and Indigenous women are effectively unprotected under the law. With endless testimonies depicting the gendered violence at the border, the effect of sexual violence within a borderland must be considered intentional. As Deer notes, sexual violence is an act of colonization, "Rape embodies the worst traits of colonization in its attack on the body, disrespect for physical boundaries, and disregard for humanity…"[50] It is a conquest that is intended to scar, to shame and create fear. For these women, who often guide their family and educate their kin on their tribe's customs, history, and culture, the act of rape and sexual violence intends to disconnect the woman and her family. This disconnect often manifests itself after the brutal attack, through thoughts of shame, depression, or even suicide. These isolating reactions work to split the kin, extracting power and strength from the Native

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[49] Gloria Anzaldúa, *Borderlands : the new mestiza = La frontera,* 12.

[50] Sarah Deer, *The Beginning and End of Rape: Confronting Sexual Violence in Native America,* 51.

family. From a single-family perspective, this act of violence may appear inconsequential to the larger system of colonization; yet, as Deer depicts, this gendered brutality impacts generations. Her work leaves little doubt, the sexual violence that exists within a borderland is intrinsically tied to the masculinist state, and a crucial step in the system of settler colonialism.

Prior to 2022, there was little a Native Nation could do to counteract the Federal government's policies. However, with the 2022 Reauthorization of the Violence Against Women Act (VAWA), Congress restored jurisdiction to tribal courts, to address crimes of sexual assault, stalking, and sex trafficking.[51] This shift in federal policy allows Native women to access justice from the violence of the borderland. While the reinstatement of tribal jurisdiction cannot mask or heal the centuries of gendered violence against Native women, it can punish future perpetrators of brutality, and deter a generations-long cycle of colonial violence. With VAWA, Indigenous survivors of violence can turn to their trusted tribal leaders to report a crime. This is a major improvement, and a stark comparison to the distant and sporadic investigations rarely completed by the Federal government. Finally, Native women have a viable legal outlet to pursue justice for the crimes committed against them by non-Native perpetrators.

To end the border culture of brutality targeting Native women, Deer argues, tribes will need more than the Reauthorization of the Violence Against Women Act. Without proper funding, tribes will be unable to investigate the thousands of unsolved missing

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[51] Rosie Hidalgo, "Violence Against Women Act: Milestones Achieved and the Road Ahead," Office on Violence Against Women, U.S. Department of Justice, September 13, 2022, https://www.justice.gov/ovw/blog/violence-against-women-act-milestones-achieved-and-road-ahead.

and murdered Indigenous women cases. Sarah Deer writes in her testimony to the Subcommittee Meeting for Indigenous Peoples of the United States, “Tribal nations need to be funded at sufficient levels so that they can respond immediately to a report of a missing woman or girl.”[52] Without proper funding, tribal courts have no choice but to offer the case to the Federal government. Furthermore, after centuries without jurisdiction over crimes of sexual violence committed by non-Native perpetrators, tribes will need support and training to properly investigate crimes.[53] These measures by Deer propose the some of the interventions necessary to end the violence within the borderland of Native America; from her perspective as a Native legal scholar, tribes need increased federal support. However, by allowing the United States’ masculinist influence into sovereign, Indigenous court proceedings, can Native women, those who have experienced violence, ever realize justice or peace from the brutality of the borderland? This is not to say that Native Nations will adopt the state’s logic of masculinist protection; rather, that the United States may not relinquish their partnership with tribal courts, first established with VAWA’s reauthorization. Furthermore, while these interventions are presumed to provide tribes the necessary support in prosecuting crimes committed on reservation land against their tribal members, as mentioned

[52] Sarah Deer “Unmasking the Hidden Crisis of Murdered and Missing Indigenous Women: Exploring Solutions to End the Cycle of Violence,” U.S. House of Representatives, Subcommittee for Indigenous Peoples of the United States, March 14, 2019, https://democrats-naturalresources.house.gov/imo/media/doc/Written%20Testimony_Sarah%20Deer.pdf.

[53] Sarah Deer “Unmasking the Hidden Crisis of Murdered and Missing Indigenous Women: Exploring Solutions to End the Cycle of Violence,” https://democrats-naturalresources.house.gov/imo/media/doc/Written%20Testimony_Sarah%20Deer.pdf.

previously, these provisions reflect only a fraction of the cases of missing and murdered Indigenous women. What can be done for Native women who experience gender-based violence off of reservation land? As long as the masculinist state is responsible for investigating and prosecuting these crimes, will Native women ever be truly free from this border culture? Similarly, VAWA intends to protect undocumented migrants from crimes of sexual violence.[54] The law purports that migrant women will not face deportation for reporting an instance of sexual violence; yet this fear remains.

Conclusion: The Struggle Against the Borderland

In the conclusion of her article "The Logic of Masculinist Protection," Young provides her own interventions that challenge the pastoral power of the masculinist state. Ultimately, she argues that citizens can no longer accept the state's "bargain" of protection.[55] As "subordinate citizens," we are "at the mercy of our protectors;"[56] we accept constant state surveillance, physical invasions, and violence, in the hopes that U.S. will use this information to catch a "bad" migrant or citizen.[57] Instead, Young asserts, citizens must reject their subordinate position under the state, and instill trust in one another, stating; "the well-being of all persons can be enhanced by the care and

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[54] Rosie Hidalgo, "Violence Against Women Act: Milestones Achieved and the Road Ahead," https://www.justice.gov/ovw/blog/violence-against-women-act-milestones-achieved-and-road-ahead.

[55] Iris Marion Young, "The Logic of Masculinist Protection: Reflections on the Current Security State," 15.

[56] Iris Marion Young, "The Logic of Masculinist Protection: Reflections on the Current Security State," 16.

[57] Iris Marion Young, "The Logic of Masculinist Protection: Reflections on the Current Security State," 14.

support of others, and in modern societies some of this generalized care and support ought to be organized and guaranteed through state institutions."[58] In other words, community, not citizenship, is what will best benefit individuals and their modern societies. With engagement in this global community, the experiences of vulnerable individuals and populations can be elevated and lead to change, rather than falling into the void of borderland narratives. Furthermore, with knowledge of the United States' masculinist violence, the community can hold their government accountable for their, and their agents', many abuses. The key word in this proposed solution is "can;" in other words, Young presents a near-perfect global community, that "can" use technology and shared experience to advocate for one another against powerful masculinist states. However, those even the least bit engaged with the internet, understand that online spaces house and cultivate the full spectrum of bigoted and violent ideologies. Worse, most bigoted individuals cannot be held accountable for their violence, as they hide behind fake identities and obscure usernames. For those Indigenous women who share their stories online, or rather share broader language about the MMIW crisis, many receive "violent" and "unchallenged" threats.[59] As Nickita Longman, a Saulteaux woman from George Gordon First Nation in Saskatchewan, states, this sustained online brutality further normalizes violence against Native women, and galvanizes internet actors to enact physical violence; "The more these comments find space on the internet,

[58] Iris Marion Young, "The Logic of Masculinist Protection: Reflections on the Current Security State," 21.

