

Restoration

OF NATIVE SOVEREIGNTY AND SAFETY FOR NATIVE WOMEN



JUNE 2018



National Indigenous Women's Resource Center
VOLUME 15 ISSUE 2

May 5, 2018
National Day of Awareness for
Missing and Murdered Native
Women and Girls

Restoration

OF NATIVE SOVEREIGNTY AND SAFETY FOR NATIVE WOMEN

Dear Friends,

We, the National Indigenous Women's Resource Center (NIWRC), welcome you as we celebrate our historic victory of Congress acting to provide Indian tribes direct access to grants under the Crime Victims Fund. The \$133 million provided under the FY 2018 Omnibus Spending Bill will provide Indian tribes with the necessary resources to increase services to all crime victims—services such as safe shelter, rape crisis response, and so much more. The NCAI Task Force raised this issue at the first VAWA-mandated consultation in 2006 and at every consultation for the last 12 years. We must continue our advocacy until Congress amends the Victims of Crime Act (VOCA) to include Indian tribes permanently.

In February, NIWRC issued a call for the national movement to join us in rallying the grassroots movement to educate Congress of the crisis of missing and murdered Native women and girls. More than 200 organizations responded to the call and signed a letter of support urging the Senate to pass a resolution recognizing May 5, 2018, as a National Day of Awareness for Missing and Murdered Native Women and Girls. This Restoration spotlights the growing national movement and includes the statement that Malinda Limberhand, mother of Hanna Harris, made during the MMIWG Walk for Justice held this year at Lame Deer, Montana. The staff of NIWRC at our home office in Lame Deer were honored to support this walk.

As we turn our grief into action, the NIWRC encourages all Indian tribes to prepare and actively engage with the Departments of Justice, Health and Human Services, and Interior during the August 21–22 annual VAWA-mandated tribal consultation in Sioux Falls, South Dakota. Indian tribes have realized historic reforms over the last 12 years through the annual consultation process. This year's consultation is very important given that both the Violence Against Women Act and the Family Violence Prevention and Services Act will sunset this year unless reauthorized.

There is so much work to be done in the coming months. Ending violence against Native women requires the movement to remove the legal and policy barriers that separate us from all other women in the United States. The foundation of such change is providing Indian nations the full authority and resources to protect their peoples.

Continuing the struggle for safety and sovereignty,



Lucy Simpson
Executive Director
NIWRC



Cherrah Giles
Board Chair
NIWRC



Cover: "We are all sacred. We must be treated with dignity and with respect. The issue of missing and murdered Native women must receive an adequate response from law enforcement and prosecutorial bodies," said Lucy Simpson, Executive Director of the National Indigenous Women's Resource Center, during an educational event in Montana regarding Missing and Murdered Native Women.

Contents

In the News

- 8 VAWA 2013 Special Domestic Violence Criminal Jurisdiction Over Non-Indians
- 9 Educating Congress to Understand the Crisis of Missing and Murdered Native Women at the Capitol Visitor Center, Panel Discussion and Viewing of Wind River
- 11 FY 2018 Funding Increase to Address Violence Against Indian Women
- 12 NativeLove is still on the Moccasin Trail in 2018!
- 15 StrongHearts Native Helpline Dedicates One-Year Anniversary to American Indian and Alaska Native Survivors of Domestic Violence

International Update

- 17 Experts Call for Action to Address Violence Against Indigenous Women in Rural America
- 18 Responding to the Crisis of Missing and Murdered Indigenous Women and Girls
- 19 UN Commission on the Status of Women

Missing and Murdered Native Women and Girls

- 21 May 5, 2018, National Day of Awareness for Missing and Murdered Indigenous Women
- 23 A Mother's Walk for Justice
- 27 Mapping Out Missing and Murdered Native Women: "I Would Want My Story to Have Meaning"

Legislative Update

- 30 A Victory! Indian Tribes Receive FY 2018 Dedicated Funding Under VOCA
- 31 Securing Urgent Resources Vital to Indian Victim Empowerment (SURVIVE) Act: A Permanent Fix to Establish a Tribal VOCA Funding Stream
- 32 VAWA 2018 Reauthorization: Legislative Overview of Pending Legislation
- 33 A Quick Note on Current Congressional Legislation

Consultation 2018

- 34 Annual Tribal Consultation on Violence Against Native Women Mandated Under the VAWA 2005 Safety for Indian Women Title
- 35 Progress Made Based on the VAWA Annual Consultation Process
- 36 Tribal Preparation the Essential Link for Consultation
- 37 Analysis and Research on Violence Against Indian Women: National Baseline Study Mandate
- 40 Priority Issues: VAWA-Mandated Annual Consultation on Violence Against Indian Women
- 44 Housing in Tribal Communities: Three Issues for Consideration of Safety for Native Women

Alaska Update

- 49 Violence Against Women (VAW) Task Force Established at the 83rd Annual CCTHITA Tribal Assembly
- 50 Tlingit and Haida Co-Sponsors Violence Against Women Awareness Rally



Instructions on how to use the QR codes in this magazine

1. Using your smartphone, go to Google Play (for Androids) or App Store (for iPhones).
2. Search for the QR Bot app. Download and open on your phone.
3. The QR Bot app will use the camera on your phone to scan the code at right.
4. Open the website link it takes you to!

Editor's Note

Essential Discussion of Violence Against Native Women as Gender-Based Violence

The demands created by the devastating impact on human life due to extreme violence against Native women leaves little time to participate in discussions about whether the violence is “gender-based.” Tribal leaders, grassroots tribal coalitions, advocates for safety, and generally tribal staff are so busy with urgent issues, many life-threatening, they also tend to focus on the more concrete, day-to-day needs to be addressed.

Did the Violence Against Women Act (VAWA) specifically recognize and address violence against women as gender-based violence? And the more current question: Should it? The answers to these questions have the potential to shift the foundation of more than 20 years of work by Indian tribes under the Act. The answer also undermines the tribal analysis of the connection of violence against Native women to colonization and erosion of the sovereignty of tribes to protect women.

What Is “Gender-Based Violence”?

The 1993 United Nations resolution on the Declaration on the Elimination of Violence Against Women (DEVAW) was the first international instrument to explicitly define violence against women.¹ The definition reads “any act of gender-based violence that results in, or is likely to result in, physical, sexual, or psychological harm or suffering to women, including threats of such acts, coercion, or arbitrary deprivation of liberty, whether occurring in public or in private life.” Violence against women is identified as gender-based violence because of the uneven impact of violence committed by men against women and girls.

Violence against women and gender-based violence are often used interchangeably in the international context. The UN Declaration passed during the same time frame as VAWA in the United States indicating the changing view and understanding of violence against women. Important for indigenous women in the United States are the three categories the Declaration provided in its statement on violence against women.

The first is violence perpetrated by the state, such as violence against women in custody and as part of warfare. The second is violence occurring within the general community, including rape, sexual harassment, trafficking, and intimidation at work. The third is violence in the family and in the private sphere. Examples of such

violence against American Indians and Native Hawaiians from each category have occurred since contact and on a daily basis.

Historically, colonization of the indigenous peoples of the United States was violent, gender-based (targeting women), and legal. The colonizing countries viewed Native women without regard for any protections from violence by those employed by, or citizens of, the colonizing government. Currently, in the United States, the federal law offering protection from gender-based violence for American Indian women is the Safety for Indian Women Act, established under the VAWA of 2005. It is inclusive of the four specific crimes of domestic violence, sexual assault, dating violence, stalking found throughout VAWA, and also sex trafficking.

VAWA, Gender-Based Violence, Violence Against American Indian Women

The Violence Against Women Act (VAWA) was enacted in 1994² to undeniably address gender-based violence against women, specifically domestic violence and sexual assault. The need for this landmark federal law grew as a result of increased public awareness during the 1980's and 1990's stemming from grassroots organizing of women across communities to support other women—their sisters and their children—suffering from domestic violence. An interesting revision of history that opposes this original purpose of VAWA is found today.

Since 1994, VAWA through each reauthorization has broadened to address additional crimes—stalking, dating violence, elder abuse, and within the Tribal Title³, sex trafficking. Each reauthorization has challenged the national tribal movement to organize to educate Congress to enact the necessary reforms to increase safety of Indian women specifically: the increase of the tribal funding stream from 4% to 10% in 2000; the creation of a specific tribal title in 2005; and, the tribal amendments most historic being the restoration of criminal jurisdiction over non-Indian perpetrators of domestic violence in 2013. Over these decades, political clarity has focused on the essential cornerstones required to continue progress toward increased safety for Native women and strengthening of sovereignty of Indian tribes to protect women and girls.

Foundational to the movement is the common

2. 42 U.S.C. § 13981 (1994)

3. Title IX, Safety for Indian Women, VAWA 2005

1. Available at www.un.org/documents/ga/res/48/a48r104.htm

understanding of the violent victimization of American Indian women as gender-based violence. VAWA is viewed as the statute offering federal criminal and civil protections, resources, and training and technical assistance to address five crimes primarily committed against women by men. Unfortunately, this is not a shared view of the VAWA and in 2005 the reauthorized VAWA deleted the reference to “women” from the majority of the titles of the Act leaving the remaining text as a list of the four VAWA-identified crimes with the exception of the Tribal Title specifically addressing violence against Indian women.

The disagreement about the focus of VAWA being

“A gender-based analysis of violence against American Indian women has historically guided the national movement for the safety of Native women.”

gender-based violence against women is not about the reality that all populations are subject to violent crime, or that men and boys are victims of such violence, or that elders are victims of abuse by caretakers, or that some populations of women disagree with this political analysis. The disagreement squarely rests on VAWA as a federal statute “recognizing and specifically addressing gender-based violence disproportionately committed against women by men.”

The gender-based violence committed against American Indian and Native Hawaiian women spotlights the reality that for some populations the discriminatory laws against women and the legal infrastructure by which they continue to operate have not changed since originally enacted several hundred years ago.

Men Are Included Under VAWA

It is important to acknowledge that VAWA already includes services to all men and has funded programs and training specifically for gay men. In 2005, VAWA was amended to statutorily clarify and affirm that male victims (all men) were not excluded from receiving “services and benefits” under the Act. This clause is referred to as the “non-exclusivity clause.”

All grantees receiving benefits under VAWA have this clause as a condition of their grant. It states: “Nothing

in this title shall be construed to prohibit male victims of domestic violence, dating violence, sexual assault, and stalking from receiving benefits and services under this title.” The language of the clause clearly requires services and benefits to be provided to male victims of domestic violence, dating violence, sexual assault, and stalking. All grantees receiving federal funding under VAWA also receive training about this provision.

VAWA and American Indian Women

In 2000, advocates for the safety of Native women while small in number⁴ decisively partnered with the National Congress of American Indians (NCAI) establishing a task force to organize to amend VAWA to be inclusive of American Indian women.⁵ In 2003, tribal advocates worked as part of the Task Force to successfully add to VAWA a ninth title during the 2005 reauthorization—Title IX. Safety for Indian Women Act.⁶ The findings of the Tribal Title reaffirm the need to address gender-based violence committed against Indian women.

Congress finds that—

- (1) 1 out of every 3 Indian (including Alaska Native) women are raped in their lifetimes;
- (2) Indian women experience 7 sexual assaults per 1,000, compared with 4 per 1,000 among Black Americans, 3 per 1,000 among Caucasians, 2 per 1,000 among Hispanic women, and 1 per 1,000 among Asian women;
- (3) Indian women experience the violent crime of battering at a rate of 23.2 per 1,000, compared with 8 per 1,000 among Caucasian women;
- (4) during the period 1979 through 1992, homicide was the third leading cause of death of Indian females aged 15 to 34, and 75 percent were killed by family members or acquaintances;
- (5) Indian tribes require additional criminal justice and victim services resources to respond to violent assaults against women; and,
- (6) the unique legal relationship of the United States to Indian tribes creates a federal trust responsibility to assist tribal governments in safeguarding the lives of Indian women.⁷

4. Funded by a grant from the Ms. Foundation, Cangleska, a tribal organization at Pine Ridge Sioux Indian Tribe, attended the National Congress of American Indians and hosted events in Washington, DC.

5. NCAI resolution STP-00-081 (2000)

6. Violence Against Women and Department of Justice Reauthorization Act of 2005, Public Law 109-162.

7. VAWA 2005, Pub. L. No. 109-162, § 901.

The Congressional purposes for the title provide an overview of the goals Congress intended it would accomplish. The three purpose areas also provide clarity for the implementation of the Act. It links the decrease of violence against Indian women to the increased capacity of Indian tribes to exercise their sovereign authority to protect Indian women and hold perpetrators accountable for their crimes.

The purposes of this title are:

- (1) to decrease the incidence of violent crimes against Indian women;
- (2) to strengthen the capacity of Indian tribes to exercise their sovereign authority to respond to violent crimes committed against Indian women; and
- (3) to ensure that perpetrators of violent crimes committed against Indian women are held accountable for their criminal behavior.⁸

The root of violence against Native women is not found in any single Congressional act, Supreme Court case, executive order, or federal policy but is revealed in the layers of federal laws and policies known as federal Indian law. The inconsistent handling of violent crimes against Native women reaches far beyond the lack of training or failure of individuals to respond appropriately to such crimes. It is current federal law, based on the historical relationship between the United States and Indian tribes as governments, that serves as the foundation for American cultural acceptance and tolerance of violence against Native women. Federal law denies the authority and fails to provide the resources to Indian tribes to protect Native women.

In response to the imposition of foreign governments, Indian nations were forced to dismantle or modify their systems of governance. This disruption included a breakdown of customary law and tribal ways of life that safeguarded Native women from acts of physical and sexual abuse. The legalization and cultural acceptance

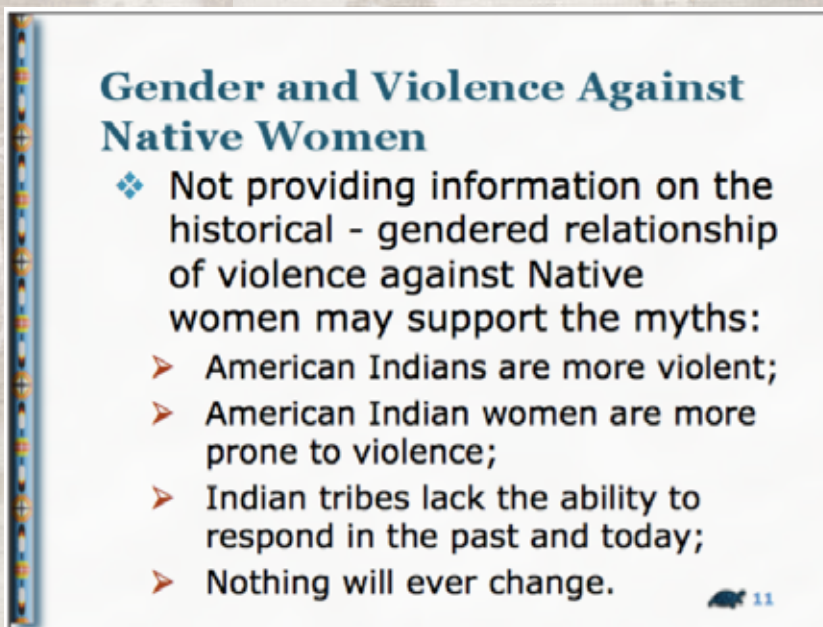
8. VAWA 2005, Pub. L. No. 109-162, § 901.

of violence perpetrated against Native women as populations began with the conquest of Indian nations by colonial governments such as Spain, France, Russia, and England. An outstanding characteristic of conquest was the physical and cultural genocide of indigenous women of the Americas and Native Hawaiian Kingdom.

