

IN THIS MOMENT

A GUIDE FOR ADDRESSING THE MISSING AND MURDERED INDIGENOUS PEOPLES CRISIS IN MEDIA

ILLUMINATIVE





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INTRODUCTION

Killers of the Flower Moon (2023)

In November 2021, IllumiNative released our industry guide, <u>The Time is Now</u>, to demonstrate the power of Native representation in entertainment and support industry professionals in telling authentic Native-led stories and challenging harmful stereotypes. We are thrilled to witness the success of TV and film that prioritize Native representation in front of and behind the camera.

The success of shows like True Detective: Night Country (HBO), Dark Winds (AMC), and ECHO (Hulu/Disney+), and films like Killers of the Flower Moon and Fancy Dance (Apple TV+), has ushered in a new era of Native storytelling in entertainment and demonstrates that positive and inclusive stories and characters resonate with audiences. This windfall has opened the door for more Native creatives to enter the entertainment industry and has attracted renewed attention to Native stories, inspiring non-Native industry professionals to create new television series, films, and documentaries that incorporate Native characters and storylines.



While there are reasons to celebrate Native stories being told on major platforms, there remains a great need for the entertainment industry to take the necessary steps to avoid perpetuating harm, particularly when it comes to telling stories that involve Native trauma, such as the national Missing and Murdered Indigenous Peoples (MMIP) crisis.



HOW TO USE THIS GUIDE AND WHY

IllumiNative's seminal research affirms that the biggest obstacle facing Native Americans is invisibility. For too long, depictions of Missing and Murdered Indigenous Peoples (MMIP) in television and film have shown high levels of violence that center the death of Indigenous people rather than the lives they lived before. This framing betrays any chance to represent Indigenous joy, healing, and community. Continuing the framing of MMIP stories in violence will only continue to normalize depictions of brutal and gruesome violence experienced by MMIP.

As filmmakers, creatives, artists, and other industry professionals, you have the opportunity to create a stronger community rooted in authenticity and care.

This guide comes from countless reviews of MMIP content and includes guidance from leading Native creatives and subject matter experts on best practices for MMIP storytelling. Our hope in creating this guide is that we honor our relatives by educating a larger audience about the MMIP crisis and offering guidance for how to address the topic in entertainment and media.

The best practices noted in this guide cannot comprehensively address every situation that may arise in a production, but should instead be seen as guideposts that, when continually activated, can become industry standard.

This is our moment to come together to create a culture of reciprocity for Native creatives, and champion authentic storytelling in Hollywood and beyond.



TERMINOLOGY AND DEFINITIONS

Alaska Native: A general term used to represent the Indigenous peoples of the land that is now referred to as Alaska.

American Indian: A general term that has been used in federal law and U.S. government departments, and therefore appears in federal, state, or local legislation and within judicial proceedings. The term has fallen out of usage and acceptability by Native peoples today and therefore should not be used to refer to Native peoples unless in the context described above.

First Nations: A general term used to represent the Indigenous peoples in the land that is now referred to as Canada.

Indian Country: A term that has both a formal and informal context. Indian Country is a legal term used in Title 18 of the U.S. Code where it broadly defines federal and Tribal jurisdiction in crimes affecting American Indians on reservations. Indian Country is simultaneously used as a broad and informal term in contemporary Native vocabulary describing both reservations, land held within Tribal jurisdictions, cities, and states with large populations of Native peoples, and reference the traditional homelands of all Native peoples within the United States. In this guide, we have chosen to use the term Missing and Murdered Indigenous Peoples (MMIP) as it is inclusive of all genders. Because this crisis disproportionately affects Native women, Two-Spirit, and gender-diverse people, we will be focusing the content of this guide largely on those groups. However, we also recognize that Native men are being murdered and disappeared at rates disproportionate to non-Native men.