[59] Kelly Geraldine Malone, "Indigenous Women Fearful, outraged over racism and threats online: MMIWG commissioner," Global News, The Canadian Press, March 8, 2020, https://globalnews.ca/news/6646942/mmiwg-online-threats-racism/.

the more they embolden people to act on them in person…As an Indigenous woman, that is by far the scariest part."[60] For those Indigenous women who lead or contribute to online conversations about their community, many choose to resist this violence through a persistent internet presence. In risking their mental and physical health, these Native women hope to circulate information about the MMIW crisis and build a community of allies against the masculinist state. It is a risk that numerous Indigenous women are willing to take on, in order to reach true advocates for the "care and support" of community members, those that can challenge the centuries-long border culture of terror and pain.

[60] Kelly Geraldine Malone, "Indigenous Women Fearful, outraged over racism and threats online: MMIWG commissioner," https://globalnews.ca/news/6646942/mmiwg-online-threats-racism/.

Voicing a Resistant Intimacy in Native Women's Podcast

Author and scholar of African American studies, Saidiya Hartman writes in *Wayward Lives, Beautiful Experiments,* about the lives of women and girls in the Seventh Ward of Philadelphia in the mid-twentieth century. Living in poor conditions, and selling sex to make a living, Hartman depicts an unapologetic womanhood that insists upon hope;

> "Sold on the auction block, defiled, coupled with masters, locked away in cellar rooms, molested in attic studios, and selling ass in Middle Alley—this was not the only story. Colored girls, too, were hungry for the carnal world, driven by the fierce and insistent presence of their own desire, wild and reckless."[61]

When reading *Wayward Lives, Beautiful Experiments,* I kept reflecting on, and making connections between, the experience of Black women in the Seventh Ward with that of the Indigenous women of today. Much like the Black women of Philadelphia's Seventh Ward represented in the pages of Hartman's work, Native women in the United States know deeply the feeling and impact of violence and trauma. From first contact, Indigenous women, their bodies, have suffered immense brutality at the hands of the United States and its citizens. Through a generations-long colonization campaign, the U.S. fostered a culture of near-unpunishable violence by non-Natives in Indian country, that still continues to this day. In knowing this history, Hartman's *Wayward Lives, Beautiful Experiments* inspired these questions: How do Native women practice love and intimacy with such threats of brutality? How should I refer to the intimacy practiced by women who exist in violent and oppressive realities?

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[61] Saidiya Hartman, "An Atlas of the Wayward," in *Wayward lives, beautiful experiments : intimate histories of social upheaval* (New York: W.W. Norton & Company, Inc., 2019), 120.

When listening to the podcasts of Native women, including *All My Relations and New Fire,* I noticed how often this platform was employed to communicate and explore Indigenous love and intimacy. From their experiences with polyamory to dating outside of their culture, Native women took full advantage of their time with the microphone to share their stories and advice with listeners. Weaved through these conversations about love and relations was a theme of resistance. Hosts and their interviewees discussed resistance in its many forms: resisting colonial conceptions of relations, the Christian church, and inter-tribal expectations for partners. Despite these powerful forces at play, Native women, like the women of the Seventh Ward, continue to practice their pleasure. With this in mind, for the purpose of this essay, I will refer to this unapologetic belief in, and discussion of, love and pleasure as resistant intimacy. As this essay will depict, resistant intimacy, in its many forms, is communicated and practiced by Native women podcasters in a way that speaks directly to Indigenous women, and their experiences. To begin, I will first establish the methods to which the United States stripped Native Nations of their tribal sovereignty, effectively creating a safe zone for state sanctioned violence targeting Native women in Indian country. Next, I will connect the experience of Indigenous women to that of the Black women of the Seventh Ward from Saidiya Hartman's *Wayward Lives, Beautiful Experiments.* With this context, I will be able to define resistant intimacy, and identify it within the podcasts of Native women. Through this analysis, I hope to bring forward stories of Indigenous love and pleasure that are so often missed from the larger narrative of experiences of Native women in the modern-day.

In the most recent study completed by the National Institute of Justice (NIJ) in 2016, the NIJ found that, “more than four in five American Indian and Alaska Native women (84.3 percent) have experienced violence in their lifetime.”[62] Furthermore, the same study also found that in 2016, “more than one in three American Indian and Alaska Native women (39.8 percent) have experienced violence in the past year.”[63] As overwhelming as these numbers are, for those individuals who are, and have been, working with Indigenous women, these statistics seem low. Take Sarah Deer, an Indigenous legal scholar, and a member of the Muscogee (Creek) Nation, for example. Throughout her career working within Native communities, Sarah Deer was often confronted by an all-too common, painful truth, “I heard more than once, *I don’t know any woman in my community who has not been raped*.”[64] [Italics in original]. With her monograph, *The Beginning and End of Rape: Confronting Sexual Violence in Native America,* Deer’s early work as a crisis counselor for Indigenous survivors of rape and sexual assault informs her deconstruction of United States’ policy that stripped Native Nations of their criminal jurisdiction, effectively crafting a system of state-sanctioned violence that targets Indigenous women.

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[62] André Rosay, “Violence Against American Indian and Alaska Native Women and Men,” National Institute of Justice, U.S. Department of Justice, Published June 1, 2016, https://nij.ojp.gov/topics/articles/violence-against-american-indian-and-alaska-native-women-and-men.

[63] André Rosay, “Violence Against American Indian and Alaska Native Women and Men.”

[64] Sarah Deer, *The Beginning and End of Rape : Confronting Sexual Violence in Native America* (Minneapolis, Minnesota: University of Minnesota Press, 2015), 5.

A State-Sponsored Violence

For nearly two hundred years, the United States worked to limit tribal sovereignty. In this section, I will expand upon just two Federal interventions that have allowed for a culture of violence targeting Indigenous women. In 1885, Congress passed the Major Crimes Act (MCA). The first of its kind, this law granted the Federal government and Native Nations concurrent jurisdiction over enumerated offenses committed on reservations. To be sure, the Major Crimes Act did not divest tribes of their ability to prosecute crimes; rather, as Deer explains, as a result of the law, tribes chose not to "pursue cases against rapists, or [they] wait until a declination from a federal or state prosecutor before proceeding with an official tribal response."[65] For nearly one hundred and fifty years, the MCA effectively put tribal courts out of practice in prosecuting violent crimes. This was but a first step by the United States to divest Native Nations of their legal authority.

Nearly a century later, in 1978, the Supreme Court decided in *Oliphant v. Suquamish Indian Tribe* that tribes had no jurisdiction over non-Native individuals. Apart from the simple speeding ticket, any crime committed by a non-Native within Indian country would fall under Federal jurisdiction. The effect of this decision cannot be overstated. As Deer writes, "Pedophiles and sexual predators also commit crimes within Indian country because of the vulnerability of the citizens and the jurisdictional gaps. If a non--Indian rapes a Native woman, the tribe has absolutely no criminal jurisdiction to

[65] Sarah Deer, *The Beginning and End of Rape,* 37.

punish the offender."[66] As visualized in the statistics provided by the NIJ, this decision created a playground for state-sanctioned brutality, a culture of gender violence within Indian country. For many of the survivors of these attacks, their case went without investigation by the Federal government. In 2012, the United States' General Accounting Office reported that "U.S. Attorneys declined to prosecute 67 percent of sex crimes."[67] On top of the well-known barriers to justice for sexual assault and rape survivors, including having to re-process trauma, a lack of physical evidence, a warranted mistrust for government agencies, as well as the fear of retribution by their attacker(s), the U.S. barred the vast majority of Native survivors from accessing investigations and justice.