This legal relationship, established over more than a hundred years, separates Native women from other populations of women. These laws enacted decades ago were never intended to protect Native women or respect the sovereign authority of Indian nations. The linkage of gender-based violence against American Indian women and the long history of federal denial of Indian women adequate or any protections requires VAWA to do more to specifically address violence against Indian women.

Legal infrastructure is commonly used to refer to both a law and everything connected to implementing the


law. The long history and pattern of law and policies increasing the vulnerability of Indian women and denying them protections afforded other women is the foundation of the current levels of violence and the reality of daily occurrences of gender-based violence against Indian women. All populations suffer violent crime; not all populations suffer more than double the rate of other populations, or in some cases a murder rate 10 times higher, or the disappearance of women with zero response of law enforcement.



Gender and Violence Against Native Women

❖ **Not providing information on the historical - gendered relationship of violence against Native women may support the myths:**

- **American Indians are more violent;**
- **American Indian women are more prone to violence;**
- **Indian tribes lack the ability to respond in the past and today;**
- **Nothing will ever change.**

 11

Rapid City, SD, June 14, 2010—Slide from Tillie Black Bear's presentation titled "Gender and Violence Against American Indian Women; Understanding the Relationship of History to the Present."

It is undeniable that VAWA has made tremendous improvements in the lives of victims of domestic and sexual violence. It is also undeniable that VAWA has not reached the majority of Indian nations and Native women of those nations.

What Difference Does It Make?

The 1994 enactment and each reauthorization of VAWA is a celebration for all. The steady revisions to VAWA away from the concept of gender-based violence, however, is unfortunate and a reversal of the progress

made in 1995. This shift makes a strong statement that the rate of victimization of women and these crimes is not related. It makes a statement that these crimes impact men similarly to women. And, it eliminates the potential for community responses that are gender specific, and culturally specific pathways to safety and healing from the violence.

The concept of “power and control” as the foundation of male violence against women was legitimized under the law and the legal infrastructure of the United States and did not occur as random individual acts. The violence and abuse was legal. How many fathers, sons, brothers, and other men watch loved ones and other women be abused and could do nothing due to the law? The use or threat of violence to assert power and control was normalized because of the law legitimizing male violence against women. While advances in federal, state, and tribal domestic violence laws have been made, the legal infrastructure of the past continues in that perpetrators are not held accountable for their violence. And much remains to be accomplished in the area of reforming sexual assault laws and services for rape victims. Acknowledging gender-based violence is essential to the continued reform of gender-biased law and the legal infrastructure by which it operates.

In the context of federal Indian law and Indian tribes, many of the same codes of the past remain in place

that deny Native women the protection of their tribal nation. The development of services for tribal women as women is appropriate and essential. Shelter or services for rape victims in most tribal communities are designed specifically for women based on the specific culture, language, and healing ceremonies for women—gender-specific services. For many tribal programs, the “services” are not designed with the goal of retribution but healing and restoring of balance in the life of the woman. And, as Native men have specifically stated, frequently men have cultural practices and ceremonies they engage in as men.

The position that deleting “women” and any acknowledgment of “gender-based violence” committed against women in reference to the four VAWA crimes has “no impact” is illogical. It has a large impact.

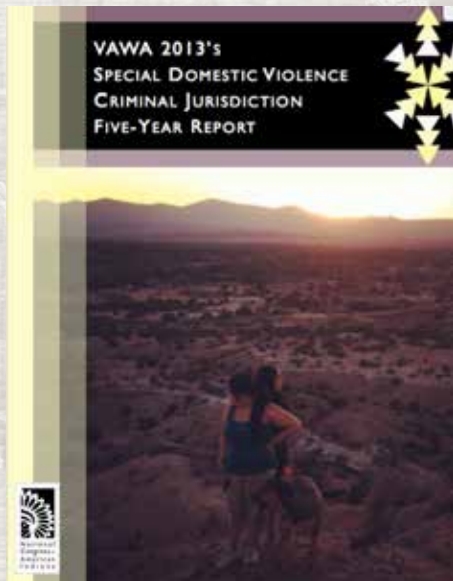
Addressing domestic and sexual violence against women as gender-based violence was the foundation for enactment of VAWA and the reason why the term “women” appeared throughout the Act. The limited extent to which VAWA acknowledges gender-based male violence against women should remain as it continues to permeate all levels of U.S. society.



Jacqueline “Jax” Agtuca,
Editor, *Restoration*

VAWA 2013 Special Domestic Violence Criminal Jurisdiction Over Non-Indians

NCAI Releases Five-Year Report



(WASHINGTON, D.C., March 20, 2018)—The National Congress of American Indians (NCAI) has released a new report summarizing results of the first five years of tribal government-expanded criminal jurisdiction over non-Indians under the tribal provisions of the 2013 reauthorization of the Violence Against Women Act (VAWA 2013).

The report was released in conjunction with the March 19th Senate Judiciary Committee Hearing on “The Need to Reauthorize the Violence Against Women Act.”

VAWA 2013 created a framework for tribal courts to prosecute non-Indians for certain violent crimes against Indian citizens—something that has not happened in 35 years, since the U.S. Supreme Court decision in *Oliphant v. Suquamish Tribe* reversed this sovereign jurisdiction. VAWA 2013 recognized and affirmed the inherent sovereign authority of tribal nations to exercise criminal jurisdiction over certain non-Indians who commit domestic or dating violence against Indian victims on tribal lands.

NCAI works closely with the 18 tribal nations who have arrested non-Indians under this landmark provision. These tribes report 143 arrests of 128 different non-Indian abusers. These arrests have led to 74 convictions and 5 acquittals to date, with some cases still pending. VAWA 2013 has allowed tribes to finally prosecute these long-time abusers who previously had evaded justice, and provide increased safety and justice for victims who previously had little recourse against their abusers. The report highlights specific examples illustrating successes as well as gaps in the law that Congress should address.

The report documents how committed each tribe has been to successfully implementing VAWA and ensuring the effective administration of justice in their communities. Not only do non-Indian offenders receive a fair day in court, but many tribes include broader resources aligned with cultural values for community wellness to ensure that these defendants receive help and support. Fifty-one percent of the defendants were sentenced to batterer intervention or other rehabilitation programs as a part of their tribal court sentences.

“The success of VAWA 2013 demonstrates that tribes can and will provide effective justice to their communities, and fair process to all those who appear in tribal courts,” said NCAI President Jefferson Keel.

VAWA 2013 only allows tribal courts to prosecute non-Indians for a narrow set of crimes. The report also documents the limitations of the law, including the lack of tribal court jurisdiction over crimes against children, law enforcement personnel, and sexual assault crimes committed by strangers. Tribes express continued frustration at their inability to prosecute these crimes—many of which occur in conjunction with a domestic violence offense—often with dangerous and devastating consequences for victims. Many tribes also report that a lack of funding is the only thing preventing them from implementing VAWA.

“NCAI and its member tribal nations stand ready to advocate for further expansions of this law to ensure public safety and justice in Indian Country,” said Juana Majel-Dixon, Co-Chair of the NCAI Task Force on Violence Against Women.

View the report here (http://www.ncai.org/resources/ncai-publications/SDVCJ_5_Year_Report.pdf), as well as additional resources on NCAI’s Tribal VAWA website (<http://www.ncai.org/tribal-vawa>).

For further information, contact NCAI Legal Counsel John Dossett at john_dossett@ncai.org and NCAI Project Attorney Elizabeth Reese at ereese@ncai.org.

Educating Congress to Understand the Crisis of Missing and Murdered Native Women at the Capitol Visitor Center

Panel Discussion and Viewing of *Wind River*

(Washington, D.C., February 12, 2018)—The ever-growing public awareness and concern about the crisis of missing and murdered Native women and girls sparked the attention of Congresswoman Norma Torres (D-CA) and her staff member Rudy Soto, who initiated an invitation to NIWRC to partner on hosting an event on Capitol Hill. “The invitation to partner came at a perfect time,” said Caroline LaPorte, NIWRC Senior Native Affairs Policy Advisor. “This crisis is ongoing and many legislators are not aware of the need to take action.”

In order to raise awareness of the crisis of missing and murdered Native women and girls, Congresswoman Torres proposed to host a reception, briefing, and educational showing of the feature film *Wind River*. The movie illustrates the pervasiveness of the violence committed against Native women. The movie depicts the sexual assault and ultimate murder of an 18-year-old on the Wind River Reservation by a non-Native.

It highlights the jurisdictional complexities that Native women and their families must navigate in instances of violence. Due to a U.S. Supreme Court Case, *Oliphant v. Suquamish* (1978), tribal nations were stripped of their inherent authority to prosecute non-Natives for crimes committed on tribal lands. *Wind River* brings the viewer into the reality of a Native woman who is violently attacked, raped, and murdered by a non-Native, yet her tribal government has no authority to arrest the murderers. The Violence Against Women Act of 2013 effectuated a narrow *Oliphant* fix. Twenty-six tribes are now implementing the amendment and able to prosecute non-Natives for dating violence, domestic violence, and criminal violations of orders of protections.

“Of all the responsibilities our government assumes, none is more urgent, dire, and more necessary than the protection of the most vulnerable of our society. I am testifying for a segment of our society that couldn’t be in more desperate need of that protection. And that protection begins by being accounted for—it begins by simply knowing how many Native American women and girls have been murdered and never found.”

Responding to the Crisis: The Savanna’s Act

During the event, Senator Heidi Heitkamp (D-ND) spoke about the Savanna’s Act which she introduced last October 5, 2017, after a pregnant Savanna LaFontaine-Greywind was found murdered in the Red River, her newborn child having been crudely removed from her

body pre-mortem. The child was later found in the possession of Savanna’s killers and is now reunited with her father. Savanna is sadly one of countless Native women and girls who have gone missing or who have been murdered. Congresswoman Torres (D-CA) introduced a companion bill in the House of Representatives.

In North Dakota alone, 125 cases of missing Native women were reported to the National Crime Information Center. Sadly, this number is widely accepted as lower than the reality given that these crimes are often underreported due to the nature of distrust that Native people often have for systems and law enforcement and the failure of the legal system as applied to Native women and issues of gender-based violence in tribal communities.

—Taylor Sheridan,
Director, *Wind River*



Savanna’s Act would improve tribal access to federal crime information databases, such as the National Crime Information Center, and would create data fields relevant to the Native population. The bill also calls on law enforcement agencies to create standardized protocols across jurisdictions to address the issue of missing and murdered, and requires an annual report to Congress. The bill has garnered strong bipartisan support in the Senate Committee on Indian Affairs and promises to do the same in the House.



Co-Chair of the NCAI Task Force on Violence Against Women Juana Majel-Dixon and Tunica-Biloxi Tribal Council Member Brenda Lintinger.

Strong Congressional and National Partnerships Are Needed

The National Indigenous Women's Resource Center hosts an annual briefing on Capitol Hill in partnership with Congressional members and national allies who understand and champion the issue of increasing safety for Native women. One example is that of Senator Lisa Murkowski who has consistently supported and partnered to organize three briefings with NIWRC over several years.

"It is NIWRC's hope that these types of events will inform and educate members of Congress and their staff to respond to and address the full breadth of violence against Native women," said Lucy Simpson, Executive Director, NIWRC. "We look forward to continuing our partnership with Congresswoman Torres and Senator Heitkamp by working together on future such events."

The Capitol Visitor Center included a panel of national experts including the producer of the film *Wind River* represented by Tribal Council Member Brenda Lintinger, Director Taylor Sheridan, and others.

The National Indigenous Women's Resource Center (Lame Deer, Montana) hosted the event in partnership with the National Congress of American Indians, the National Indian Gaming Association, the Indian Law Resource Center, the StrongHearts Native Helpline, the Alaska Native Women's Resource Center, the Tunica-Biloxi Economic Development Corporation, the Tunica-Biloxi Tribe, the Cheyenne River Sioux Tribe and the Shakopee Mdewakanton Sioux Community.

**Organizing for Justice for #MMIWG
Panel and Viewing of Wind River
Capitol Visitor Center, April 12, 2018**



Jacqueline "Jax" Agtuca
NIWRC
Public Policy Consultant

Virginia Davis
NCAI
Senior Policy Advisor

Caroline La Porte
NIWRC
Senior Native Affairs
Policy Advisor

Good News! FY 2018 Funding Increase to Address Violence Against Indian Women

The FY18 Omnibus Spending Bill allocation of funds for a tribal VOCA program was an incredible step forward for victim services and victim access to resources in tribal communities. The funding will be instrumental in addressing the resource disparity that American Indians and Alaska Natives confront when victimized by crime.

In addition to the historic VOCA funding for Indian tribes, the Bill also included other substantial budget allocations:

- \$492 million for the Violence Against Women Act (the highest funding to date for VAWA), and
- \$154 million for the Family Violence Prevention and Services Act, which includes an additional \$5 million increase specifically for the existing tribal-dedicated funding stream.

"The National Indigenous Women's Resource Center is beyond pleased to see that Congress has, through passage of the Omnibus Bill, provided the funding for essential and lifesaving resources," said Lucy Simpson, Executive Director, NIWRC. "Through the tribal appropriations under FY18 Omnibus Spending Bill, Congress has demonstrated a commitment to tribal sovereignty, the federal trust relationship, and to American Indian and Alaska Native victims of crime."

NATIVE

Love

ON THE

MOCCASIN TRAIL

By Rebecca Balog, Princella RedCorn, & Rose Quilt

NativeLove is still on the Moccasin Trail in 2018!