We appreciate these other terms commonly used by experts and advocates:

- Missing and Murdered Indigenous Relatives (MMIR)
- Missing and Murdered Indigenous Women (MMIW)
- Missing and Murdered Indigenous Women, Girls, Two-Spirit People (MMIWG2S)

Indigenous: The original inhabitants of a certain geographic location, or a term used when referring to all the original inhabitants of the world.

Native: A less formal term to describe the original inhabitants of the United States, including Alaska Natives, and Native Hawaiians.



Native American: The original inhabitants and caretakers of the land that is now referred to as the United States.

Native Hawaiian: A general term used to represent the Kānaka Maoli, the Indigenous peoples of the land now referred to as Hawai'i.

Reservation: A land base that a Tribe reserved for itself when it relinquished its other land areas to the U.S. through treaties.

Treaties: The formal agreements many Tribes entered into with the United States federal government. In exchange for ceding their land, Tribes were promised education and healthcare for their citizens in perpetuity— commitments that have never been fully realized. The United States has broken over 500 treaties with the Native nations who stewarded this land long before the United States was founded, and there has been a long history of abuse and mismanagement by the U.S. government.



Tribal Sovereignty: Describes the inherent right of Tribes to govern themselves and the existence of a government-to-government relationship with the United States. A Tribe is an independent nation with the right to form its own government, adjudicate legal cases within its borders, levy taxes within its borders, and establish its membership. The relationship between Tribal governments and the U.S. federal government is unlike any other racial or ethnic group. Tribes are distinct and sovereign nations with complex histories of government and diplomatic relations that pre-date the existence of the United States. Federally recognized Tribes have a government-to-government relationship with the federal government, meaning Tribes have a special trust relation with the United States. As stated by the Native Americans Rights Fund, "The federal government has a trust responsibility to protect Tribal lands, assets, resources, and treaty rights." Citizens of federally recognized Tribes are dual citizens of both their Tribe and the United States. State recognized Tribes have a government-to-government relationship with the state where they reside.



Two-Spirit: A pan-Indigenous umbrella term to describe Native American, First Nations, and Indigenous peoples that have unique roles in their community as gender-diverse people. The term Two-Spirit originated in 1990 by Myra Laramee (Cree) at the Third Annual Intertribal Native American, First Nations, Gay, and Lesbian American Conference in Winnipeg. It is a translation of "niizh manidoowag" or "two spirits" in the Ojibwe language. While some Indigenous people might use the terms queer, gay, lesbian, or transgender, Two-Spirit is a term created by Indigenous people for Indigenous people to express feminine and masculine energies. It is important to remember that most Indigenous communities have specific terms in their own languages for the gender-variant members of their communities and the social and spiritual roles these individuals fulfill. Only Indigenous people that use the term "Two-Spirit" for themselves should be referred to this way.

UNDERSTANDING THE MMIP CRISIS

The MMIP crisis is an unfathomable national emergency. According to the National Congress of the American Indian, American Indians and Alaska Natives are 2.5 times as likely to experience violent crimes—and at least 2 times more likely to experience rape or sexual assault crimes—compared to all other races.¹

The reason these murders take place without consequence is because the United States Supreme Court has eliminated the inherent right of Tribal Nations to prosecute the majority of them, and state and federal authorities, oftentimes the only law enforcement agencies with jurisdiction, do not care to prosecute crimes committed against Native victims.

The 1978 United States Supreme Court decision in <u>Oliphant v. Suquamish Indian Tribe</u> left Tribal Nations without criminal jurisdiction to prosecute crimes committed by non-Indians on Tribal lands, despite the fact that most acts of violence against Native women are committed by non-Native individuals.²

Unfortunately, this results in the vast majority of these crimes never being investigated. This is not because they are highly mysterious or especially challenging to investigate, but because non-Tribal state and federal authorities, who are often the only law enforcement agencies with jurisdiction to investigate the crime, do not give these crimes the attention and consideration needed to lead to a prosecution.