The legal impacts of *Oliphant v. Suquamish Indian Tribe* remained in-effect until the reauthorization of the Violence Against Women Act (VAWA) in 2022. With it, Congress restored tribal jurisdiction over non-Native perpetrators to prosecute crimes of sexual violence, sex trafficking, child violence, and stalking.[68] The Violence Against Women Act is a major step forward in reaffirming tribal authority. However, VAWA cannot be the sole solution. As I mentioned previously, the Major Crimes Act of 1885 worked to discourage tribal courts from prosecuting violent crimes. For this reason, Native Nations will need guidance and proper funding to properly execute investigations

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[66] Sarah Deer, *The Beginning and End of Rape,* 41.

[67] Sarah Deer, *The Beginning and End of Rape,* 43.

[68] Rosie Hidalgo, "Violence Against Women Act: Milestones Achieved and the Road Ahead," Office of Violence Against Women, U.S. Department of Justice, Published September 13, 2023, https://www.justice.gov/ovw/blog/violence-against-women-act-milestones-achieved-and-road-ahead.

and judicial proceedings.[69] Still, in acknowledging the violence against Indian country, there is little evidence to support the belief that restoring jurisdiction to tribes, so that they may criminally prosecute non-Native assailants, will deter gender-based brutality against Indigenous women. This is true of most crime committed in the United States; the threat of a prison sentence, as well as time spent in prison, is largely ineffective in preventing crime.[70] Certainly, legal justice holds an essential place in identifying and incapacitating perpetrators, and, for many Indigenous survivors, it is a vital step in healing from a traumatic assault. To resist and protect Native women from the violence of the United States' exertion of power, Iris Marion Young calls upon individuals to relinquish their role as "subordinate citizens," to become involved stewards of the global community, and advocate for the health and well-being of our fellow community members.[71] With recent advancements in technology, what was nearly impossible just a few decades ago, is now accessed with ease. Through the creation of social media, citizens across the world can build active communities of motivated individuals, all interested in a similar topic or movement. These virtual communities are not insignificant or powerless; for Indigenous women, and those that support the MMIW movement, these virtual global communities can aid in the resistance against the violence of the borderland.

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[69] Sarah Deer, *The Beginning and End of Rape,* 43.

[70] "Five things about deterrence," *The National Institute of Justice* online, June 5, 2016, https://nij.ojp.gov/topics/articles/five-things-about-deterrence

[71] Iris Marion Young. "The Logic of Masculinist Protection: Reflections on the Current Security State," *Signs: Journal of Women in Culture and Society* 29, no. 1 (2003): 21, https://doi.org/10.1086/375708.

Constructing Resistant Intimacy

With such a culture of sexual violence targeting Native women, I ask the question: how do women adapt and practice intimacy under such threats of brutality? With the support of Saidiya Hartman's *Wayward Lives, Beautiful Experiments: Intimate Histories of Social Upheaval,* and in particular, her analysis of Black womanhood in Philadelphia's Seventh Ward, as well as Kim Tallbear's, a Sisseton Wahpeton Oyate scholar of Native studies, work in decolonizing Native sex and relationships, I will construct the concept of a resistant intimacy. In doing so, I will then be able to identify a resistant intimacy practice and education within the podcasts of Indigenous women. These communications are dually accessible and intimate, as they provide an outlet to cultivate a safe, responsible, and Indigenous sex-positive existence.

Throughout "An Atlas for the Wayward," a chapter from her work, *Wayward Lives, Beautiful Experiments,* Hartman employs her method of critical fabulation. In analyzing the notes of a young W.E.B. Du Bois, Hartman is able to "fashion a narrative" and "paint as full a picture" of the lives of the Black women, many of them sex workers, living within the Seventh Ward in Philadelphia in the early twentieth century.[72] With Black Americans moving to the city searching for employment opportunities, racism and segregation forced many to settle in the Seventh Ward; as a result, Hartman writes, "Over the next two decades, the Negro quarter would become the ghetto—a racial

[72] Saidiya Hartman, "Venus in Two Acts," *Small Axe* 12, no. 2 (2008): 1-14, muse.jhu.edu/article/241115.

enclosure, an open-air prison."[73] The population of the Seventh Ward was impoverished, their streets and houses slowly dilapidating. For many of the unmarried women in the Negro quarter of Philadelphia, they made their money through sex work. This is where Hartman opens "An Atlas for the Wayward," with two young Black women, both sex workers, staring at a pair of men's leather shoes through the window of a shop, "With a pointed finger, she directed her companion's gaze. Those? That's the kind of shoes I'd buy my fellow."[74] The sociologist, W.E.B Du Bois, looked on, overhearing their conversation. He spent much of his time in the Seventh Ward studying its inhabitants, like these women, and judging their promiscuity, "Adultery and degradation were their heritage and their condition today. What good could come from such women?"[75] Du Bois criticized Black sex workers for their perceived promiscuity, for continuing to offer their bodies to the enslaver-enslaved dynamic. His prejudice blinded him to the radical intimacy practices and community established by the women of the Seventh Ward.

The women of the Negro Ward created a life for themselves. As Hartman depicts, these women, their lives, did not exist entirely in darkness. As with any life, experiences are layered, and emotions are unpredictable. "An Atlas of the Wayward" does not deny the harsh realities for "grown women" with "signs of ruined girlhood;" distinct from Du Bois' perspective, Hartman explicitly writes of the women's "cold, hard eyes of having

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[73] Saidiya Hartman, "An Atlas of the Wayward," in *Wayward lives, beautiful experiments : intimate histories of social upheaval* (New York: W.W. Norton & Company, Inc., 2019), 89.

[74] Saidiya Hartman, "An Atlas of the Wayward," 82.

[75] Saidiya Hartman, "An Atlas of the Wayward," 98.

been ripened too soon."[76] We know this description does not define the existence of Black women in the Seventh Ward, as Hartman juxtaposes these depression descriptions with scenes of friendship, like that of the girls window-shopping for men's shoes. Yet, Hartman goes even further, deepening the shoe-scene into a depiction of Black women's desire and sensuality. In daydreaming about "the kind of shoes I'd buy my fellow," a trusted conversation between friends, provides these women the opportunity daydream about pleasure and intimacy with their ideal man:

> The kind of man who could get you to do the things you'd never do, even if you wanted to do them, without him being the excuse or setting down the law or acting the master, or the kind willing to get on his knees begging you to relinquish your boundaries to your desire: Can I kiss you there? Your brothers would hate him, rightly convinced that he would be the ruin of you, but the kind of man your girlfriends would desire and envy you for having. She's not that pretty. Loving that kind of man would make your mother call you reckless and your father call you wild.[77]

With this fantasy, the Black woman is in full control. Unlike in her services as a sex worker, she is able to choose her partner. And, in this fantasy, these Black women are able to experience a consensual "wild" and "reckless" pleasure without fear of violence. For just a moment, to experience this shoe-shopping, sensual, submissive daydream, is liberating for these Black women, "The very idea of this wild break-you-down love thrilled the young women because they imagined it as something akin to freedom, the submission enjoyed by the one who chose it, a reckless act of self-expenditure."[78] To experience this liberation, this submission, for only just a moment, within the confines of

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[76] Saidiya Hartman, "An Atlas of the Wayward," 14.