Since 2013, the NativeLove Project has continued a successful partnership with Verizon. Our focus is youth-driven activism meant to inspire, empower, and mobilize tribal youth to engage in meaningful discussions with their peers, families, and communities to raise awareness about ending violence to restore balance in relationships and promote healthy lifestyles. We support their efforts to create social change and encourage them to be good relatives to one another and our homelands. On the trail, we are constantly reminded and inspired by youth and their ability and willingness to lead. NativeLove aims to create safe spaces, empowering them to redefine NativeLove.

Generally, NativeLove offers customized programming intended for youth (K-12 and college students). We coordinate with sexual assault and domestic violence programs, tribal and non-tribal schools (with Native students and youth allies), universities, athletic teams, tribal community programs, tribal coalitions, and tribal leaders (both political and traditional structures). We have also worked with tiny tots, providing age-appropriate activities like the 2016 Burns Paiute *Criss Cross Applesauce NativeLove Workshop* with 2- to 7-year olds.

What we know: Young people must have the opportunity to lead change within their own communities to encourage each other, including boys and young men to respect girls and women, and empower one another to become grassroots leaders and allies in ending intimate partner, sexual, and teen dating violence.

What we have learned: Youth activists *can* and *do* take healthy relationships very seriously. They empower each other to build/expand leadership opportunities, to take

their rights into their own hands, as well as become leaders and allies in the movement. As young advocates, they can organize within their community, develop strategies to inform public policy, and educate their peers. Similar to the tight weavings of basket-making, youth are coming back around our circles offering 360-degree mentoring to inform our work and eliminate gaps by helping adult educators and advocates successfully develop strategies to engage in youth outreach activities.

What we understand: The Violence Against Women movement is nearly 40 years young. With our mentors, leaders, and Movement Uncies (grandmothers), we are still learning to break down silos between our ethnicities, tribes, able-ism, gender, sexuality, faiths, and identities. Youth bring forth an expectation that their work is for "all." Their work seems more undivided in nature. Their activism is all, where the movement is still building bridges. We continue to learn from youth, that while we honor our Movement Grandmothers, there is always change, always new ways to reach deeper in the work. The "together" values are very inspiring. Ending violence for all was the dream. The next generations will show us new ways as we follow the footprints of those who started the trail.

NativeLove Visits UMon'HOon Nation School and University of South Dakota for TDVAM!

NativeLove has been busy on the trail! For February 2018's teen dating violence awareness month (TDVAM), the team traveled to Nebraska and South Dakota to provide middle-school to college age youth programming. In close coordination with Visa Stabler (Culture and Language teacher) with the UMon'HOon Nation School in Macy, Nebraska, the team was invited to present about healthy relationships, bullying, respecting boundaries, and being a



February 9, 2018, University of South Dakota-Vermillion, Elise Boxer (Native Studies program), Marisa Miakonda Cummings (USD I Care Program), and Rose Quilt (NIWRC NativeLove team) provide post-screening comments about Wind River, left to right.



Following the screening of Wind River participants of the campus event listen to NativeLove team members and USD faculty and staff, present on violence against Native women on the campus and surrounding community.

Take the NativeLove Youth Survey and Win Prizes!

Native youth (ages 9-23) can take the NativeLove Survey and enter for a chance to win a gift card to the following tribally owned online businesses, including: ntvs.com, beyondbucks.com, nsrgnts.com, or any other Native-owned business. The first prizewinner will be awarded \$250 with a \$50 award for our second-place winner (to be used at sistersky.com). We hope that you will help the NativeLove team and our important work with the youth by sharing your voice! Take the survey here: (<https://goo.gl/forms/Z8Dm5fyflaumbg383>)

good relative and to also provide information and warning signs about youth sex trafficking. They were interested in hearing about examples of both healthy and unhealthy dating signs and shared their experiences of what dating looks like among their peers.

On the following day, the NativeLove team visited the University of South Dakota-Vermillion to take part in two events on campus as a result of our close coordination with Marisa Miakonda Cummings, ICARE Program Coordinator. Together, we provided a closed and culturally appropriate talking circle with college students and faculty to discuss

sexual assault. The talking circle included experiences of what can happen when a sexual assault or rape is reported while in college, with many young men offering their thoughts and support for the women. After the talking circle, we provided a free screening of *Wind River*, complete with a community dinner at the student center.

A post-film speaking panel with Elise Boxer (Native Studies program), Marisa Miakonda Cummings, and Rose Quilt and Princella RedCorn (NativeLove team) provided comments about the film, including critical discussions about Missing and Murdered Indigenous Women and Girls, statistics, tribal jurisdictional issues, and grassroots advocacy and policy efforts being done at the local, regional, national, and international levels. The NativeLove team also provided copies of NIWRC's *Restoration Magazine* along with brochures, information, and valuable resources, including the StrongHearts Native Helpline.

Domestic violence and dating violence are not our traditional ways.

Does your partner ever...

- Call you names or put you down?
- Keep you from seeing or talking to family or friends?
- Threaten to hurt you, your children or your pets?
- Control the money you share for food, medicine or transportation?
- Push, slap, strangle or hit you?

If you answered 'yes' to even one of these questions, you might be in an unhealthy or abusive relationship. Call the StrongHearts Native Helpline (1-844-7NATIVE) for support. It's safe, free and confidential.

For more information, visit strongheartshelpline.org.

NATIVE Love

Join Us!

Listen, Read, and Learn About NativeLove's National TDVAM Events

NativeLove speaks on Native America Calling on Safe Teen Dating for Teen Dating Violence Awareness Month. NativeLove Youth Ambassador, Kristen Butcher (Torres Martinez Desert Cahuilla Nation), and 2017 NativeLove challenge winner and volunteer, Tanae Le Claire (Yankton Sioux), were interviewed on Native America Calling to feature a special TDVAM broadcast: Listen to the show at: (<http://www.nativeamericacalling.com/wednesday-february-14-2018-safe-teen-dating/>)

NativeLove youth-driven national statement in response to the devastating mass shooting in Florida, which occurred on Valentine's Day: NIWRC and NativeLove Youth Respond to School Shootings Youth, Schools, Guns, and Intimate Partner Violence. (<http://www.niwrc.org/news/niwrc-and-nativelove-youth-respond-school-shootings-youth-schools-guns-and-intimate-partner>). The statement was accompanied with a fact sheet and resource tool: NativeLove: Youth, Schools, Guns, and Intimate Partner Violence: Important Facts for Your Family, School, Tribes, Programs, and Community Conversations. (<http://nativelove.niwrc.org/nativelove-youth-schools-guns-and-intimate-partner-violence-important-facts-for-your-family-school-tribes-programs-and-community-conversations/>)

NativeLove Celebration of International Women's Day on March 8! In honor of this day, we lifted and celebrated Grandmother, Christine Morreo (tribal elder of the Torres Martinez Tribe, Grandmother to NativeLove Youth Ambassador Kristen Butcher, and mother to Faith Morreo). We also honor Faith who passionately supports her daughter's leadership and youth advocacy including the work of NativeLove! To see the NativeLove statement: (<http://nativelove.niwrc.org/wp-content/uploads/2018/03/IWD-Celebrating-Christina-Morreo-1.png>).

NativeLove release of TDVAM digital card statements on Facebook, Twitter, Instagram and also co-hosted a Tweet Circle on Twitter for youth: "Play the Game of #N8vLove" with That's Not Cool, We R Native, the StrongHearts Native Helpline, and the Native Alliance Against Violence (NAAV).

StrongHearts Native Helpline Dedicates One-Year Anniversary to American Indian and Alaska Native Survivors of Domestic Violence

National Native helpline responds to callers representing 68 tribal communities across 40 states in first year.

Celebrating one year of operations, the StrongHearts Native Helpline (1-844-7NATIVE), a project of the National Indigenous Women's Resource Center and the National Domestic Violence Hotline, is honored to serve as the first national helpline created specifically to support Native American survivors and concerned family members and friends affected by domestic violence and dating violence. Within its first 12 months of operation, advocates responded to calls from 68 American Indian and Alaska Native communities across 40 states, helping to fill a gap in critically needed support services that are specialized to address the unique barriers often faced by Native survivors of intimate partner abuse.

Last spring, the StrongHearts Native Helpline launched as a collaborative project of NIWRC, the National Domestic Violence Hotline and Family Violence Prevention and Services Program (FVPSA), who partnered to create a helpline to respond to the

epidemic of violence in Native communities. Advocates at StrongHearts navigate each caller's abuse situation based on a strong understanding of Native culture and tradition, and offer support and resources in a safe, confidential and healing environment. Every call is answered with compassion and respect.

"Advocating for our callers is at the heart of what we do and why we chose to dedicate this first year to them. To all our Native survivors out there, we hear you—we hear your stories. You are not alone."

—Lori Jump,
StrongHearts Assistant Director

"We are humbled with how much support the StrongHearts Native Helpline is receiving from advocates, programs and tribes across Indian Country and our Alaska Native villages," said StrongHearts Assistant Director Lori Jump (Sault Ste. Marie Tribe of Chippewa Indians). "Every day is a step forward in the work to support

Native survivors of abuse. Advocating for our callers is at the heart of what we do and why we chose to dedicate this first year to them. To all our Native survivors out there, we hear you—we hear your stories. You are not alone."

Photos courtesy of Donovan Shortey/StrongHearts Native Helpline



1-844-7NATIVE

WE
ARE
STILL
HERE



STRONGHEARTS
Native Helpline
Est. March 6, 2017



STRONGHEARTS
Native Helpline

1-844-7NATIVE

Within its first year, StrongHearts expanded rapidly to serve all Native American communities across the U.S. with an initial outreach focus in the states of Kansas, Oklahoma and Nebraska. By the end of 2017, the StrongHearts team completed its database project to identify culturally-specific and tribally-based resources for American Indians and Alaska Natives, a group that experiences high rates of violence and unique barriers to receiving justice and support.

According to a recent study by National Institute of Justice (NIJ), more than four in five Native women and men have experienced violence in their lifetime, and more than one in three Native people have experienced violence within the past year. Of those who had experienced violence, more than one in three Native women and more than one in six Native men were unable to access the supportive services they needed.

“What we confirmed after completing our database project is what we’ve known all along—there is a severe gap in culturally-specific or tribally-run services for Native survivors in the aftermath of these crimes,” said Caroline LaPorte (immediate descendant of the Little

River Band of Ottawa Indians), Senior Native Affairs Policy Advisor for NIWRC and StrongHearts. “We know that we cannot do this work alone—our callers need to be able to access culturally appropriate, community-based resources.”

The NIJ report highlighted the extreme rates of violence perpetrated against Native Americans across the board, where Native Americans are twice as likely to experience rape or sexual assault and are five times more likely to be victims of homicide in their lifetime when compared to other groups in the U.S.

“What we confirmed after completing our database project is what we’ve known all along—there is a severe gap in culturally-specific or tribally-run services for Native survivors in the aftermath of these crimes.”

—Caroline LaPorte,
Senior Native Affairs Policy
Advisor for NIWRC/StrongHearts

“Our goal at StrongHearts is to do whatever we can to weave together a support network for Native people in a way that promotes safety and healing,” Jump said. “We have connected with so many of our relatives who have shared their stories and have

told us how much the helpline is needed, and how much our peer-to-peer advocacy has helped them. Healing begins in our communities when we share our stories. This is at the heart of what the StrongHearts Native Helpline is all about.”

Experts Call for Action to Address Violence Against Indigenous Women in Rural America

(New York, NY)—Indigenous experts called for action during a March 19, 2019, panel to fix a legal system that too often leaves Native women in rural America unprotected from violence and sexual assault. The discussion included a screening of select scenes from *Wind River*, a feature film written and directed by Taylor Sheridan, that tackles the subjects of sexual assault and missing and murdered indigenous women. The event was part of the NGO Forum of the 62nd session of the UN Commission on the Status of Women.

American Indian and Alaska Native women face violence at much higher rates than other women. Alaska Native women, for instance, suffer the highest rate of forcible sexual assault in the nation, and some villages report rates of domestic violence up to 10 times higher than in the rest of the United States.*1

“*Wind River* offers us a glimpse of the reality that so many Native women face, especially those living in rural and remote areas,” said Caroline LaPorte, Senior Native Affairs Policy Advisor for the National Indigenous Women’s Resource Center. “Native women experience violence at higher rates than other women, and barriers embedded in U.S. law and policy make it harder for them to get law enforcement to respond or to get prosecutors and the courts to act. It is a legal framework, rooted in colonization and genocide, that was created to fail us.”

“Indigenous women in the United States, like indigenous women everywhere, have the right to live lives free of all forms of violence and discrimination,” said Chris Foley, attorney at the Indian Law Resource Center. “Unfortunately, racial and gender-based violence

1. *A Roadmap for Making Native America Safer, A Report to the President and Congress of the United States, Chapter 2, “Reforming Justice for Alaska Natives,”* p. 41 (November 2013).



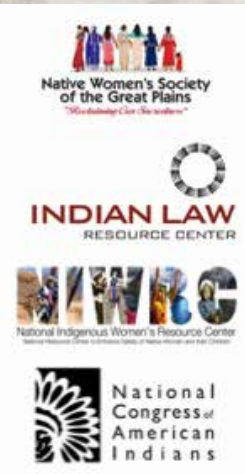
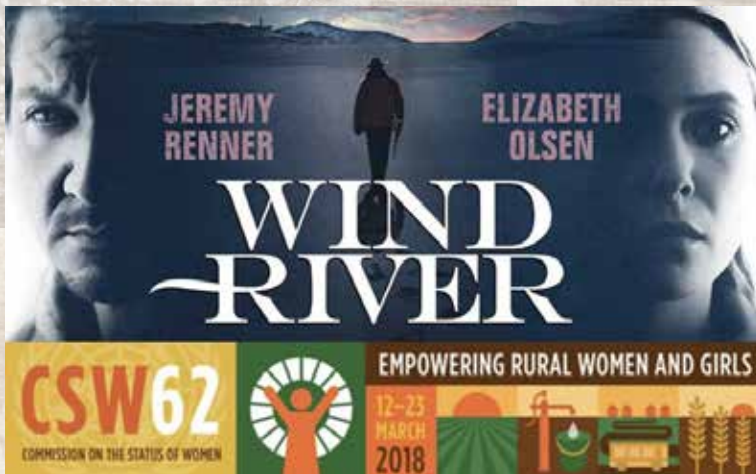
are still too common, and the United States is failing to live up to its international human rights obligations.”