In some counties, Native women are murdered at a rate ten times higher than the national average.³



89% of Native women have experienced stalking by a non-Native individual.⁴



96% of American Indian and Alaska Native victims of sexual violence experience violence by a non-Native perpetrator.⁵

3rd leading cause Murder is the third leading cause of death among American Indian and Alaska Native women.⁶

MEDIA AND THE MMIP CRISIS

Media exacerbates the MMIP crisis by advancing narratives that center the systemic commodification, dehumanization, and eroticization of Native women in the arts and entertainment industry.

All entertainment industry professionals—but especially those who are non-Native— have the opportunity and responsibility to reverse this trend portraying Native women as complex, genuine, well-rounded people, and responsibly exploring the true stories of MMIP.

Storytelling in film and television constitutes a powerful tool to uncover the roots of ongoing injustices in Indian country. But in order for a film or show to be able to do so, industry professionals must educate themselves on the parameters of the crisis today and hold the lived experience of the impacted victims, loved ones, and families with the utmost respect and care. "MISSING AND MURDERED INDIGENOUS WOMEN AND GIRLS ARE DISAPPEARED IN LIFE, IN DATA, AND IN MEDIA."

CREDIT: URBAN INDIAN HEALTH INSTITUTE, MISSING AND MURDERED INDIGENOUS WOMEN & GIRLS REPORT (2018)^Z



CASE STUDIES

NATIVE-CENTERED NARRATIVES IN ALASKA DAILY

While the television series Alaska Daily threatens to promote a white savior narrative by focusing on Hilary Swank's character as an investigative reporter, it also makes an effort to tell the story of a missing 17-year-old Alaska Native woman in a truthful and authentic way that prioritizes the perspective of those in her community.

Native creatives shaped the story

Native writers, Vera Starbard (Tlingít/Dena'ina) and Andrew MacLean (Inupiat), participated in the creative process for the series and fought to tell the story from the perspective of an Alaska Native woman, without falling into oversensationalized crime series tropes.

Multi-dimensional Native women characters Alaska Daily explores the MMIP crisis from the perspective of an Alaskan Native woman, "Roz", played by Grace Dove (Secwépemc). Throughout the series, the viewer follows the local journalist's personal life and emotional journey as she tries to bring attention to the crisis ravaging her community through her work.

WHITE-CENTERED NARRATIVES IN WIND RIVER

Although some in Indian Country applauded Wind River's focus on the MMIP crisis, others see the story as an unrealistic narrative with a white savior protagonist. Despite its well intentioned message, the film relied on problematic tropes that perpetuate the crisis.

Misrepresentation of the reality

This film centers an FBI agent traveling from an urban office to the reservation to investigate the disappearance of a Native woman. This white savior narrative is problematic for many reasons, but particularly because FBI agents—white or otherwise—almost never investigate homicides of Native people on Tribal lands.

One-note Native women characters

In Wind River Native women are only presented as victims and are not developed as characters before they are raped or murdered.

BFST PRACTICES FOR TELLING THE STORY OF THE MMIP CRISIS

There's a power and responsibility that comes with telling any given story. When telling the stories of the MMIP crisis, studios, companies, and other industry professionals should assess their intent and thoughtfulness along the way and engage in the creation of a story from a place of reciprocity and cultural competency.

Here are best practices you can use to help guide the creation of responsible, ethical, and respectful content.

ALWAYS OBTAIN PERMISSION AND CONSENT

When telling Native stories, it is vital to seek permission and obtain formal consent from the families of the victims, survivors themselves, Tribal government, and Native-led organizations that address the type of injustice you are seeking to portray. You should also ascertain the community and individuals permission and comfort level with being fully or partially named, filmed, or photographed.

It is important to note that any filmmaking happening on Tribal lands should have the official blessing of the Tribal leaders who hold the official authority on behalf of that nation on any decision-making on sovereign lands. Visit the Tribal leaders directory or more information on contacting Tribal governments. <u>https://www.bia.gov/service/tribal-leaders-directory</u>

Ample time should be given to coordinate and discuss with key parties and implement contracts when applicable. Be aware that consent can be withdrawn by families and Tribal nations at any time and for any reason.