[77] Saidiya Hartman, "An Atlas of the Wayward," 82.

[78] Saidiya Hartman, "An Atlas of the Wayward," 83.

a fantasy, may seem like torture to outsiders. For those Black women at the window of the shoe-shop, their fantasy brings hope; “That’s the kind of shoes I’d buy my fellow. The pair burst into laughter.”[79]

For these girls at the window, there is an acknowledgement that their fantasy is considered, even by their own families, “reckless” and “wild.” They acknowledge, and on some level, accept that shame coexists with their desire. Not because they want to be shamed, on the contrary, these women are boldly claiming their submissive fantasies. Rather, this shame comes from an outside source, individuals who view these desires as inappropriate and violent. For generations, Black and Indigenous women have embraced anticolonial and taboo forms of pleasure and intimacy. And for generations, settlers, and those who have internalized colonial logics of sex, have ridiculed these women for their natural desires, a shaming that Adria Kurchina-Tyson, a Nishinaabe kwekaan scholar of gender studies at Queens University, labels as “kinkphobia.”[80] Within kinkphobia, “kink,” or any sex that is not considered “’gentle’ or non-aggressive,” is conflated with sexual violence.[81] This shame, as asserted by Kurchina-Tyson, upholds colonial logics of sex, wherein consent is a “standardized protocol,” a prescriptive, rather than an “inherent cultural practice.”[82] Through the colonization of

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[79] Saidiya Hartman, “An Atlas of the Wayward,” 82.

[80] Adria Kurchina-Tyson. “Decolonizing Kink: Nishinaabeg stories as critical engagements with power,” *Journal of Critical Race Inquiry* 7, no. 1 (2020): 85, https://doi.org/10.24908/jcri.v7i1.13376.

[81] Adria Kurchina-Tyson. “Decolonizing Kink: Nishinaabeg stories as critical engagements with power,” 85.

[82] Adria Kurchina-Tyson. “Decolonizing Kink: Nishinaabeg stories as critical engagements with power,” 85.

consent, sex also undergoes colonization. As a result, any sex or intimacy that falls outside of the “gentle’ or non-aggressive” standard, any kink, is considered non-consensual, a violence. Kinkphobia cannot visualize a love or intimacy outside of settler sex; despite this shame, these accusations of violence and victimhood, anticolonial representations of physical love persist. Through their fantasies and desires, and within these acts of intimacy and pleasure, Indigenous women resist. They resist a singular expectation of intimacy, and any structure that would deny them the access to joy and happiness.

This hopeful fantasy, in spite of W.E.B Du Bois’ youthful judgment, informs my construction of resistant intimacy. First, consider the definition of “resistant:” “That makes or offers resistance or opposition; tending to resist someone or something; unyielding; not susceptible.”[83] This construction of resistance functions in two directions, a “pushing back”[84] against someone or something, or as DuBois writes in his “Criteria of Negro Art,” a “pushing onwards,” a “forward and upward look” beyond the pressures of an outside force.[85] With this in mind, I offer the questions: How are the Black women at the window resisting? How is their intimacy resistant? Drawing upon his notes, Hartman depicts DuBois’ examination of these women whilst they gaze upon a pair of shoes, daydreaming about pleasure and their ideal man. Consequently, in this scene, DuBois is

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[83] Oxford English Dictionary, s.v. “resistant (adj.), sense 1.a,” September 2023, https://doi.org/10.1093/OED/3487455587.

[84] Simon Stow, “Work that: Kamala Harris, resistance, and the Black dancing body,” *The Journal of American Culture* 00, no. 0 (2023): 4, https://doi.org/10.1111/jacc.13454.

[85] W.E.B. DuBois, “Criteria of Negro Art,” webduois.org, Robert W. Williams, accessed April 5, 2024, http://www.webdubois.org/dbCriteriaNArt.html.

called-out for his stares, ”Looking at the girls’ reflections in the glass, he questioned, who are they? He couldn’t really see their faces, only everything that he feared. They returned his gaze with a penetrating look that asked, ‘What are you staring at?’”[86] Here, this pair of Black women are unapologetic in their displays of hope and humor, outwardly dismissing Du Bois’ critical stare. Yet, this is not where their resistance ends.

In regards to the fantasy itself, with its “wild break-you-down love,” where consent is “inherent” and entrusted, and submission is fearlessly enjoyed, these Black women dismiss the perception of the sociologist, who views this love as degrading, and rooted in anti-blackness, “Sold on the auction block, defiled, coupled with masters, locked away in cellar rooms, molested in attic studios, and selling ass in Middle Alley..”[87] This is the fundamental perspective that Du Bois is yet to understand; this depiction of a Black woman’s love, her intimacy, is a resistance to their history, and that of their matriarchs. It is a resistance to their current condition, where one of the few viable professions for a Black woman of the Seventh Ward in the early twentieth century was sex work. This fantasy is a bold assertion, resisting the claim that tragedy and sexual abuse is their “only story.”[88] Rather, it is in spite of the violence inflicted upon their community, that the Black women of the Seventh Ward were determined to love, in whatever form, on their terms. In depicting this unyielding passion, Hartman writes, “Colored girls, too, were hungry for the carnal world, driven by the fierce and insistent

[86] Saidiya Hartman, “An Atlas of the Wayward,” 119.

[87] Saidiya Hartman, “An Atlas of the Wayward,” 120.

[88] Saidiya Hartman, “An Atlas of the Wayward,” 120.

presence of their own desire, wild and reckless."[89] This is a resistant intimacy. To love unyieldingly, and practice and discuss pleasure and relationships despite the influence of the enslaver or colonizer's violent history, ideology, and actions; to be insusceptible to the shame and fear that seeks to brutalize your passion and desire. It is a conscious intimacy, one that resists, or "pushes onward," from a brutal past and present to nourish a joyful desire and enrich the lives of Black and Indigenous women through love.[90]

Considering this definition, how then is a resistant intimacy practiced in an Indigenous context? Kim Tallbear, a Professor of Native Studies at the University of Alberta, is the leading scholar in Indigenous sex and kin relations. Across in-person and digital platforms, Tallbear speaks on decolonizing sex, the impacts of Christianity, and her life as a polyamorist; her work with kinship networks supports the practice of a virtual education and expression of an Indigenous resistant intimacy. Apart from the culture of sexual violence that targets Indigenous women within the United States, Tallbear considers a secondary force that impacts intimacy practices in Native America: the Christian Church. Upon first contact, Christian settlers and Church officials set out to convert and assimilate Natives from their cultures and traditions, including Indigenous practices with sex and sexuality. Through generations of "forced conversions" and "sexual shaming," much of an Indigenous sexual practice has been "lost;" Tallbear writes, "in a world before settler colonialism and its notions of 'gender,' 'sex,' and 'sexuality, persons and the intimacies between them were no doubt worked quite

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[89] Saidiya Hartman, "An Atlas of the Wayward," 120.