“In New York City or at the United Nations, maybe it is hard to imagine what it is like not to even have 911 or to dial 911 and find out that the nearest police officer is hours away,” noted Carmen O’Leary, Executive Director of the Native Women’s Society of the Great Plains. “But this happens all the time in Indian country. It happens all the time in Alaska Native villages. We need to change this. We need more resources for our police departments. We need more funding to support our shelters and advocates. But most of all, we need better laws to allow our tribal governments to better protect us.”

“Much of what we need is action from the United States government—changes in law and policy. But to get that action, we need allies around the country, and around the world, to stand up with us,” Foley said. “That’s why we are here in New York at the UN Commission on the Status of Women—to inform the international human rights community and people everywhere about what

is happening in our indigenous communities and to build support for changes in the law to restore safety to women and girls.”

The event was cosponsored by the Indian Law Resource Center, National Congress of American Indians, National Indigenous Women’s Resource Center, and Native Women’s Society of the Great Plains. For more information, email Chris Foley at cfoley@indianlaw.org.



Responding to the Crisis of Missing and Murdered Indigenous Women and Girls

Comments by Terri Henry, Member, United Nations Permanent Forum on Indigenous Issues
April 19, 2018, United Nations, New York, NY

During the April meeting of the United Nations Permanent Forum on Indigenous Issues (PFII) Terri Henry, a member of the Permanent Forum, intervened on the issue of addressing missing and murdered Native women and girls. Ms. Henry called upon the PFII to acknowledge the May 5, 2018, National Day of Awareness for Missing and Murdered Native Women and for PFII members to wear red on the day. Her remarks are reprinted in full below.

Indian nations within the United States have struggled to protect indigenous women over several hundred years. The devastating legacy of the Indian wars, colonization, the boarding school era, policy of forced sterilization, and so many other laws and policies of the United States is the contemporary levels of violence committed against Native women. Today, indigenous women of the United States suffer levels of violence greater than any other population of women.

This violence occurs on a spectrum from birth to death, touching every Indian nation. One of the most unconscionable aspects of this pattern of violence is how Native women die, how Native women go missing, disappear, and are murdered. During the period of 1979 through 1992, homicide was the third leading cause of death of Indian females aged 15 to 34 including natural causes and accidents. The U.S. Department of Justice has found that in some tribal communities, American Indian women face murder rates that are more than 10 times the national average. We also know that Native women often “go missing” and are never found; they become the growing number of the “disappeared.”

A large percentage of the missing and murdered Native women and girls are the result of domestic violence, sexual assault, trafficking, and the unregulated presence of transient workers of the “extractive industries” such as man camps of the oil industry in North Dakota. This reality is well documented and increasingly in the public spotlight as demonstrated by the recent release of the movie *Wind River*, directed by Taylor Sheridan and produced by the Tunica-Biloxi Tribe of Louisiana.

Today, I share with you these shawls that were a gift from a much-loved Sicangu woman, Tillie Black Bear from the Rosebud Sioux Indian Nation, who we consider the grandmother of the movement for safety of Native women in the United States. These shawls represent

Native women who have lost their lives to violence and also those yet unborn who we pray will live free of violence. Tillie Black Bear understood that while our movement was organizing and winning historic changes Native, women needed our immediate help.

Tillie would say, “The women cannot wait for the system to change.”

Tillie would ask, “What about the women? How will this help the women?”

Over the last decade, awareness of missing and murdered Native women and girls has increased, but more must be done at all levels to stop these disappearances and murders, and to save lives. Tillie was correct—Native women cannot wait for the system to be reformed.

In the United States, our movement organized to support a resolution passed by the U.S. Senate recognizing May 5, 2017, as a National Day of Awareness for Missing and Murdered Native Women and Girls.

The resolution was in response to the death of a Native woman, Hanna Harris, at the Northern Cheyenne Reservation and other murders in Montana. Hanna was 21 years old when she went missing on July 4, 2013. Due to the inadequate response of the justice system, as in so many cases, her family and friends conducted the search for Hanna. The Congressional Delegation from the state led the way for passage of a Senate resolution declaring May 5, 2017, the birthday of Hanna Harris, as a National Day of Awareness for Missing and Murdered Native Women and Girls.

A National Day of Awareness for Missing and Murdered Native Women and Girls will help shed light on the countless tragedies involving our indigenous women in the United States. The National Indigenous Women’s Resource Center is calling upon all those concerned for the safety of Native women to organize at the local, tribal, state, national, and international levels to:

- Support a 2018 National Day of Awareness for Missing and Murdered Native Women and Girls;
- Wear red on May 5, 2018; and,

- Organize awareness actions across communities and on social media using #MMIW #MMIWG #NationalDayofAwareness #NIWRC

As of today, 186 tribal, state, and national organizations have joined NIWRC in support of this resolution. On this May 5th, Hanna's mother is organizing a walk for justice for missing and murdered Native women and girls. Such walks for justice are being organized across tribal communities.

We as conscious human beings, I as a member of the Permanent Forum on Indigenous Issues, understanding this human rights crisis, cannot just observe as indigenous women of the United States go missing

and are murdered. **Today, I call upon the Permanent Forum to support increasing public awareness of the crisis of missing and murdered indigenous women and girls by:**

- Recognizing May 5, 2018, in the United States as the National Day of Awareness of Missing and Murdered Indigenous Women and Girls.
- Issuing a statement to encourage the United States to address the crisis of missing and murdered indigenous women.
- For members of the PFII to join with indigenous women and Indian Nations of the United States and wear red on May 5, 2018.

International Update: UN Commission on the Status of Women

By Jana L. Walker and Christopher Foley, Attorneys, Indian Law Resource Center

The Commission held its 62nd session at UN headquarters in New York City on March 13–24, 2018. The Commission's priority theme was "challenges and opportunities in achieving gender equality and the empowerment of rural women and girls," and its review theme was "participation in and access of women to the media, and information and communications technologies and their impact on and use as an instrument for the advancement and empowerment of women." The Indian Law Resource Center, National Congress of American Indians, and National Indigenous Women's Resource Center organized a screening of the feature film *Wind River* and an expert panel discussion about violence against indigenous women in rural America on the sidelines of the Commission's session. Caroline LaPorte, Senior Native Affairs Policy Advisor for the National Indigenous Women's Resource Center; Carmen O'Leary, Executive Director of the Native Women's Society of the Great Plains; and Chris Foley, Attorney at Indian Law Resource Center served as panelists. The screening at the UN Church Center Chapel was well attended and was effective in raising awareness among the international

community and public regarding violence against indigenous women in the United States, including the crisis of murdered and missing women.

United Nations continues consideration of how to enhance indigenous participation at UN

On April 17, 2018, the President of the General Assembly of the United Nations held the first of three planned informal interactive hearings about "enhancing the participation of indigenous peoples' representatives and institutions in meetings of relevant United Nations bodies on issues affecting them." The purpose of these hearings is to discuss how best to ensure that indigenous peoples' governments or representative institutions are able to participate in and contribute to the work of the UN. It is important that tribal governments be able to participate directly in UN meetings on issues affecting them, such as meetings of the Commission on the Status of Women and the Human Rights Council. Violence against women and violence against indigenous women are serious human rights violations and are regular topics at many UN meetings.

Tribal governments have much to contribute to those debates, but current UN rules make it difficult or impossible for them to participate. The second and third hearings will take place in Spring 2019 and Spring 2020 on the sidelines of the annual sessions of the UN Permanent Forum on Indigenous Issues. In late 2020, after this round of consultations, the General Assembly will again attempt to negotiate new rules for indigenous participation.

For more information on the history of this issue in the United Nations, see <https://www.un.org/development/desa/indigenouspeoples/participation-of-indigenous-peoples-at-the-united-nations.html>

UN Permanent Forum on Indigenous Issues

The Permanent Forum, an advisory body to the UN Economic and Social Council, held its 17th session at UN headquarters in New York City on April 24–May 5, 2018, focusing on the theme "Indigenous peoples' collective rights to lands, territories, and resources." On April 20, the Permanent Forum addressed follow-up to the outcome document of the



April 20, 2018, UN Permanent Forum on Indigenous Issues—Melanie Benjamin, Chief Executive of Mille Lacs Band of Ojibwe, speaks as a panelist about the importance of participation of indigenous peoples at the United Nations.

World Conference on Indigenous Peoples, including participation of indigenous peoples at the United Nations. Melanie Benjamin, Chief Executive of Mille Lacs Band of Ojibwe, participated as a panelist during that discussion. She shared information about their tribal government and urged the UN to enable indigenous governments to participate fully in its work.

Looking Ahead: UN Human Rights Council

The Human Rights Council works to enhance the promotion and protection of human rights and to investigate human rights violations. During its 38th session in Geneva on June 18–July 6, 2018, the Council is expected to hold a day-long discussion on women’s rights. Details about the session will be available at <http://www.ohchr.org/EN/HRBodies/HRC/Pages/Sessions.aspx>. The Council will meet again in September 2018, when it is expected to hold a half-day discussion on indigenous rights.

Expert Mechanism on the Rights of Indigenous Peoples

The 11th session of the Expert Mechanism on the Rights of Indigenous Peoples will be held on July 9–13, 2018. The provisional agenda includes: advice and study on free, prior, and informed consent; country engagement; interactive dialogues with national, regional, and indigenous human rights institutions; the UN Declaration on the Rights of Indigenous Peoples (good practices learned); panel on transitional justice; inter-sessional activities and follow-up on thematic studies; and future work of the Expert Mechanism.

May 5, 2018, National Day of Awareness for Missing and Murdered Indigenous Women and Girls

On Saturday, May 5, 2018, the National Indigenous Women's Resource Center joined thousands across the United States and internationally to organize actions to honor and support changes needed to stop the disappearances and murders of Native women and girls in the United States.

"We grieve the loss of our Native women and girls," said Lucy Simpson, Executive Director, NIWRC. "To honor them, we also pledge to continue organizing for the legal and policy changes needed to stop this violence."

This year, as in 2017, the NIWRC organized to gather support for

the Senate resolution recognizing Saturday, May 5, 2018, as a National Day of Awareness for Missing and Murdered Native Women and Girls. More than 200 organizations joined with NIWRC this year to support the Senate resolution. In 2017, NIWRC rallied 175 organizations to support the Senate resolution recognizing the first National Day of Awareness. Support for the National Day of Awareness is one of the largest tribal grassroots organizing efforts in the United States.

Gender-based violence has been used as a tool of genocide in this country since first contact. Native women and girls were raped and killed and nothing was done. This

pattern of violence against Native women has been accepted for hundreds of years. Unfortunately, the "do nothing" response by the federal departments continues and increases the vulnerability of Native women to predators. Indian tribes, advocates for Native women, and thousands of others are calling for something "to be done."

"NIWRC is honored to join with our national partners to support the 2018 National Day of Awareness," said Lucy Simpson. "I am pleased to let you know the May 5, 2018, National Day of Awareness reached millions of people across the United States and the world through social media platforms, community actions,

"The legacy of genocide is the epidemic of violence we experience from birth to death. For our Native sisters who are missing and murdered, we need every person to take a stand and join in our effort calling for justice."

—Cherrah Giles,
NIWRC Board President.





*“Stand with MMIWG on May 5th to end the silence”—
Lucy Simpson, Executive Director, NIWRC*

“We are all sacred. We must be treated with dignity and with respect. The issue of missing and murdered Native women must receive an adequate response from law enforcement and prosecutorial bodies.”

—Lucy Simpson

and heartfelt prayers at vigils across tribal communities. This public response is a powerful testament to the increasing awareness of this issue, and growing concern for the reality that Native women go missing on a daily basis often without any response by law enforcement or by media outlets.”

The NIWRC calls for prayers and healing in response to the violence committed against American Indian and Alaska Native Women across

the United States. As we acknowledge as a country this crisis and the changes urgently needed to save lives and respond to this reality, we begin the process of removing barriers to the safety of Native women and strengthening the ability of Indian nations to protect women. The National Day of Awareness through public acknowledgment creates a call for change in the federal response. It also allows, through honoring the missing and murdered, a public healing to begin.



A Mother's Walk for Justice

By Malinda Limberhand, Mother of Hanna Harris
Lame Deer, MT, May 5, 2018

I want to thank all of you for joining our **"Walk for Justice for Missing and Murdered Native Women and Girls."** Each one of you by being here today is taking action to say enough is enough. Together we are raising our voices calling for justice for our Native women and girls. We are saying to this state, country, and the world that the lives of Native women and girls are important.

Hanna went missing on July 4, 2013. Like in so many cases of missing Native women, the system was slow to respond. We as her family, friends, and community had to conduct the search for Hanna. And this is what happens across Indian tribes when a Native woman or girl goes missing or disappears.

This failed response is not acceptable and must change.

Today's walk and the other walks being held are so important to telling our story. We are telling the world Native women **do matter**. We are telling the world the disappearance of a Native woman or girl **must** be responded to and **not ignored**.

As a mother of a Native woman who became one of the missing and murdered, I am committed to organizing to

make these changes happen. I do this for my daughter and all our missing and murdered Native women.

This is not a new problem. It is an **old problem**.

Traditionally Native women were respected. Today, we face levels of violence greater than any other group of women. This violence touches every family. Every tribe has Native women who are missing or have been murdered. Since Hanna went missing and was found murdered, I have become very aware of how large a problem we face as Native women and as Indian tribes.

The Department of Justice has found that in some tribal communities, American Indian women face murder rates that are more than 10 times the national average.

Hanna was just 21 years old when she went missing. Her future was stolen and her beautiful son denied his mother. Like Hanna, murdered Native women will not live to see their potential or dreams come true. Their tribes will not see their talents and contributions.

As a mother, nothing will replace the loss of my daughter, but I know that by organizing today's walk and

Resources for Missing and Murdered Indigenous Women and Girls:

EXPLORE: NIWRC's Policy Team's post, "Organizing a Groundswell to End the Injustice of Murdered and Disappeared Native Women and Girls," in the Advocate! Beyond the Shelter Doors e-newsletter.

DOWNLOAD: Page 18-19, "Tribal Community Response When a Woman Is Missing: A Toolkit for Action" in the February 2017 issue of Restoration Magazine.

DATABASE: The Missing and Murdered Indigenous Women Database by Annita Lucchesi.

DATABASE: NamUs National Missing and Unidentified Persons System.

EXPLORE: NIWRC's Online Resource Library for past webinars, reports, etc.

"There are many barriers to the safety of Native women and girls. This National Day of Awareness is important to all missing and murdered Native women and girls because one of the barriers is the silence surrounding these disappearances and murders. We organized this walk for justice to increase public awareness of this crisis and I hope all members of Congress will support our efforts to create the changes needed. Please do not forget our missing and murdered Native women and girls. Thank you."