PRIORITIZE TELLING TRUE STORIES

Even after obtaining consent, it is imperative that the lived experiences of survivors, victims, and their families are prioritized and their expertise valued. Planning and production of a project should always follow the direction and desires of those with lived experiences to ensure that the story is told with accuracy and integrity.



Frybreadface and Me (2023)

HIRE NATIVE WHEN TELLING NATIVE STORIES

The most effective way to create authentic and accurate content is to hire and employ Native creatives in key decision-making roles within the production from beginning to end, as writers, producers, and directors who can help tell stories from their own experience and community. If you are portraying a specific Tribe or nation, prioritize hiring members of that community to ensure accurate and authentic storytelling.



CASE STUDY: FANCY DANCE

Since her sister's disappearance, Jax (Lily Gladstone) has cared for her niece Roki (Isabel Deroy-Olson) by scraping by on the Seneca-Cayuga Reservation in Oklahoma. Every spare minute goes into finding her missing sister while also helping Roki prepare for an upcoming powwow. At the risk of losing custody to Jax's father, Frank (Shea Whigham), the pair hit the road and scour the backcountry to track down Roki's mother in time for the powwow. What begins as a search gradually turns into a far deeper investigation into the complexities and contradictions of Indigenous women moving through a colonized world and at the mercy of a failed justice system. Throughout the film, Roki and her disappearance are treated with integrity. When she is found, for example, her body is not shown.



ESTABLISH AN ADVISORY TEAM

When engaging a specific Indigenous community, it can be helpful to establish an advisory team that invites multiple representatives from the community and Tribal government, as well as culture bearers and elders to weigh in on the planning and production of a concept. This group can identify cultural blindspots production may be unaware of and form the foundation of a community partnership between production and Tribal nations.

Survivors, and/or the families of victims should be given the option of being included in this advisory committee, but should not be forced. It is also important to note that the participants of this advisory team should be appropriately compensated for their contributions and time.

After filming, the advisory team should be given the opportunity to review, in order to provide input on tone, depictions, etc.

GIVE NATIVE PEOPLE AND CHARACTERS FULL PERSONHOOD

Native characters, especially women and Two-Spirit LGBTQIA+ characters, deserve to be multidimensional people, with agency and a voice. While real and traumatic stories are a part of our communities just as much as any other community, we are more than only those stories. They should NOT be depicted solely as victims of violence and/or to bolster a non-Native character's narrative arch. When characters have a rich background and inner life it also pushes back on the tendency for the script and dialogue to fall into victim blaming.

HIRE AN MMIP CONTENT EXPERT TO CONSULT

Every production about MMIP content should prioritize the hiring of a content expert to serve in a leadership role in the production. Content experts will vary from project to project, but it is recommended that the MMIP content expert is from the Indigenous community that is related to the project's content. A list of potential consultants and organizations can be found at the end of this guide.

EVALUATE THE NEED TO SHOW VIOLENCE ON SCREEN

The depiction of violence on screen should only take place when absolutely necessary to move the story forward. The use of violence for the specific purpose to further the growth or character development of another—particularly a white and/or male character—should be avoided. Care should also be taken in order to avoid perpetuating the fetishization of violence against women.

BE RESPECTIVE OF CULTURAL PROTOCOLS

Cultural protocols are different for every community. Steps should be taken to ensure that cultural practices are being followed both on and off-screen. For example, in some Native communities, talking about or portraying people through imagery, name, or film after they have passed is not culturally acceptable and should be avoided when working with or telling the stories of the communities this applies to.

Other cultural protocols to be mindful of include traditional stories and elements; regalia and cultural attire; sacred items; languages; and traditional names.



CASE STUDY: ALASKA DAILY ROSALIND "ROZ" FRIENDLY

played by Grace Dove (Secwépemc)

Roz grew up in the village of Yakutat, with her cousin Laura. The girls grew up together and essentially did everything together. But when Laura was 17, she went missing and eventually led Roz to becoming a reporter. Roz's character explores a Native woman's personal life and journey as she battles to engage in investigative journalism that could help address the crisis ravaging her community.