[90] Simon Stow, "Work that: Kamala Harris, resistance, and the Black dancing body," 4, https://doi.org/10.1111/jacc.13454.

differently."[91] In grieving this loss in knowledge, Tallbear presents a framework to reestablish an Indigenous intimate practice, "Recognizing possibilities of other kinds of intimacies– not focused on biological reproduction and making population, but caretaking precious kin that come to us in diverse ways– is an important step to unsettling settler sex and family."[92] These extended kin networks function to build and protect relations with both living and nonliving beings, relations of love and support amongst one another.[93] Kim Tallbear's conception of extended kin networks legitimizes the work of Indigenous women podcasters, who develop connections with their listeners, and provide support, information, and entertainment to their listeners. It is within these platforms that an Indigenous resistant intimacy is both taught and modeled. For those listeners who are beginning their journey to decolonize sex and sexuality, those Native women that need an outlet, a kin network, to express their many emotions, and bond over their resistant intimacy.

Before I dive into the Indigenous podcasts that practice a resilient intimacy, I want to first answer the question; why have I chosen podcasting as the medium to analyze for resistant intimacy? For Native audiences, there is something familiar about engaging in intimacy with podcasts. In "Getting Dirty: The Eco-Eroticism of Women in

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[91] Kim Tallbear, *Yes, Your Pleasure! Yes, Self-Love! And Don't Forget, Settler Sex is a Structure,* read by author (n.c.: Second Annual International Solo Polyamory Conference, 2021), Substack audio, 34 mins.

[92] Kim Tallbear, "Making Love and Relations beyond Settler Sex and Family," in *Queerly Canadian: An Introductory Reader in Sexuality Studies* (Toronto: Women's Press, 2022), 23.

[93] Kim Tallbear, "Making Love and Relations beyond Settler Sex and Family," 26.

Indigenous Oral Literatures," Melissa K. Nelson, an Anishinaabe Métis scholar of Indigenous studies, writes that within the deep tradition of oral narratives, there is a "whole other level of Indigenous sexuality and 'carnal knowledge'" this is directly tied to "tribally specific understandings of sovereignty, language, relationship, and place."[94] With "Getting Dirty," Nelson analyzes oral narratives for inter-species intimacy, or love and pleasure between the Native and nature. Through individual narratives of pleasure, pregnancy, and birth, Nelson sews a common thread; represented in these fluid connections between man and the environment, there is an inherent respect for life and desire. By participating in this oral tradition of kinship with animals and plants, love and intimacy, Nelson argues that Natives are "re-Indigenizing our senses," and "reawakening" their connection with the "more-than-human world."[95] Furthermore, in beginning the process of decolonizing the "self," and challenging the patriarchal, shame-filled teachings of the colonial, the Native is practicing resistance; "After centuries of oppression, expressing the joy and diversity of our Native sexualities is truly an anticolonial, liberating act."[96] With this tradition of oral narratives as intertwining intimacy and resistance, I was intrigued to discover the ease to which Indigenous women began creating and listening to podcasts. To be clear, I am in no way arguing that podcasts are

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[94] Melissa K. Nelson, "Getting Dirty: The Eco-Eroticism of Women in Indigenous Oral Literatures," in *Critically Sovereign: Indigenous Gender, Sexuality, and Feminist Studies* (Durham: Duke University Press, 2017), 237.

[95] Melissa K. Nelson, "Getting Dirty: The Eco-Eroticism of Women in Indigenous Oral Literatures," 255.

[96] Melissa K. Nelson, "Getting Dirty: The Eco-Eroticism of Women in Indigenous Oral Literatures," 235.

the modern oral narrative. Rather, in understanding the beginnings and impact of the podcast medium, Native women have formed these audio-platforms to express and educate listeners on resistant intimacy.

Podcasting: A Brief History

Podcasting is a relatively new medium. It was over two decades ago, in 2001, that Apple launched the first-generation iPod, and in 2006, Apple integrated *iTunes* to fully support the podcasting medium on these portable devices.[97] Although *iTunes* was not the only supplier of this audio content, across platforms podcasts were not popular amongst internet users, at least for the first decade of the two-thousands. In 2006, only 11% of the American public had ever listened to a podcast; two years later, in 2008, only 8% of Americans reported listening to a podcast in the previous month.[98] It was not until 2014, with "This American Life's" first podcast, "Serial*,"* that this talk-medium would begin its ascent to popularity.

On November 17, 1995, a small team in Chicago launched a radio show known as "This American Life" (TAL).[99] What began as a local phenomenon, discussing personal stories with a journalistic flair, "This American Life" grew into a national radio program, investigating and reporting on news stories from across the country. In 2014,

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[97] Kelli S. Boling, "True Crime Podcasting: Journalism, Justice, or Entertainment?," in *Radio Journal: International Studies in Broadcast & Audio Media* 17, no. 2 (2019): 163, doi: 10.1386/rjao_00003_1.

[98] Edison Research, "The Podcast Consumer 2018," *Slideshare* online, April 19, 2008, https://www.slideshare.net/webby2001/the-podcast-consumer-2018.

[99] Ira Glass, "Our show is 20 years old today!," last modified November 17, 2015, https://www.thisamericanlife.org/about/announcements/our-show-is-20-years-old-today.

the team behind “This American Life” furthered their reach with the launch of their “first real spinoff,” a podcast entitled *Serial*, hosted by TAL producer, Sarah Koenig.[100] Over the course of twelve episodes, *Serial,* follows Koenig as she deconstructs the 1999 murder investigation of Hae Min Lee, a popular Baltimore high-school Senior, and the boy convicted of her murder, Lee’s ex-boyfriend, and fellow Baltimore high-school Senior, Adnan Syed.[101] Week after week, listeners are enveloped by Koenig’s detailed and rather unbiased reporting, allowing for each individual *Serial,* fan to craft their own conclusions regarding Syed’s conviction. *Serial,* balanced the line of entertainment and the interactive, speaking directly to its public audience, and despite Koenig’s incredibly intense investigation, one that required a team of journalists, *Serial* appeared to listeners to lack a middleman, allowing fans to develop a close connection with the case, Syed, and Koenig, herself.

In 2014, just weeks after its release, *Serial* became the first podcast to reach five million downloads; *Serial* remains one of the few podcasts to achieve 300 million downloads.[102] Notably, this podcast did more than entertain millions of individuals, Koenig and the *Serial* team successfully exposed the weaknesses in the state’s case against Syed, and in 2022, his conviction was briefly overturned, and after two decades,

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[100] Sarah Larson, “’Serial: The Podcast We’ve Been Waiting For,” last modified October 9, 2014, https://www.newyorker.com/culture/sarah-larson/serial-podcast-weve-waiting.

[101] “Season one: Episode 01 The Alibi,” *Serial Productions,* accessed March 13, 2023, https://serialpodcast.org.