—Malinda Limberhand, Mother of Hanna Harris
May 5, 2018, Lame Deer, MT (pictured at bottom)





working to support the National Day of Awareness, this will create changes that will help others. And Hanna and so many others will not be forgotten.

To end this problem, we must understand it.

Many Native women go missing or are murdered by a rapist, abuser, sex trafficker, or as in the movie *Wind River*, oil rig workers. These men rape, abuse, beat, and murder Native women because we are seen as “unprotected.” They know nothing will be done.

Acceptance of violence against Indian women is not new. It goes back to the Indian wars and the boarding schools when violence was used by the government. It also goes back to an old standard of not doing anything when an Indian woman was raped, beaten, or murdered. It is an old problem we continue to live with today.

Bad people commit these horrible crimes against Native women, but it is the system that allows it to happen generation after generation. This needs to stop. The system must change. And that is why I am here today.

A National Day of Awareness for Missing and Murdered Native Women and Girls will help shed light on this horrible reality.

I thank Senators Daines and Tester for leading the way for passage of the Senate resolution declaring May 5, 2018, Hanna’s birthday, as a National Day of Awareness for Missing and Murdered Native Women and Girls.

Our movement is growing. In 2017 and 2018, more than two hundred organizations joined with the National Indigenous Women’s Resource Center to support these resolutions.

To all those walking across Indian tribes, I say thank you!

Today we wear red to honor our missing and murdered Native women and girls!

Please take pictures and post your actions on social media! Tell the world of these crimes!

Together we must stand for justice and safety for our daughters, granddaughters, sisters, mothers, grandmothers!

We must stand for all Native women and girls!

Statement made by Malinda Limberhand during May 5, 2018, Walk for Justice at Lame Deer, MT.

Pictured (counter-clockwise) from left: Jace Killsback, Tribal President for the Northern Cheyenne Tribe with Malinda Limberhand, Mother of Hanna Harris. Conrad Fisher, Vice President of the Northern Cheyenne Tribe. Malinda Limberhand, Mother of Hanna Harris.



Mapping Out Missing and Murdered Native Women: “I Would Want My Story to Have Meaning”

By Mary Annette Pember, original article from Rewire.News

Annita Lucchesi, a cartographer and doctoral student at the University of Lethbridge’s Cultural, Social and Political Thought program, recently created and published an online database¹ logging cases of missing and murdered indigenous women and Two-Spirit people. She began gathering information for the database in 2015 from news articles, online databases, and lists compiled by Native advocates and community members, family members, social media, federal and state missing persons’ databases, and law enforcement records gathered through public records requests.

She personally vets all information she receives before adding it to the database. Cases date from 1900 to the present; as of April 2018, she has found 2,501 cases of missing and murdered women and Two-Spirit people in the United States and Canada.

There is no reliable national collection point or method to gathering comprehensive statistics on the number of missing and murdered Native women in the United States. This was emphasized in a 2015 series² by *Reveal* from the Center for Investigative Reporting, which noted that there is no dependable national data source in the United States regarding missing murdered people or unidentified remains.

For Native people, available data is scattered throughout various tribal, federal, state, and other jurisdictions. Although the National Missing and Unidentified Persons System³ (NAMUS) functions as the U.S. Department of Justice’s publicly

accessible database, its information is dependent on data provided by various jurisdictions on a volunteer basis.

NAMUS does, indeed, provide a search option for missing persons by race, including Native Americans. Currently, NAMUS lists 102 cases of Native American women reported missing and 16 cases⁴ of Native American female unidentified remains—an undercount, as advocates have argued. Meanwhile, the Royal Canadian Mounted Police released a 2013 report⁵ that found 1,181 missing or murdered Aboriginal females in Canada.

The results in NAMUS are especially unreliable for Native peoples due to the confusing question of jurisdictional reporting responsibility, which can include tribal, state, federal, or county agencies. For

4. <https://identifyus.org/en/cases/search>

5. <http://www.rcmp-grc.gc.ca/en/missing-and-murdered-aboriginal-women-national-operational-overview#sec3>

instance, tribal law enforcement agencies can take missing persons reports,⁶ but there is no guarantee that the report will be passed along to other agencies or be investigated. Tribal courts lack authority to prosecute major criminal cases and have limited resources for investigations. So depending on the state in which the tribe is located, either federal, county, or state authorities decide if they will pursue such cases.

Tribal and other police lose a great deal of time deciding which agency is ultimately responsible for an investigation. In missing persons’ cases, time can be of the essence.

Further, much about Indian Country falls outside of western-based data and information collection methods. Native people may be reluctant to report missing persons and communities may lack resources to
6. http://www.roseville-mi.gov/departments/police/what_to_do_when_a_person_is_missing.php

“The MMIW database is officially up and running! Two cool new features: a dedicated email for data requests and submissions (mmiwdatabase@gmail.com), and on the Submit page, a downloadable sheet with instructions and tips on filing records requests for those who want to get involved in data collection. This is an ongoing project so the website will get updated over time, but I’m happy to finally have a home for all database-related info. Please share this post and spread the word, and thank you to everyone who has supported the growth of the database and used the stories in it to advocate for safety for our sisters!”

—Annita Lucchesi, MMIWG Database Developer and Cartographer

1. <https://www.mmiwdatabase.com/>

2. <https://www.revealnews.org/topic/left-for-dead/>

3. <https://namus.gov/>

investigate. Caught in a maddening catch-22, Native communities are also typically at the bottom of the list for receiving federal and state support for infrastructure-building efforts, such as improving law enforcement⁷ and judiciary systems, which could help bolster data collection systems in the United States.

As reported in *Rewire.News*,⁸ generations of distrust among Native peoples for mainstream law enforcement agencies contributes to the lack of data.

“There is so much fear and distrust of law enforcement among our people that they are often reluctant to report loved ones as missing or to report sexual violence,” noted Carmen O’Leary, coordinator of the Native Women’s Society of the Great Plains in South Dakota, a coalition of Native programs that provide services to women who experience violence.

Police may be more interested in the criminal background of missing Native women than in working to find them; this creates a chilling effect on families’ likelihood of filing missing reports, according to O’Leary and other advocates.

Native people may also be reluctant to provide DNA samples for inclusion in federal databases. As noted in a 2015 *Atlantic* article⁹, Native peoples have reason to be suspicious of Western-based data gathering and research projects. “Native Americans . . . have witnessed their artifacts, remains,

and land taken away, shared, and discussed among academics for centuries,” wrote Rose Eveleth.

Lucchesi is keenly aware of this exploitative history, and she doesn’t make the missing and murdered indigenous women (MMIW) database information available in its entirety to all visitors to the site. She maintains the data via Excel spreadsheets with the help of volunteers. Potential users must first provide information on the type of data required, as well as their plans for using it.

For Lucchesi, navigating the material is a ceremony. “I think of navigating the data as prayer. Like ceremony, I have attached protocol in its use,” she said. “I don’t consider myself an owner of this information, but rather a caretaker. I want to ensure that women will be honored by the use of their data.”

Lucchesi asks those submitting reports of missing and murdered women to include greater depth of information than required by mainstream databases. For instance, the MMIW database includes tribal affiliation, an essential descriptor for Native peoples. Listings may also include information regarding life circumstances that may have led to the victim going missing.

Although *Reveal* created¹⁰ what journalists describe as a more streamlined tool to search for missing and murdered people, the program does not indicate tribal affiliation for Native subjects.

A survivor of domestic and sexual violence, Lucchesi was almost a victim on the lists she maintains, she told *Rewire.News*. “If any of the men who almost killed me had

succeeded, I would want to be honored and remembered. I would want my story and the violence I experienced to have meaning. I would want to be part of the fight for future generations of Indian girls not to have to go through such violence,” she said.

Restoration is honored to reprint, in part, Mary Annette Pember’s article on Annita Lucchesi and appreciates her ongoing reporting of issues impacting the safety of Native women and sovereignty of Indian nations that are generally seldom covered in mainstream news. The full article on Annita Lucchesi’s mapping and database projects can be accessed at <https://rewire.news/article/2018/04/27/mapping-missing-murdered-native-women-want-story-meaning/>.

7. <https://rewire.news/article/2018/03/14/finding-little-help-federal-government-tribes-making-ways-fight-trafficking/>

8. <https://rewire.news/article/2016/04/14/missing-murdered-no-one-knows-many-native-women-disappeared/>

9. <https://www.theatlantic.com/technology/archive/2015/01/the-cultural-limitations-of-genetic-testing/384740/>

10. <https://www.revealnews.org/blog/how-we-built-our-tool-to-help-match-the-missing-and-unidentified/>

Pictured on opposite page: top left Paula Julian (Policy Specialist, NIWRC); top right Lenora Hootch, (Board Member of NIWRC and Executive Director of the Yup’ik Women’s Coalition); bottom left Pamela Kaajeesta Dalton and other Native women holding City of Seattle Proclamation recognizing May 5, 2018 as the National Day of Awareness for Missing and Murdered Native Women; and bottom right Wanette Lee (Board Member, NIWRC and Member of the Pouhana ‘O Na Wahine).

A Victory! Indian Tribes Receive FY 2018 Dedicated Funding Under VOCA

For over 10 years, the National Congress of American Indians Task Force, advocates, and tribal leaders struggled for inclusion and direct access to the Crime Victims Fund (CVF) for Indian tribes under the Victims of Crime Act (VOCA). The disparity was glaring, and it was with great joy that those who worked so hard for more than a decade celebrated this historic victory.

A Temporary Fix

The Omnibus Spending Bill includes a historic funding stream for tribal governments from the CVF. Each year, Congress determines the amount to be released from the CVF, often referred to as an annual disbursement. When Congress approved the release of \$4.6 billion from the Fund for FY 2018, it provided dedicated funding for Indian tribes of 3%, which totals around \$133 million. Unfortunately, the FY 2018 Omnibus Spending Bill is a one-time appropriation only. As a result, this year Congress will need to again include as an appropriation a dedicated funding stream for Indian tribes.

"The need for an annual tribal VOCA allocation is essential to provide tribal VOCA programs developed under the FY 2018 appropriations stability year-to-year," said Caroline LaPorte, Senior Native Affairs Advisor, StrongHearts Native Helpline and NIWRC.

Both the House and Senate are working on appropriations for FY 2019. The House Commerce, Justice, Science Subcommittee marked up its FY 2019 spending bill on May 9. Unfortunately, that bill cut

tribal victim services funding. The bill also cuts tribal funding at OJP and results in cuts to overall funding for tribal programs at the U.S. Department of Justice of more than 55%. We expect an amendment to be offered when the bill goes to the full House Appropriations Committee to restore this funding.

A Permanent Fix Is Needed

A permanent fix to this issue could be achieved if Congress amends VOCA to include Indian tribes as eligible entities. As demonstrated by both the Senate and House, bipartisan supports exist to amend VOCA to address this longstanding injustice of Indian tribes being locked out of the CVF.

Since 2015, Senators on the Indian Affairs Committee have worked to create a permanent fix. Following hundreds of hours of discussions, meetings, passage of an NCAI resolution, and a hearing, the SURVIVE Act (S. 1870) was introduced to amend VOCA to include Indian tribes. It provides a permanent fix by directing 5% of the overall disbursements under the CVF to tribal governments. An identical bill (H.R. 4608) has been introduced in the House by a bi-partisan group of Representatives.

Roll Out of the FY 2018 Tribal Crime Victim Funding

This victory is historic but the timing is extremely challenging. The inclusion of the tribal VOCA appropriation as part of the Omnibus Spending Bill came midway through the fiscal year and requires DOJ to award the tribal

VOCA allocation, approximately \$133 million, to Indian tribes before September 30, 2018. "To award these funds to Indian tribes may require development of new guidelines and a solicitation for a new tribal VOCA program," said, Virginia Davis, Senior Policy Advisor, NCAI. "We are looking forward to consulting with DOJ about how to best allocate this life-saving funding."

In the context of victims of domestic violence, sexual assault, and dating violence, the funding is expected to have a significant impact with respect to the gender-based violence that American Indians and Alaska Native women face. While Indian tribes, until now, have been locked out of accessing VOCA funds directly, states provide funding to support services to 4 million victims of all types of crimes annually. States use VOCA funds to provide services to victims through 4,400 direct-service agencies such as domestic violence shelters, rape crisis centers, and child abuse treatment programs.

For the first time, Indian tribes will have access to VOCA resources to similarly support tribal domestic violence shelters, advocacy programs for sexual assault victims, and child abuse programs.

The recommendations made by the NCAI Task on Violence Against Women to the DOJ for the roll out of the FY 2018 VOCA tribal program are provided in the Restoration section of the August 2018 annual VAWA mandated tribal consultation.

Securing Urgent Resources Vital to Indian Victim Empowerment (SURVIVE) Act:

A Permanent Fix to Establish a Tribal VOCA Funding Stream

The momentum continues to grow for passage of the SURVIVE Act (S. 1870/H.R. 4608) as demonstrated by the inclusion of funding under the Omnibus Spending Bill for a tribal dedicated VOCA program. The goal of SURVIVE is to improve public safety in tribal communities and strengthen resources for Indian victims of crime. Passage of the SURVIVE Act will permanently create a dedicated funding stream under VOCA for Indian tribes.

The SURVIVE Act will increase needed tribal victim assistance by creating a tribal grant program within the Department of Justice's Office for Victims of Crime (OVC). The bill directs that 5% of the total annual outlays from the Crime Victims Fund (CVF) be provided to Indian tribes. In addition, to ensure that tribal governments are able to access CVF resources on a footing equal to state and territorial governments, the bill empowers tribes and Indian victims of crime by:

- Expanding the types of victim assistance, services, and infrastructure for which the funds may be used, including domestic violence shelters, medical care, counseling, legal assistance and services, and child and elder abuse programs;

- Providing for significant confidentiality and privacy protections for crime victims to feel safe when receiving services;
- Enabling tribes to deliver critical, culturally tailored victim services; and
- Increasing the resources available to Indian crime victims from the CVF without increasing overall spending.

Victims of Crime Act (VOCA): Current Tribal Disparity

The VOCA was enacted in 1984 and established the Crime Victims Fund (CVF) to support services and compensation for victims of crime. The CVF is unique in that it is funded only through the collection of criminal fines, forfeited appearance bonds, penalties, and assessments. These dollars derive from offenders convicted of federal crimes and resulting fines and penalties; not taxpayers.

While Congress does not appropriate funds for VOCA, it does determine how much can be released or distributed each year from the CVF. Under the current system, it is estimated that less than 0.5% of the CVF reaches Indian tribes, despite federal data showing that American Indian and Alaska Native communities face some of the highest crime victimization rates in the country. For more than 10 years, the National Congress of American Indians Task Force, advocates, and tribal leaders have requested a permanent fix to this disparity.