DO NOT ASK NATIVE PEOPLES TO RELIVE TRAUMA

The MMIP crisis affects every Native community in the U.S. Therefore, it is imperative that the telling of these stories be done with great care to ensure that no one is forced to relive their trauma. This includes the survivors, victims, and families whose story you are telling, as well as the Native actors, creatives, and other industry professionals working on the project.

HIRE GRIEF COUNSELORS AND/OR FAMILY ADVOCATES

Family advocates can be helpful when working with victims, survivors, and their families as they are frequently seen as a trusted coordinator and liaison with production.

Having grief counselors on set will allow actors, crew members, and others a safe outlet to express their emotions and concerns, especially when dealing with sensitive topics, such as the MMIP crisis. Some Indigenous mental health and wellness organizations that can support this include:

- STRONGHEARTS NATIVE HELPLINE
- WERNATIVE
- NATIVE WELLNESS INSTITUTE
- NATIVE HOPE
- <u>CENTER FOR NATIVE AMERICAN YOUTH</u>

GUT CHECK

Before beginning the work on a project about the MMIP crisis, it is important to consider:

- Is this my story to tell? If not, do I have the permission and consent form the people whose story it is?
- Is the community I'm engaging with being fairly and appropriately compensated?
- In what ways will Indigenous communities share in the benefits of this production?
- Is there an opportunity to intentionally raise awareness of an unjust system and build in a call to action?

COMPENSATION MATTERS

Whenever you are asking for information, knowledge, or advice around Native culture, language, and representation you must appropriately compensate those individuals. Consider how the production will compensate the Tribe. Additionally, the film or series should be made available to Tribal nations, individuals, family and community members who were involved in the production. Killers of the Flower Moon (2023)

Prey (2022)



Frybreadface and Me (2023)

Echo (2024)

Alaska Daily (2022)

CONCLUSION

True Detective: Night Country (2024)

We are at a critical moment in time where Native characters and storylines are inspiring industry professionals and captivating mass audiences. In many Indigenous communities, storytelling is a central form of learning, it's how our languages, traditions, teachings, and histories are passed on, with this latest resource, we hope to shed light on the protocols and guiding practices that can support Native and non-Native industry professionals in telling accurate and compelling stories that bring the appropriate attention to the MMIP crisis. We look forward to the time when future generations won't have to tell MMIP stories. For now, we offer this as a guide to carry our stories forward with honor and respect.

For additional guides on best practices for Indigenous representation in media and entertainment, please review our other guide for industry professionals <u>The Time is Now.</u>

ACKNOWLEDGEMENTS

IllumiNative would like to thank the Native creatives and experts who contributed their time, stories, and insights that helped inform this guide.

MMIWG2S Alaska: Alaska Native Justice Center, Alaska Native Heritage Center, Alaska Native Women's Resource Center, Data for Indigenous Justice, Native Movement.

Charlene Aqpik Apok (Iñupiaq, she/they) PhD, MA; Executive Director, Data for Indigenous Justice; Gender Justice & Healing Director, Native Movement; Co-Creator, Alaska Native Birthworkers Community. Aqpik is Iñupiaq, her family is from White Mountain and Golovin, AK. She is mother to Evan Lukluan. They have served in many spaces as an advocate for Indigenous womxn, Indigenous sovereignty, climate justice and Indigenous rights to health and wellbeing. Aqpik is a lifelong learner in both her cultural traditions and decolonizing academia. She earned her B.A in American Ethnic Studies with a minor in Gender, Women & Sexuality Studies, an M.A in Alaska Native Studies and Rural Development and PhD in Indigenous Studies with a dissertation on Indigenous gender constructs. Previous to their current positions they worked in Tribal health as a researcher serving Alaska Native and American Indian peoples. Aqpik gratefully resides in Anchorage on the territories of the Dena'ina peoples. Here she has taught the Iñupiaq language and is part of Kingikmuit dance group with her son.