[102] Marisa Dellatto, “’Serial’ Leads Apple and Spotify Podcast Charts after Adnan Syed Freed From Prison,” last modified September 21, 2022, https://www.forbes.com/sites/marisadellatto/2022/09/21/serial-leads-apple-and-spotify-podcast-charts-after-adnan-syed-freed-from-prison/?sh=1fa630e45554.

Adnan Syed was released from prison.[103] Despite the Appellate Court of Maryland's to reinstate the conviction in March of 2023, as of now, Syed remains a free man.[104] Without *Serial*, it is unlikely that Maryland Courts would have ever reviewed or admitted to negligence by the State in Syed's case. *Serial*, the podcast that started the craze, did more than entertain; Koenig's podcast effected real change in the life of her subject.

Why did *Serial* choose podcasting as its medium? As the "spinoff" of a popular National radio show, why did Koenig keep *Serial* off the air? When it was first released in 2014, Apple's audio platform *iTunes* was the recommended service to access the podcast.[105] Through iTunes, podcasts, like *Serial*, were (and remain) completely free to listen to and to download. This was likely a requirement for Koenig, a producer of the national public radio show "This American Life," a platform that provided no-cost, quality content to, essentially, anyone with a radio. However, talk-radio listeners have little control of who or what they are listening to, apart from choosing a channel and following the schedule of a favorite show. With podcasts, there is rarely a schedule that listeners have to follow to "catch" certain content. From the moment the episode is uploaded, users can press play, pause, and listen over long periods of time. Furthermore, podcast creators are not beholden to the Federal Communications Commission's (FCC) guidelines that state "It is a violation of federal law to air obscene programming at any

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[103] Daniel Victor, "Timeline: the Adnan Syed Case," last modified October 5, 2023, https://www.nytimes.com/article/adnan-syed-serial-timeline-serial.html.

[104] Daniel Victor, "Timeline: the Adnan Syed Case."

[105] "Season one: Episode 00 Preview," *Chicago Public Media & Ira Glass,* an archived website from September 19, 2014, https://web.archive.org/web/20140919203843/http://serialpodcast.org/.

time," obscenity referring mainly to the description or depiction of "sexual or excretory organs or activities."[106]

In comparison to radio, and the overarching control of the FCC, podcasts do not have a regulatory committee. As a result, this medium is able to deeply explore a range of topics, including those related to relationships, sex, and intimacy. However, the absence of any regulatory body in podcasting creates an opening for the spread of dangerous misinformation. For example, in a now deleted episode, Joe Rogan, host of the incredibly popular podcast, *The Joe Rogan Experience,* propagated conspiracies about the Covid-19 vaccine to his millions of listeners.[107] This is incredibly concerning, especially with consideration to a 2023 Pew Research Center study, which found that 87% of podcast listeners believe information discussed on podcasts to be accurate.[108] Of course, the spread of misinformation is not only a concern for podcasts with large audiences. For smaller podcasts, without a large social media presence, their misinformation can be voiced in relative silence. This leaves the responsibility of fact-

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[106] "Broadcast of Obscenity, Indecency, and Profanity," *Federal Communications Commission,* last modified December 20, 2022, https://www.fcc.gov/enforcement/areas/broadcast-obscenity-indecency-profanity#:~:text=Rules%20for%20Broadcasters%2C%20Satellite%20Radio%2C%20Cable%20Television%20Providers,-EEO%20for%20Broadcasters&text=It%20is%20a%20violation%20of,profane%20programming%20during%20certain%20hours.

[107] Rob Lever, "US Podcast Misinformation Goes Largely Unchecked," Barron's, July 7, 2023, https://www.barrons.com/news/us-podcast-misinformation-goes-largely-unchecked-6de99182.

[108] Elisa Shearer; Jacob Liedke; Katerine Eva Matsa, Michael Lipka, Mark Jurkowitz, "Podcasts as a Source of News and Information," Pew Research Center, April 18, 2023, https://www.pewresearch.org/journalism/2023/04/18/podcasts-as-a-source-of-news-and-information/.

checking and accountability to their audience, oftentimes a group of like-minded individuals.

The rise in popularity in podcasting, both in creating new content and garnering new listeners, can undoubtedly be attributed to *Serial*, “Since the launch of *Serial,* the podcasting industry has seen the ‘*Serial* Effect’, a general increase in creation, expansion and investing in podcasts.”[109] This “general increase” in podcasting is evidenced by the medium’s numerous sub-genres, including self-improvement and biography, as well as new platforms to distribute podcast episodes. With these developments, more creators and listeners are brought into the fold. Notably, there is very little required to start a podcast. With internet access and a recording device, just about anyone can upload an audio file to Apple Podcasts, or its various equivalents, and publish an episode. It is the act of building an audience that takes time and money. A recent study by the Pew Research Center found that a majority of top-ranked podcasts are “affiliated with a larger organization,” to supplement the cost of production, and allow the creators to focus fully on their platform.[110]Further, these affiliations, like those with news organizations, often come with built-in audiences that can be directed towards their associated podcasts. On the other hand, independent podcasts, or those not affiliated with a larger organization, are more likely to rely on their audience for

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[109] Kelli S. Boling, “True Crime Podcasting: Journalism, Justice, or Entertainment?,” in *Radio Journal: International Studies in Broadcast & Audio Media* 17, no. 2 (2019): 163, doi: 10.1386/rjao_00003_1.

[110] Galen Stocking, et al., “Podcast Ownership and Funding,” Pew Research Center, June 15, 2023, https://www.pewresearch.org/journalism/2023/06/15/podcast-ownership-and-funding/.

financial support, by selling branded merchandise or selling subscriptions to exclusive content.[111] For many independent hosts, podcasting is not their full-time job. These hosts balance their career with this podcasting passion, working early mornings or late nights to record and edit episodes. Add-on any concerns with funding, booking guests, or replacing expensive equipment, and suddenly this passion becomes incredibly draining for creators. For these reasons, independent podcasts oftentimes have sporadic posting schedules, making it challenging to grow an audience of committed listeners. Audiences, many of whom joined on the back end of the "Serial-effect," will invest their time and commit to certain podcasts, but only if their stories are interesting, and their hosts entertaining or of a similar background.

Although true crime is a popular genre within the medium, there is an endless collection of podcasts that cater to specific audiences and sub-genres. Through a series of studies completed by Edison Research, it is clear that engagement in podcasts, and the medium's many specific sub-genres, varies widely through intersections of race, gender, and age. In their "Women's Podcast Report" released in December of 2022, Edison Research asserts that "women are closing the gender listening gap," making up 48% of all monthly podcast listeners, up from 44% in 2017 (Edison, 2022).[112] Specifically, young women within the ages of 18 to 24 are more likely to listen to podcasts that cover topics related to dating and relationships, reproductive rights, sex

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[111] Galen Stocking, et al., "Podcast Ownership and Funding," https://www.pewresearch.org/journalism/2023/06/15/podcast-ownership-and-funding/.