THE SURVIVE ACT amends the Victims of Crime Act of 1984 to require the Department of Justice's Office for Victims of Crime to make grants to Indian tribes for programs and services for crime victims, such as domestic violence shelters, rape crisis centers, child abuse programs, child advocacy centers, elder abuse programs, medical care, legal services, relocation, and transitional housing. In addition, the bill makes 5% of the Crime Victims Fund available for these tribal grants.

Securing Urgent Resources Vital to Indian Victim Empowerment (SURVIVE) Act Sponsors

In 2017, Senator John Hoeven (R-ND), chairman of the Senate Indian Affairs Committee, introduced S. 1870, and the bill is cosponsored by Senators John McCain (R-AZ), Heidi Heitkamp (D-ND), Catherine Cortez Masto (D-NV), Steve Daines (R-MT), Jon Tester (D-MT), John Barrasso (R-WY), Lisa Murkowski (R-AK), Tom Udall (D-NM), and Patty Murray (D-WA).

On December 11, 2017, Representative Tom O'Halleran (D-AZ), Congressional Native American Caucus, introduced H.R.4608, and the bill is co-sponsored by Representatives Tom Cole (R-OK), Kyrsten Sinema (D-AZ), Don Young (R-AK), Gwen Moore (D-WI), Raul Grijalva (D-AZ), Darrell Issa (R-CA), Frank Pallone (D-NJ), Eleanor Holmes Norton (D-DC), Betty McCollum (D-MN), Kevin Cramer (R-ND), Mark Pocan (D-WI), Jack Bergman (R-MI), and Ben Ray Lujan (D-NM).

It is estimated that less than 0.5% of the CVF reaches Indian tribes, despite federal data showing that Indian tribes face some of the highest victimization rates in the country.

“With the high rates of violence against Native women Indian tribes and tribal programs need the necessary resources to provide basic services such as safe shelter, rape crisis services, and advocacy for Native women who on many tribal reservations have no services. In addition, Native women need immediate and long-term counseling and medical services due to the multiple victimizations committed against them by a single or multiple abusers. And sadly, for those families traumatized by having a missing or murdered relative they often need assistance with transporting their

loved one home and with burial. It is a travesty of justice that Indian tribes with the highest rates of victimization do not have permanent and direct access, a dedicated tribal funding stream, under the Victims of Crime Act. Senate Bill 1870 will address this longstanding injustice by directing that 5% of the total annual outlays from the Crime Victims Fund (CVF) be provided to Indian tribes.”

—Carmen O’Leary, Executive Director, Native Women’s Society of the Great Plains, Testimony, Senate Committee on Indian Affairs, October 25, 2017

VAWA 2018 Reauthorization: Legislative Overview of Pending Legislation

Indian tribes and the NCAI Task Force on Violence Against Women have worked for over a decade to inform, educate, and partner with Congressional members to understand the need for legislative reform to remove barriers to the safety of Native women. These efforts have also informed Congress of the inadequate resources for providing necessary and lifesaving services to victims of abuse.

Restoration provides the following summary of important bills in play on the hill in the context of tribal and national efforts to reauthorize the VAWA. These bills are important in the context of the VAWA reauthorization efforts because in the past legislators have incorporated such “standalone” or “marker” bills into the larger draft of the bill to reauthorize VAWA. Compiling smaller, separate but related bills into the draft of the VAWA reauthorization bill allows legislators to streamline the process of development, discussion with the field, drafting, and review in that much of this work is done with each separate smaller bill.

Incorporation of SURVIVE, Savanna’s Act, and others into VAWA 2018

The legislative reform process is a continuous and on-going one. These bills were introduced after many hours of discussion among Congressional members and their staff with tribal leaders, the National Congress of American Indians (NCAI) and the NCAI Task Force, grassroots tribal programs at the district and national level, and so many more. Every reauthorization of VAWA is intense and complicated, and the bills discussed

below have broad the support of Indian tribes as demonstrated by statements of tribal leaders at annual consultation and various NCAI resolutions supporting the proposed changes.

The SURVIVE Act (S. 1870/H.R. 4608): The bill directs that 5% of the total annual outlays from the Crime Victims Fund (CVF) be provided to Indian tribes for crime victim services. S. 1870, introduced by Senator Hoeven (R-ND) and cosponsored by Senators McCain (R-AZ), Heitkamp (D-ND), Cortez Masto (D-NV), Franken (D-MN), Daines (R-MT), Tester (D-MT), Barrasso (R-WY), and Udall (D-NM), was reported favorably without amendment by the Senate Committee on Indian Affairs on December 6, 2017. H.R. 4608, introduced on December 11, 2017, by Rep. O’Halloran (D-AZ) with Reps. Young (R-AK), Cole (R-OK), and Sinema (D-AZ) as original cosponsors, was referred to the Judiciary Committee.

Savanna’s Act (S. 1942/H.R. 4485): The bill aims to improve the response to missing and murdered Native women by improving tribal access to the federal criminal information databases, requiring data collection on missing and murdered Native people, and by directing the Attorney General to review, revise, and develop law enforcement and justice protocols to address missing and murdered American Indians and Alaska Natives. S. 1942 was introduced by Senator Heitkamp (D-ND) and cosponsored by Senators Tester (D-MT), Franken (D-MN), Merkley (D-OR), Warren (D-MA), Heinrich (D-NM), Cortez Masto (D-NV), Wyden (D-OR), Murkowski (R-AK), and Collins (R-ME). Legislative hearing in the Indian

Affairs Committee was on October 25, 2017. H.R. 4485 was introduced by Reps. Torres (D-CA) and Cole (R-OK) and referred to the Natural Resources Committee, Subcommittee on Indian, Insular, and Alaska Native Affairs.

Justice for Native Survivors of Sexual Violence Act (S. 1986) was introduced by Senators Franken (D-MN) and Murkowski (R-AK) on October 19, 2017. The bill, which is cosponsored by Senator Udall (D-NM), would amend 25 USC 1304 to reaffirm tribal inherent authority over sexual assault, trafficking, and stalking crimes committed by non-Indians against Indians in Indian country. The bill also amends 1304 to remove the

exceptions to jurisdiction that required the defendant to live or work in the Indian country of the tribe or be in a relationship with a qualifying Indian. It was referred to the Indian Affairs Committee.

The Native Youth & Tribal Officer Protection Act (S. 2233): The bill would amend 25 USC 1304 to reaffirm tribal inherent authority over child abuse and crimes that are committed against certain justice officials exercising SDVCJ like assaulting an officer or bailiff. The bill was referred to the Indian Affairs Committee and introduced by Senators Udall (D-NM), Murkowski (R-AK), and Cortez Masto (D-NV) on December 14, 2017.

A Quick Note on Current Congressional Legislation

The essential changes needed to remove the legal barriers to the safety of Native women typically need Congressional action. For many who work in the field, the different types of Congressional legislation moving through Congress, though often spoken of, can be somewhat of a mystery. *Restoration* offers the following short guide on the types of current and recent passed legislation to help understand the national conversation.

In 2018, two types of legislation impacting the safety of Native women were introduced on the hill. The first category are bills introduced in the House and Senate; the second, a Senate resolution that passed in April. Bills are what we most commonly think of when we think of Congress drafting and voting on national legislation. Generally, bills are legislative proposals that, if enacted, carry the force of law, whereas resolutions typically do not. This is an important distinction because it helps the field strategize on what types of Congressional reforms are needed for particular issues.

A bill starts either in the House of Representatives or in the Senate. Bills that start in the House are designated "H.R." plus a number (for example H.R. 4485). Note that H.R. stands for House of Representatives, not House Resolution. These are bills proposed by congressmen/women and considered first by the House and later by the Senate. Bills can also originate in the Senate,

when they are proposed by Senators — these bills are considered first by the Senate and then by the House. Those are designated "S." plus a number (for example S. 1942). The numbering is done independently, so there is both a H.R. 1 and an S. 1.

The difference between "H.R." and "S." is entirely procedural. It has no bearing on law. However, it is important to note that the Constitution requires for appropriations bills, or those that direct spending, to originate in the House. So, all appropriations bills are "H.R." bills like the FY 2018 omnibus spending bill (H.R. 1625 Consolidated Appropriations Act 2018).

In contrast to bills, resolutions are typically not used to enact law. There are three types of resolutions: simple resolutions, joint resolutions, and concurrent resolutions. The **National Day of Awareness for Missing and Murdered Native Women and Girls** was a simple Senate Resolution. Simple resolutions are usually used for each chamber to set their own rules or to express the sentiment of a chamber like the national day of awareness denounced violence against MMIWG. They are voted on only in their originating chamber and do not have the force of law. Each type of resolution comes in a House form and a Senate form: H.Res and S.Res. for House and Senate simple resolutions.

Annual Tribal Consultation on Violence Against Native Women Mandated Under the VAWA 2005 Safety for Indian Women Title

Congress amended VAWA in 2005 to include a tribal title by which it requires an annual tribal consultation to be organized by the USDOJ and Indian tribes dedicated to addressing violence against Indian women.

“Under the consultation mandate, the federal departments—Departments of Justice, Health and Human Services, and Interior—must each consult annually with Indian nations on issues concerning the safety of Indian women. To continue to increase protections for Native women, Indian nations need to continuously identify the roadblocks and solutions that will allow us as governments to protect women.” — Juana Majel, Co-Chair, NCAI Task Force on Violence Against Women.

An annual consultation between the United States and Indian nations as governments is on the highest level a discussion of the legal, policy, and administrative issues essential to safeguard the lives of Indian women and the successful implementation of VAWA as governments. This nation-to-nation interaction provides an avenue for tribal governments and the United States to discuss matters that at the broadest level impact the safety of Indian women. It provides an opportunity to examine and address important issues that impact all Indian nations in providing safety for women.

Based on the various concerns identified from the consultations (2006-2013), Congress strengthened the consultation mandate when it reauthorized VAWA in 2013. These amendments addressed concerns from tribal leaders about the consultation process allowing for mutual dialogue as governments of the legal and policy roadblocks to the safety of Native women.

The VAWA 2013 amendments established a 120-day notification period of the date and location of the annual consultation, requires the Department of Interior to attend, and the Attorney General to submit to Congress a report of specific details of the consultation and progress made to address the concerns.

“For Tribal Consultation to be effective, it must be comprehensive and ongoing, allowing for review of the progress made to address the issues by federal departments, and also discussion of why old barriers continue to exist. The VAWA consultation mandate is intended to support this process so over the years substantive progress can be made to increase the safety for Native women”—Michelle Demmert, Co-Chair, NCAI Task Force on Violence Against Women.

VAWA Tribal Consultation Mandate Safety for Indian Women, VAWA 2005 §903 and VAWA 2013 §903

(a) In General—The Attorney General shall conduct annual consultations with Indian tribal governments concerning the federal administration of tribal funds and programs established under this Act, the Violence Against Women Act of 1994 (Title IV of Public Law 103-322; 108 Stat. 1902), and the Violence Against Women Act of 2000 (division B of Public Law 106-386; 114 Stat. 1491).

(b) Recommendations—During consultations under subsection (a), the Secretary of the Department of Health and Human Services and the Attorney General **shall solicit recommendations from Indian tribes concerning—**

- (1) administering tribal funds and programs;**
- (2) enhancing the safety of Indian women from domestic violence, dating violence, sexual assault, and stalking; and**
- (3) strengthening the federal response to such violent crimes.**

VAWA 2013 Amendments to the VAWA 2005 Consultation Mandate Require:

- The Attorney General provides 120 days' notice to Indian tribes of the date, time, and location of the annual consultation.
- The Secretary of Interior attends the annual consultation.
- The Attorney General **submits to Congress an annual report** that:
 - **Contains the recommendations made by Indian tribes during the year covered by the report**
 - **Describes actions taken during the year to respond to recommendations made during the year or a previous year**
 - **Describes how the Attorney General will work in coordination and collaboration with Indian tribes, the Secretary of Health and Human Services, and the Secretary of the Interior to address the recommendations**
- Sex trafficking was added to the list of items to be addressed at the consultation.

Progress Made Based on the VAWA Annual Consultation Process

The 2018 VAWA consultation marks 13 years of annual consultations between Indian tribes and federal departments on issues concerning violence against American Indian and Alaska Native women. These annual consultations have driven federal legislative and policy reform for more than a decade, providing a consistent dialogue between tribal governments and the federal departments on the highest priorities to be addressed. The 12 years of annual consultations during which tribal leaders raised their concerns and recommendations have resulted in major changes needed to increase the safety of Indian women.

Major Victories

Since 2006, tribal leaders have raised at the annual consultation the most serious roadblocks to the safety of Native women and issues impacting the ability of Indian tribes to protect women.

The barriers identified are often legal ones—existing laws passed by Congress, U.S. Supreme Court rulings from decades ago, or administrative policies of federal departments. Removing certain barriers identified by tribal leaders at the annual consultation has required ongoing discussions and national advocacy which has occurred over many years.

Changes and reform of federal law and policies is complicated due to the layers of federal Indian law. As a result, addressing certain barriers requires Congressional action and the reforms occur through amendments to existing federal law or passage of new federal law. Other changes or reforms require changes by a federal department in administrative policies that do not require Congressional action.

The amendment under VAWA 2000 increasing the amount of the dedicated tribal fund to 10% required amending the original amount of 4% under VAWA of 1995. The creation of a separate tribal title under VAWA in 2005 required amending VAWA 2000. And the numerous amendments made by Congress under VAWA 2013 stem from difficult and challenging conversations at consultation over years and amending the Indian Civil Rights Act and other federal laws.

Understanding that this government-to-government consultation process on violence against Indian women has resulted in major legislative and administrative victories is important in preparation for the 2018 annual consultation. This progress must continue until safety and justice for Native women are achieved.

2007 OVW Policy Change—Allowing children to be present at OVW-funded events.

2010 Congressional Act—Increase in sentencing limitation on tribal courts from a maximum of 1-year incarceration per offense to up to 3 years for a single conviction under the Tribal Law and Order Act amending the Indian Civil Rights Act.

2011 DOJ Policy Change—28 Indian tribes allowed direct access to National Crime Information Center through the USDOJ.

2013 Congressional Act—Return of jurisdiction over certain non-Indian domestic violence abusers; increase in funding for the tribal coalition grant program; and other important amendments.

2015 State of Alaska Policy Change—The Alaska Attorney General published a formal opinion concluding that federal law preempts the Alaska state order of protection registration law and that local and state law enforcement must enforce tribal orders of protection as a result of DOJ action.