Princess Daazhraii Johnson (Neet'saii Gwich'in) lives on the traditional territory of lower Tanana Dene lands in Alaska. She is a writer/director/producer/actor and is committed to building more narrative sovereignty for other Alaska Native filmmakers through such programs as Native Movement's Alaska Native Filmmakers Intensive. She sits on the boards of Native Movement and NDN Collective and has worked with community for many years in defending the Sacred in Alaska and bringing awareness to the connections between violence against the land and violence against women. She is humbled to build upon the work of so many other Indigenous creatives that have helped break trail for authentic representation in media. She is a Sundance Film Alum, a member SAG-AFTRA, the Television Academy and an Emmy-nominated writer and producer for the Peabody award-winning PBS Kids series "Molly of Denali". She is currently developing her first feature length film.

Mary Kathryn Nagle is an enrolled citizen of the Cherokee Nation. She is an attorney whose work focuses on the restoration of Tribal sovereignty and the inherent right of Native nations to protect their women and children from domestic violence and sexual assault. Nagle is an accomplished playwright whose productions include Manahatta (Yale Repertory Theatre), Sovereignty (Arena Stage), On the Far End (Round House Theater), and many others. Nagle also works in film and television serving as an Associate Producer on the film PREY and other projects. She is most well known for her work on ending violence against Native women and has worked extensively on Violence Against Women Act reauthorization, and has filed numerous briefs in the United States Supreme Court, as a part of the National Indigenous Women's Resource Center's VAWA Sovereignty Initiative, including, Denezpi v. United States, United States v. Cooley, Oklahoma v. Murphy, Oklahoma v. McGirt, Oklahoma v. Castro-Huerta, and Brackeen v. Haaland. She represents numerous families of Murdered and Missing Indigenous Women and Girls, including Kaysera Stops Pretty Places' family who have brought a public campaign demanding an investigation into her murder. More can be read here: www.justiceforkaysera.org"

RESOURCES

- <u>Sovereign Bodies Institute</u> (SBI) builds on Indigenous traditions of data gathering and knowledge transfer to create, disseminate, and put into action research on gender and sexual violence against Indigenous people
- <u>Coalition to Stop Violence Against Native Wome</u>n (CSVANW) CSVANW's mission: To stop violence against Native women and children by advocating for social change in our communities. The CSVANW takes ownership and responsibility for the future of Native women and children by providing support, education, and advocacy using our strengths, power and unity to create violence-free communities
- <u>National Indigenous Women's Resource Center</u> (NIWRC) provides national leadership to end violence against American Indian, Alaska Native, and Native Hawaiian women by uplifting up the collective voices of grassroots advocates and offering culturally grounded resources, technical assistance and training, and policy development to strengthen tribal sovereignty.
- <u>MMIWG2S Alaska Working Group</u> is an Indigenous Peoples-led statewide working group supported by partner
 organizations: Alaska Native Women's Resource Center, Alaska Native Justice Center, Alaska Native Heritage
 Center, Data for Indigenous Justice, and Native Movement. Members began meeting in 2018 and have
 continued to meet weekly in an effort to have shared communications, strategy, actions, and community
 building to address this crisis in Alaska.

MMIP CONSULTANTS

- Mary Kathryn Nagle (Cherokee Nation), Attorney
- · Charlene Aqpik Apok (Iñupiaq), Executive Director & Co-Founder of Data for Indigenous Justice

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PHOTO CREDITS (In order of appearance)

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IllumiNative is a national, Native woman-led nonprofit dedicated to increasing the visibility of Native peoples and challenging and changing the narrative about Native peoples. We envision a future where the self-determination and sovereignty of Native peoples is respected, where our children see themselves reflected in the world around them, and where Native peoples author and drive our own narrative.

To learn more, visit illuminatives.org