[112] Edison, "The Women's Podcast Report from Edison Research and SXM Media," last modified on December 14, 2022, https://www.edisonresearch.com/the-womens-podcast-report-from-edison-research-and-sxm-media/.

positivity, and gender (Edison, 2022).[113] For Black and Latino podcast listeners, Edison reports that “representation matters” for audiences of color, with 75% of Black listeners seeking out Black perspectives on podcasts,[114] while “Spanish language and Latino-hosted podcasts” build notably strong connections with their Latino listeners.[115] Unfortunately, there is not a similar study that analyzes Indigenous podcast hosts and listeners. However, this existing data from Edison Research can be used to support reasonable assertions about Indigenous podcasting. First, following the trend with Black and Latino podcast listeners, it is likely that Native podcast listeners engage with content related to, or hosted by, Indigenous peoples. Second, Edison Research’s data supports the conclusion that Native women, specifically those aged 18 to 24, listen to Indigenous podcasts related to the topics of dating and relationships, reproductive rights, sex positivity, and gender. For Native podcasts like “All My Relations,” “New Fire,” and Kim Tallbear’s “The Critical Polyamorist” audio essays, these trends provide the motivation to explore resistant intimacy with their young women audience. As these podcasters fearlessly explore and model resistant intimacy to their audience during the MMIW crisis, they have the opportunity to shape how young Indigenous women engage with love and sex.

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[113] Edison, “The Women’s Podcast Report from Edison Research and SXM Media.”

[114] Edison, “Black Podcast Listener Report from Edison Research, SXM Media, and Mindshare USA,” last modified February 22, 2023, https://www.edisonresearch.com/black-podcast-listener-report-from-edison-research-sxm-media-and-mindshare-usa/.

[115] Edison, “The Latino Podcast Listener Report 2023,” last modified October 5, 2023, https://www.edisonresearch.com/the-latino-podcast-listener-report-2023/.

With joy, humor, and unfiltered honesty, the following Native podcasts decenter settler colonial violence from conversations about Indigenous love, intimacy, and relationships. For these hosts, this joy, this love, is an active resistance to the powers that attempt to stifle Indigenous existence.

Reconceptualizing Relationships: Indigenous Polyamory in All My Relations

The *All My Relations* podcast published its first episode, "All My Relations & Indigenous Feminism" in February of 2019. In this first season, co-hosts Matika Wilbur, Desi Small-Rodriguez, and Adrienne Keene discussed a wide range of topics related to Indigeneity, including Native mascots, cultural appropriation, "Indigiqueer" writings, Native fashion, and much more.[116] This variety continues throughout each of the podcast's four seasons, often with special guests to enhance the depth of the discussion. In a three-part series on Afro-Indigenous, or African American and Indigenous American, topics, *All My Relations* shared their platform with historian Tiya Miles, and activists Amber Starks and Nikkita Oliver. Over the course of four seasons, the *All My Relations* hosts repeatedly return to the topics of womanhood, motherhood, love, and intimacy, through episodes like "Indigenous Motherhood: Birth is Ceremony," "All My Loving Relations," "Sexy Sacred," and "Native Women Are Funny," a particularly hilarious and emotional episode, featuring writers on FX's *Reservation Dogs.*[117]

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[116] "All My Relations Podcast," All My Relations, accessed March 30, 2024, https://www.allmyrelationspodcast.com/podcast.

[117] "All My Relations Podcast," All My Relations, https://www.allmyrelationspodcast.com/podcast.

All My Relations is fiscally sponsored by SpeakOut, a 501c3 nonprofit formed to "encourage critical and imaginative thinking to address the major inequities of our day and transform a fractured world."[118] Apart from this funding, *All My Relations* is entirely written, produced, and published in-house, by a small team of employees. To date, there are 45 *All My Relations* episodes; the most recent episode, "Supreme Court Confirms ICWA," posted on June 16th of 2023, is a mini-length podcast of 15 minutes, wherein Wilbur, Small-Rodriguez, and Keene voice their reactions to the Supreme Court's upholding of the Indian Child Welfare Act. Since this post, *All My Relations* has not released any new episodes; however, at the time of writing this piece, Wilbur, Small-Rodriguez, and Keene have not announced an official hiatus. It is not atypical for *All My Relations* to go long stretches without posting, as evidenced by the seven-month gap between Season 3 and 4. While I await the day *All My Relations* announces their fifth season, I want to explore resistant intimacy within their episodes.

In 2019, the *All My Relations* podcast interviewed Kim Tallbear on critical polyamory. As a critical polyamorist, Tallbear is aware of the oppressive structures and ideologies that discourage and critique non-monogamy. Prior to practicing polyamory, Tallbear believed that "it was either you live this normative marriage or you are single…"[119] As a resistant intimacy practice, Indigenous polyamory rejects the settler expectation of a single life partner. Furthermore, it is distinct from the settler conception

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[118] "About Us," SpeakOut, accessed March 30, 2024, https://www.speakoutnow.org/about-us.

[119] Maitka Wilbur and Desi Small-Rodriguez, *Decolonizing Sex* (n.c.: All My Relations, 2019), Spotify Podcast audio, 42 min.

of relationships, as Indigenous polyamory allows practitioners to “de-fetishize sex, that will enable us to acknowledge that we are already in multiple kinds of relations, we have multiple responsibilities, and by the way that can carry over into, or loop back into, what we would call our sex life, or our love life.”[120] It resists any hierarchy of person or relationship; an Indigenous polyamory creates kinship connections for all kinds of love and relations. To limit these relations is not and was never the Native way. While much of the pre-contact Indigenous traditions with sex and intimacy were lost to colonialism, Kim Tallbear reflects on the known community relations of the past, “So for me being in good relation and looking at the way that my ancestors shared resources, the way that they shared childcare, the way that say somebody would take on extra wives…there was less kind of ownership of the individual body…”[121] As Tallbear explained, Indigenous polyamory supported her goals for a career, for a child, and for her desires for love and pleasure. With non-monogamy, Indigenous women are not restricted to a single life archetype; they can experience life unyieldingly, without exceptions.

Sex Jokes: Humor as Resistance in All my Relations

The All My Relations episode “Sexy Sacred,” explores the Native tradition of using humor to educate the community about sex, “You're right about how often we talk about sex and sexuality and joke about it in my communities; it was always normal for me in my house, it was always open, and we always talked about those things growing

[120] Maitka Wilbur and Desi Small-Rodriguez, *Decolonizing Sex.*

[121] Maitka Wilbur and Desi Small-Rodriguez, *Decolonizing Sex.*

up. In a funny, joking way, it was not something we didn't talk about."[122] The humor within these homes and communities allowed for healthy conversations about sex between tribal elders and young adults. Wilbur and Small-Rodriguez model this practice within *All My Relations,* joking with their audience prior to introducing darker themes, "Everybody's got a name on a name on the rez, right…Why's this guy called microwave. Oh, cause he's done real fast."[123] Despite the prevalence of humor and sex education within Native communities, Wilbur and Small-Rodriguez acknowledge the impact of Christianity on their sexual development, "I went to a Catholic Indian boarding school, like I didn't know anything about shame, about my body being shameful, until school, right. Then it was like 'oh, damn,'... we have these generations of our peoples, of our relatives, who have been taught shame through Christianity. We are just full of this shame…for wanting pleasure."[124] In practicing a resistant intimacy, the hosts acknowledge this shame in their upbringing; yet, they do not allow this shame to be the story for Indigenous women and young adults. Wilbur and Desi-Rodriguez encourage themselves, as well as their listeners, to resist shame, to continue, with unyielding enthusiasm, the tradition of their ancestors, and infuse honest conversations of sex with humor, "I'm also thinking about how we need to be open and honest with our sexual experiences cause that will enable us to share with these younger generations, to

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[122] Maitka Wilbur and Desi Small-Rodriguez, *Sexy Sacred* (n.c.: All My Relations, 2021), Spotify Podcast audio, 37 min.