2015 DOJ Policy Change—Launch of the Tribal Access Program for Indian tribes to submit criminal and civil information to and access the National Crime Information Center databases.

2016 OVW Administrative Response—OVW-coordinated listening session with Alaska Native villages attended by DOJ, HHS, and DOI held in Fairbanks, Alaska.

2018 Congressional Budget Appropriations—Funding appropriated for a dedicated tribal victims of crime program including services for domestic violence and sexual assault victims.

Past consultation reports from 2009–2017 are available at <https://www.justice.gov/ovw/tribal-consultation>.

Tribal Preparation the Essential Link for Consultation

In preparation for each of the annual consultations, the NCAI Task Force has assisted Indian tribes in preparing for the annual consultation. The Task Force organizes a national webinar to summarize key national concerns and emerging issues for tribal leaders to consider in their preparation. It also coordinates a preparatory caucus for tribal leaders and representatives during which tribal leaders receive a briefing of priority issues and time to discuss their specific concerns and recommendations for the consultation the following day. This year the tribal leaders briefing and caucus will be held Monday, August 20, 6:30-8 PM, at the consultation host hotel in Sioux Falls, South Dakota. Following each caucus, a list of the concerns and recommendations summarizing the priority issues is developed and provided to OVW as NCAI's formal written statement.

Like this current *Restoration* for many years, the National Indigenous Women's Resource Center in partnership with the Task Force includes a draft statement of the priority issues for the annual consultation. This section is intended to provide a review of the tribal provisions contained in the Tribal Title, other federal statutes, and previous concerns and recommendations made by tribal leaders addressing the three statutory areas identified for consultation.

The Federal Response to the VAWA 2005 Consultation Mandate

Since 2009, the consultation process organized by OVW has improved each year with issuance of the required consultation report to Congress and also made available online.¹ The pre-consultation process to determine date, location, and consultation issues now occurs regularly. The annual consultation established under the VAWA 2005 is now institutionalized and provides a process to annually review and monitor critical issues concerning the safety of Native women. OVW over the last 12 years has consistently coordinated the annual consultation and this process has resulted in annually identifying the most urgent concerns and recommendations many of which have been addressed

1. U.S. Department of Justice, Office on Violence Against Women Tribal Consultation Reports:

- 2013 report: <http://www.justice.gov/sites/default/files/pages/attachments/2014/08/15/2013ovw-tc-report.pdf>
- 2012 report: <http://www.justice.gov/sites/default/files/ovw/legacy/2013/06/05/2012ovw-tc-report.pdf>
- 2011 report: <http://www.justice.gov/sites/default/files/ovw/legacy/2012/11/28/2011-tribal-consultation-report.pdf>
- 2010 report: <http://www.justice.gov/sites/default/files/ovw/legacy/2012/10/25/2010-tribal-consultation-report.pdf>
- 2009 report: <http://www.justice.gov/sites/default/files/ovw/legacy/2012/11/28/2009-tribal-consultation-report.pdf>

by Congress as amendments to federal law or federal departmental or agencies policy changes.

To improve the consultation process tribal leaders have also raised consistently that the annual consultation is a government-to-government dialogue and a time for presentations by tribal leaders of the concerns and recommendations of their respective nations regarding the three broad categories stated under the statute. The concerns previously raised have included the following:

- Consultation is not the time for federal presentations designed to provide training and education.
- Framing papers developed by the federal agencies seeking response from tribal leaders should be distributed no less than one month prior to the consultation if not sooner.
- The consultation agenda should reflect a government-to-government relationship and should not be open to public comment or dialogue.
- The consultation statute mandates the Attorney General, Secretary of HHS, and DOI attend the consultation, and in 2017, top leadership of these Departments did not attend the consultation.

SEC. 903. CONSULTATION.

Section 903 of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (42 U.S.C. 14045d) is amended-

Please
join us!

Tribal Leader's Briefing

August 20, 2018

6:30-8:00PM

Room TBD

Convention Center

Sioux Falls, SD



The National Indigenous Women's Resource Center's participation in this briefing was supported by Grant Number 14CE0002-01-001 from the Administration on Children, Youth and Families, Family and Youth Services Bureau, U.S. Department of Health and Human Services.

Analysis and Research on Violence Against Indian Women

National Baseline Study Mandate

The Safety for Indian Women Titles of VAWA 2005 and 2103 mandate the National Institute of Justice (NIJ) to conduct analyses and research on violence against Indian women living in Indian country and in Alaska Native villages. This program of research under the statute is to be conducted in consultation with the Office on Violence Against Women and a national federal tribal advisory task force. The statute lists *dating violence, domestic violence, sexual assault, sex trafficking, stalking, and murder as areas for a national baseline study*. NIJ has developed a comprehensive research program consisting of multiple projects that are being accomplished over an extended period of time with the primary goal being to document the prevalence and nature of violence against Native women living on sovereign tribal lands. The national baseline study however has not been completed or released.

“We welcomed the release of the survey findings as a step forward but cannot stress the urgency of the completion of the national baseline study. The purpose areas of the research component of the tribal title are essential to implementation of VAWA within Indian tribes. What is the status of the national baseline study?”

—Juana Majel Dixon, Co-Chair, NCAI Task Force on Violence Against Women.

The VAWA 2005 research program was intended to evaluate the effectiveness of federal, state, tribal, and local responses to violence against Indian women and propose recommendations to improve the effectiveness of such responses. Ultimately, this program of research is expected to improve the understanding of the programmatic, service, and policy needs of victims and

help educate and inform practitioners, policymakers, and the public about the threat to the safety, health, and well-being of Native women. This effort will hopefully decrease the incidence of violent crimes against Native women and ensure perpetrators of these violent crimes are held accountable.

The Important Contribution of Research to the Safety of Native Women

Violent crime victimization against American Indian women is more than double that of any other population of women in the United States. The U.S. Department of Justice has found that murder rates of American Indian women on some reservations are 10 times higher than the national average. The first major product released under the VAWA 2005–mandated program of research on violence against Indian women provided significant insight to understanding such violence.

The 2016 National Institute of Justice (NIJ) study found that among American Indian and Alaska Native women, more than 4 in 5 (84.3%) have experienced violence in their lifetime, including:

- 55.5% have experienced physical violence by intimate partners in their lifetime.
- 56.1% have experienced sexual violence in their lifetime.
- 48.4% have experienced stalking.
- 66.4% have experienced psychological aggression by an intimate partner.

The NIJ study also found that Native victims are:

- **more** likely to be injured as a result of their violent victimization,
- **more** likely to need services, and
- significantly less likely to have access to services compared to their non-Native counterparts.

The 2016 NIJ study is the first product under the program of research mandated under the VAWA 2005.

Three Purposes Mandated Under the Safety for Indian Women Tribal Title VAWA 2005

- Examine violence against Native women including domestic violence, dating violence, sexual assault, stalking, trafficking, and homicide;
- Evaluate the effectiveness of federal, state, tribal, and local responses to violence against American Indian (AI) and Alaska Native (AN) women; and
- Propose recommendations based on study findings.

It is the first study on the prevalence of violence against Indian women and men that used a large, nationally representative sample from the National Intimate Partner and Sexual Violence Survey (NISVS). The study was launched in 2010 by the Centers for Disease Control and Prevention (CDC), with the support from the U.S. Department of Defense and NIJ.

the lifetime of adult self-identified AI and AN women and men. It also provides estimates of interracial and intraracial victimizations and briefly examines the impact of violence. NIJ produced a 6-minute video highlighting key findings from this study. The report can be obtained at <https://www.ncjrs.gov/pdffiles1/nij/249736.pdf>.

The study provides the first set of estimates of sexual violence, physical violence by intimate partners, stalking, and psychological aggression by intimate partners over

“The Alaska Native Women’s Resource Center uses the NIJ 2016 video on the key findings of the report during our community engagement sessions with villages. It is very helpful in understanding the extent of violence against Native women,” said Tami Truett Jerue, Executive Director. “The VAWA 2013 added Alaska Native Villages to the research NIJ is to conduct under VAWA and we are looking forward to the update on the Alaska Native research projects.”



VAWA 2005 904(a) Analysis and Research on Violence Against Indian Women.

(a) National Baseline Study—

(1) In General—The National Institute of Justice, in consultation with the Office on Violence Against Women, shall conduct a national baseline study to examine violence against Indian women in Indian country.

(2) Scope—

(A) In General—The study shall examine violence committed against Indian women, including—

- (i) domestic violence;
- (ii) dating violence;
- (iii) sexual assault;
- (iv) stalking;
- (v) murder; and
- (vi) sex trafficking (as amended by VAWA 2013)

(B) Evaluation—The study shall evaluate the effectiveness of federal, state, tribal, and local responses to the violations described in subparagraph (A) committed against Indian women.

(C) Recommendations—The study shall propose recommendations to improve the effectiveness of federal, state, tribal, and local responses to the violation described in subparagraph (A) committed against Indian women.

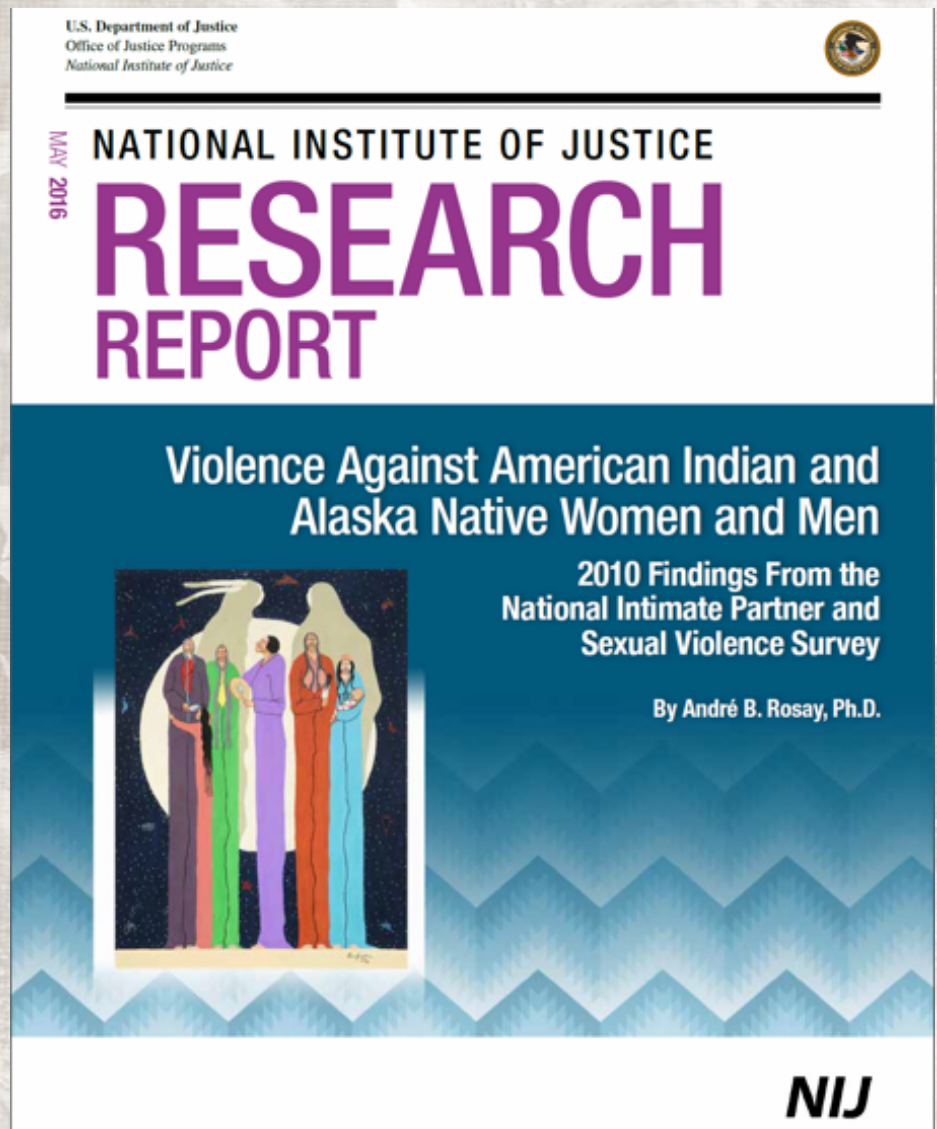
(3) Task Force—

(A) In General—The Attorney General, acting through the Director of the Office on Violence Against Women, shall establish a task force to assist in the development and implementation of the study under paragraph (1) and guide implementation of the recommendation in paragraph (2)(C).

(B) Members—The Director shall appoint to the task force representatives from—

- (i) national tribal domestic violence and sexual assault nonprofit organizations;
- (ii) tribal governments; and
- (iii) the national tribal organizations.

(4) Report—Not later than 2 years after the date of enactment of this Act, the Attorney General shall submit to the Committee on Indian Affairs of the Senate, the Committee on the Judiciary of the Senate, and the Committee on the Judiciary of the House of Representatives a report that describes the study.



Priority Issues

VAWA-Mandated Annual Consultation on Violence Against Indian Women

The following issues, concerns, and recommendations have been identified by Indian tribes and advocates for the safety of Native women during past annual consultations (2006–2017), through NCAI resolutions (2000–2018), and at numerous national meetings. A review of oral and written statements made by tribal leaders during consultations over the years clearly documents these are not new issues but complicated legal and policy barriers embedded in the layers of federal Indian law. These issues are monitored on an ongoing basis by the National Congress of American Indians Task Force on Violence Against Women (“NCAI Task Force”).

The NCAI Task Force recommends that federal departments in order to fulfill the purposes of the VAWA Safety for Indian Women Title to increase the safety of Indian women and accountability of perpetrators address the following issues and coordinate with Indian tribes regarding implementation of the proposed recommendations.

Issues Regarding Implementation of Violence Against Women Act

Tribal Jurisdiction Over Non-Indian Offenders. The lack of tribal jurisdiction over non-Indian offenders on Indian lands continues to be a key reason for the perpetuation of disproportionate violence against American Indian and Alaska Native women. VAWA 2013 addressed this issue for certain crimes of domestic violence, dating violence, and protection order violations for some tribes. Many crimes of violence against Native women and children continue to fall through the cracks and many tribes, particularly those in Alaska and in states with restrictive settlement acts such as Maine, are not able to make use of this provision. For those tribes that are implementing the jurisdiction provision of VAWA 2013, funding and resources are a significant problem. Concerns have also been raised about how health care costs will be covered for non-Indian inmates who are sentenced in tribal courts.