[123] Maitka Wilbur and Desi Small-Rodriguez, *Sexy Sacred.*

[124] Maitka Wilbur and Desi Small-Rodriguez, *Sexy Sacred.*

normalize it all, and to just to fight back against the shame that is so pervasive."[125] In doing so, with time, the listeners of *All My Relations*, and their kinship network, can stop the cycle of Christian shame, and with their comedic traditions, educate young Natives on safe and natural sex practices: "Pleasure and joy…that's beautiful."[126]

Love After Love: Dating in the New Fire Podcast

Unlike *Ally My Relations,* the *New Fire* podcast is a production of the Canadian Broadcasting Corporation, or CBC Listen, Canada's "publicly owned news and information service."[127] When juxtaposed with *All My Relations,* the *New Fire* podcast's roots in traditional broadcasting becomes quite clear. Their episodes are densely edited and highly curated, removing much of the conversation between the host, Lisa Charleyboy, and her guest, choosing instead to isolate and elevate the contributions of the guest. In this way, the *New Fire* podcast leans into its educational focus as a podcast. In 2015, the *New Fire* podcast formed to discuss topics "important to Aboriginal youth."[128] For example, in "Confronting Cultural Appropriation,"[129] Charleyboy interviews a young Dakota-Ojibwe man, Jacob Pratt, who shares his experience with cultural

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[125] Maitka Wilbur and Desi Small-Rodriguez, *Sexy Sacred.*

[126] Maitka Wilbur and Desi Small-Rodriguez, *Sexy Sacred.*

[127] CBC News, "About CBC News," CBC/Radio-Canada, January 31, 2012, https://www.cbc.ca/news/about-cbc-news-1.1294364.

[128] "New Fire," CBCListen, CBC/Radio-Canada, August 26, 2017, https://www.cbc.ca/listen/cbc-podcasts/113-new-fire.

[129] "Confronting Cultural Appropriation," New Fire, CBC/Radio-Canada, May 16, 2017, https://www.cbc.ca/listen/cbc-podcasts/113-new-fire/episode/12641447-confronting-cultural-appropriation.

appropriation in Sweden; later in the episode, Charleyboy lists off “the New Fire Guide to Confronting Appropriation,” advising her young listeners to approach appropriation with an attitude to support an open conversation, humor, and kindness.

This episode is indicative of *New Fire’s* broader ethos, to directly, and honestly, address Aboriginal and Indigenous youth. Charleyboy is not limited in her discussion because of her audience, rather she embraces the concerns of this age group, bringing in guests for each episode, to discuss a myriad of topics like dating and intimacy, music and Indigenous expression, and familial bonds. *New Fire* provides the space for Aboriginal voices to flourish and to learn. The *New Fire* podcast ran from June 2015 to August 2017, with a total of 26 episodes across two seasons.

During the episode, “Opening Up About Indigenous Intimacy,” host of the *New Fire* podcast, Lisa Charleyboy, interviewed two Indigenous women, Helen Knott and Tenille Campbell, on dating in Indian country. Knott, a single mother, and Tenille, a divorcee, are honest about their struggles finding love, “Indians don’t date, we either snag or move-in.”[130] As adult women, with new priorities and perspectives, Knott and Campbell admit that this trend is incompatible with their needs and desires. After moving around, having children, grieving failed relationships, dating allows Native women to get-to-know “someone you haven’t known since twelve.”[131] These new experiences are exciting and fun; after a date, Campbell will call home to her friends and family, most of whom are in established relationships, and recall the amusing or

[130] Lisa Charleyboy, *Opening Up About Indigenous Intimacy,* (New Fire, 2017), Apple Podcast Audio, 26 min.

[131] Lisa Charleyboy, *Opening Up About Indigenous Intimacy.*

sensual moments. There are awkward phases in dating, too. While on an outing with a white man, Campbell recalls her date's uncomfortable questions; he points to her feather earrings, and asks, "Did you hunt for the feathers yourself?"[132] A moment later, when studying her appearance, he states, "You don't look Indian, eh?"[133] Of course, dating outside of one's culture can be difficult. It can sometimes feel like more trouble than it is worth. Yet, as Knott notes, these moments should not deter Native women from searching for their love; "Wading through intergenerational trauma, you want to be able to rise up with someone that is Indigenous as well… Now, I really feel like if I believe in this all-encompassing love, that love doesn't really have those boundaries either."[134]

Still, with all these supposed opportunities in dating, Knott and Campbell are honest with their listeners about the loneliness that comes with dating, "loneliness comes and goes in waves, I can sit with it…Take those moments and loving self."[135] With poise and humility, Knott and Campbell relive with the *New Fire* podcast the realities of dating as a Native woman. In doing so, the resistant intimacy displayed within this episode is somewhat unexpected, as Knott and Campbell reflect on the challenges of dating in a community where it is not the common practice. Their confident exploration into the scenes of dating seem insusceptible to the shame or fear

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[132] Lisa Charleyboy, *Opening Up About Indigenous Intimacy.*

[133] Lisa Charleyboy, *Opening Up About Indigenous Intimacy.*

[134] Lisa Charleyboy, *Opening Up About Indigenous Intimacy.*

[135] Lisa Charleyboy, *Opening Up About Indigenous Intimacy.*

that comes with walking against tradition. Furthermore, in opening up about these sometimes awkward or lonely experiences, Knott and Campbell normalize, and speak directly to the anxieties or shared memories of Native women who are, or who hope to be, dating. With their unapologetic honesty, Knott and Campbell hope to inspire a calmness in Native women who seek a similar experience; “Every woman is different… It’s okay for the casual sex. It’s okay for the intimate sex. It’s okay for the long-term sex. It’s all okay.”[136]

Conclusion

It is my hope that, through this analysis, I have constructed an image of life for some Indigenous women that uplifts love and pleasure; that the narrative of violence and brutality targeting Native women is not their sole story. While in this essay, I have focused on a small number of podcasts by Native women, this is but a detailed look at one of the many platforms and mediums adopted by Indigenous women to explore and discuss a resistant intimacy. Furthermore, by having unapologetic conversations about resistant intimacy, Native women can help reduce instances of sexual violence. Studies have shown that educating individuals about sex and healthy relationship dynamics is a “a key strategy for preventing sexual assault.”[137] By opening conversation up on their platforms to communicate and encourage Native women to practice a resistant intimacy, an intimacy that prioritizes Native love and pleasure, these podcasters are affecting real change within their communities.

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[136] Lisa Charleyboy, *Opening Up About Indigenous Intimacy.*

[137] “If you care about Sexual Assault Prevention,” SIECUS, Accessed December 16, 2023, https://siecus.org/wp-content/uploads/2020/08/If-Then-Sexual-Assault-Final.pdf

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