Recommendations: Federal departments support and reaffirm tribal criminal jurisdiction over non-Indian perpetrators of domestic violence, sexual assault, dating violence, stalking, and trafficking for all federally recognized Indian tribes. For Indian tribes unable to utilize the VAWA 2013 Special Domestic Violence Criminal Jurisdiction (SDVCJ) the DOJ establish a pilot project under which tribal criminal jurisdiction over non-Indian perpetrators of domestic violence, sexual assault, dating violence, and stalking can be implemented. In

addition, DOJ establish a federal workgroup to identify options for covering health care costs for non-Indians sentenced in tribal courts. It is recommended that all federal departments support increased funding for tribal implementation of the 2013 SDVCJ.

Research of Violence Against Alaska Native Women. In 2013, VAWA was amended to include the 229 “Alaska Native Villages” under the National Baseline Study. The baseline study is intended to provide recommendations to enhance the effectiveness of federal, state, tribal, and local responses to violence against Indian women. It is a concern that research specific to violence against Alaska Native women committed in Alaska Native villages is lacking. **Recommendation:** NIJ specifically develop under the VAWA-mandated program of research studies specific to Alaska Native women.

Enforcement of Federal Statutes Across Indian Tribes. Enforcement of the federal firearms provision and habitual offender statute is of concern particularly in tribal jurisdictions where tribes share concurrent jurisdiction with state governments such as under PL 280, and Indian tribes impacted by restrictive settlement acts such as Maine. **Recommendation:** DOJ and DOI increase training to districts with Indian tribes where these federal statutes are not being charged and coordinate with Indian tribes to increase utilization of the statutes.

Outstanding Unaddressed Issue of Addressing Missing and Murdered Native Women. This past year, more than 200 tribal, state, regional, and national organizations joined with the National Indigenous Women’s Resource Center in support of the Senate resolution to create a National Day of Awareness for Missing and Murdered Native Women and Girls. The first national day of awareness reached millions of people across the United States and the world through social media platforms. The social media networking and mobilization surpassed the 2017 efforts. This public call for increased awareness is indicative of the extent of the reality that Native women go missing on a daily basis often without any response by law enforcement. **Recommendations:** DOJ is urged to fully implement the VAWA 2005 program of research and specifically provide Indian tribes information regarding the disappearance and murder of Native women; and all federal departments should take the necessary actions to:

- Review, revise, and create law enforcement and justice protocols appropriate to the disappearance of Native

- women and girls, including inter-jurisdictional issues;
- Provide increased victim services to the families and community members of the disappeared or murdered Native woman, including but not limited to both Native and non-Native services such as counseling for the children of the disappeared, burial assistance, and community walks and healing and other tribal-specific ceremonies;
- Coordinate efforts across federal departments to increase the response to the disappearance or murder of Native women and girls; and,
- Coordinate efforts in consultation with Indian tribes to increase the response of state governments, where appropriate, to cases of disappearance or murder of Native women or girls.

2018 Consultation Priority Issues

Disbursement of Crime Victim Funding and Support for a Permanent Fix. American Indians and Alaska Natives experience the highest crime victimization rates in the country.¹ Tribal governments, like other governments, are responsible for meeting the needs of victims in their communities. The newly created 3% tribal set-aside from the Crime Victims Fund is celebrated across Indian tribes. This funding has the potential to change the landscape of crime victim services in tribal communities, and tribal leaders are eager to engage in a discussion with DOJ and the Office for Victims of Crime (OVC) about how to make the best use of these lifesaving funds. While the timing of the appropriations for FY 2018 has created many challenges for administering this new funding, the importance of demonstrating success with this inaugural round of funding is essential. The NCAI Task Force offered preliminary recommendations with regard to 1) the mechanism for distributing the funds and 2) permissible uses of the funds by tribal recipients.

Mechanism for Distributing 2018 Tribal Funds. Tribal governments have consistently asked for grantmaking processes at DOJ that reflect respect for tribal self-determination and the government-to-government relationship. It is strongly recommended that OVC adopt a method of distributing the funds among all eligible tribes that takes into account the need for sufficient base funding. Given the short time frame to distribute the funds we recommend OVC to consider using the distribution formula for the Family Violence Services and Prevention Act (FVPSA) tribal program at HHS. The FVPSA formula was developed in consultation with tribal governments shortly after Congress created a 10% tribal set-aside in FVPSA. While focused on victims

1. Rosay, R. B. (2016). Violence against American Indian and Alaska Native women and men: 2010 findings from the national intimate partner and sexual violence survey. Retrieved from <https://www.ncjrs.gov/pdffiles1/nij/249736.pdf>.

of family violence it is a particularly useful model since it also provides funding for services to crime victims. The FVPSA tribal formula provides for base funding in tiers with any remaining funds distributed to all eligible applicants on a per capita basis. Eligible applicants include all federally recognized tribes who demonstrate the capacity to provide services to victims of family violence. Given the short time frame for obligating funds for FY 2018, we recommend OVC consider using the FVPSA formula for the first year while engaging in a process of consultation with tribal governments that would allow for the formula to be refined or changed in future years.

Use of Funds by Tribal Recipients. Different tribes will have different needs and it is important that the funding can be used flexibly. We recommend DOJ take a broad view of what constitutes activities that will “improve services to victims of crime” as set forth in the appropriations bill. The needs of victims in tribal communities may differ significantly from those in non-tribal communities. Congress enacted the tribal set-aside in order to rectify a longstanding inequity between tribal governments and state and territorial governments, and tribes should be able to engage in the same activities as other governments. We encourage you to view the recently updated VOCA regulations applicable to the state victim assistance programs as a starting place for determining the parameters of the tribal program and to engage in consultation with tribal governments about how these regulations should be augmented or amended to address the unique tribal context. We also recommend the project period for these grants be up to 4 years to spend any funds, which would allow tribes to use the time necessary at the start of the award period for project planning and needs assessments where that is necessary.

Recommendation: The DOJ, DOI, and HHS should strongly support a permanent fix to VOCA tribal funding stream by passage of the SURVIVE Act.

Need to Improve Public Safety Funding Mechanisms. Currently, base funding for tribal courts, law enforcement, and detention is provided through the Bureau of Indian Affairs (BIA) and is entirely inadequate. Oftentimes, tribes located in states included under PL 280 are completely shut out of this funding. BIA last year released an “unmet obligations” report that concluded that there is more than a \$2 billion unmet need for tribal law enforcement and courts funding. Additional funding is provided through the DOJ and Health and Human Services (HHS) under a series of grant programs that pose serious access issues for many tribes as competitive grant programs. Moreover, funding for prevention, rehabilitation, and treatment programs,

which are key components of any community's approach to reducing crime, are located at IHS, SAMHSA, and elsewhere within HHS. In order to obtain this funding, tribes often must compete against each other under the priorities and guidelines set by the administering agency. In the end, too often the tribes that have the financial and human resources to employ experienced grant writers end up receiving funding, while the under-resourced tribes are left without. Tribes that do receive funding cannot count on it continuing beyond the current grant period. As a result, there are countless stories of successful tribal programs disappearing at the end of a two- or three-year grant cycle. **Recommendation:** The Administration should consult with tribes to develop a proposal that would bring much needed reforms to the tribal public safety funding system to better meet local needs.

Increase Federal Penalties for Violation of Tribal Protection and Exclusion Orders. Indian tribes issue protection and exclusion orders to ensure the public safety of their citizens and community members. In addition to domestic violence protection orders, tribes issue exclusion orders for drug-related crimes and protection orders against non-Indians for stalking and sexual assault offenses. However, tribes have a limited ability to enforce these orders in most cases. **Recommendation:** The Administration should initiate consultation with tribal governments about options to increase federal penalties and deterrence for non-Indians who violate tribal exclusion orders and protection orders.

Federal Accountability of Extractive Industries for Crimes Against Native Women. The escalation of sexual and domestic violence, including sex trafficking, due to extractive industries must be addressed by the DOJ, DOI, and HHS. Industries must be held accountable for the resulting violence of itinerant workforces created within tribal communities by these industries. **Recommendations:** DOJ and DOI should create standards of protection for tribal communities for extractive industries to comply with prior to, during, and post construction to protect Native women and children, including through the federal permitting processes. DOJ should assist Indian tribes in safeguarding the lives of Native women where extractive industries employ a militarized police force to ensure no militarized tactics and usage of excessive force and/or violations of civil rights are committed against members of tribal communities. HHS should enhance support for services and training for shelter and related advocacy services by developing materials addressing the needs of domestic violence victims who are victimized by itinerant workers who cannot be held accountable by local tribal authorities.

Priority Issues Specific to Federal Departments

Department of Justice, Office on Violence Against Women (OVW) Rescission from Tribal Programs. OVW continues to apply congressionally mandated rescissions to tribal programs; for example, \$3.2 million was taken from the 2016 Grants to Tribal Governments program. It is our understanding that OVW has discretion to determine how to apply the rescission across its funding lines. Because of the unique federal trust responsibility and heightened federal obligations to, and disparities in crime and victimization for Indian tribes, future rescissions should not be applied to tribal grant programs.

Family Violence Prevention and Services Program. Support reauthorization and continued appropriations of FVPSA with amendments to increase tribal access to critical funds for domestic violence shelter and supportive services.

Department of Interior, Bureau of Indian Affairs. Prioritize taking land into trust in Alaska. Because of the legal status of the land in most Alaska Native villages, tribal governments in Alaska generally have very limited authority to protect their communities. The Department of Interior has issued regulations to allow land to be taken in to trust in Alaska, which has the potential to transform the tools available to Alaskan tribes for ensuring public safety in their communities. The Administration should work swiftly to continue to take land into trust in Alaska. Address funding disparities for tribes in Public Law 280 (PL 280) and similarly situated jurisdictions. Indian nations in PL 280 jurisdictions have been provided substantially lower amounts of support from the BIA for tribal law enforcement and tribal courts than Indian nations not subject PL 280. Consequently, the tribes in PL 280 jurisdictions have had far less opportunity to develop their own police departments and court systems. Beginning in the 1990s, the DOJ has financially supported and provided technical assistance to Indian nations for development and enhancement of their police departments and court systems. The BIA should request appropriate additional federal funding to end this disparity in funding between tribes depending on their PL 280 status. Similarly, Indian tribes in Maine presented their concerns during the 2016 and 2017 consultations regarding the impact of Restrictive Settlements Acts on tribal authority to protect victims of domestic and sexual violence. These concerns should be responded to and addressed.

Consultation Issues Specific to the Tribal Law Order Act of 2010 (TLOA)

Federal Accountability. Section 201 of the TLOA requires U.S. Attorneys to coordinate with tribal justice officials on the use of evidence when declining to prosecute or refer a reservation crime. Sharing of this type of information is critical to keeping Indian women safe. Tribal officials need to be notified when a U.S. Attorney declines to prosecute sexual assault and domestic violence cases so that, in the case of an Indian defendant, a tribal prosecution may proceed, or in all other cases, tribes can at least notify the victim of the status of the case so that the victim may take the necessary steps for protection. **Recommendation:** Hold U.S. Attorneys accountable for necessary coordination and reporting duties with tribal justice officials under the TLOA. The safety of Indian women depends upon it.

Enhanced Tribal Sentencing Authority. Section 304 of the TLOA grants tribal courts the ability to sentence offenders for up to 3 years' imprisonment for any one offense under tribal criminal law if certain protections are provided. This is a significant improvement, although this maximum sentence still falls short of the average sentence of 4 years for rape in other jurisdictions. Crucial for our purposes, tribes must have the capacity to house the offender in detention facilities that meet federal standards; otherwise, the enhanced sentencing power is meaningless. **Recommendation:** Work with Congress to ensure that the Bureau of Prisons Pilot Project is reauthorized.

Prisoner Release and Reentry. Section 601 of the TLOA requires the U.S. Bureau of Prisons to notify tribal justice officials when a sex offender is released from federal custody into Indian country. **Recommendation:** Ensure that tribal justice officials are notified of prisoner release and re-entry on Indian lands, regardless of the process by which this occurs (i.e., whether the BOP Director gives notice directly to tribal justice officials or whether he gives notice to the U.S. Attorney and the U.S. Attorney is responsible for relaying that message to tribal justice officials). Proper implementation of this provision is critical to the safety of Indian women.

Full Access to Federal Databases. TLOA, and VAWA 2005, requires the Attorney General to permit Indian law enforcement agencies to enter information into and obtain information from federal criminal information databases. The NCAI Task Force is concerned that not all Indian tribes have access to the NCIC under the Tribal Access Program (TAP). We understand that the TAP is currently limited to tribes with a SORNA-compliant sex offender registry or with a full-time tribal law enforcement agency. There are many tribes, particularly in Alaska, PL-280 jurisdictions and similar jurisdictions, however, who do not meet these criteria, and may never, but they do have tribal courts that issue protection orders. For these protection orders to be effective and protect victims, the tribe needs to be able to enter them into the protection order file of NCIC. In addition, while the TAP program enhances tribal sovereignty with direct access, there are still barriers in the federal law that limit this access, which limits the effectiveness of the TAP. The applicable federal laws need to be reformed and tribes need to be added to PL 92-544, which the Criminal Justice Information System (CJIS) identifies as limiting full tribal access. Finally, tribes need to have a system available for entering their misdemeanor domestic violence convictions and other NICS disqualifying events. **Recommendations:** A dedicated funding stream should be created for expanding the TAP program and make it more widespread for tribes able to meet CJIS Security requirements and have recognized governmental purposes, to access the databases. The repurposing of the tribal registry funding under VAWA 2005 to support the TAP program should be open to all Indian tribes. We need to ensure that all tribes have the ability to access federal databases not only for the purpose of obtaining criminal history information for criminal or civil law purposes, but also for entering protection orders, missing person reports, and other relevant information into the database, such as NICS disqualifying events. The Task Force also recommends that the DOJ create tribal technical assistance programs and host regional trainings for tribal judges, tribal attorneys, child welfare agencies and law enforcement to educate each about the gaps in the current system and how to facilitate better coordination to ensure that lifesaving protection orders are entered into the NCIC database. Finally, the NCAI Task Force recommends that DOJ create a multidisciplinary task force with significant tribal participation, to identify the outstanding barriers tribes face in acquiring full access to federal criminal history databases and to develop a plan of action to resolve these issues, including amendments to existing laws.

Housing in Tribal Communities: Three Issues for Consideration of Safety for Native Women

By Caroline LaPorte, Senior Native Affairs Advisor, NIWRC

The intersection of housing and gender-based violence is clear. The need for safe and affordable housing is one of the most pressing concerns for American Indian and Alaska Native (AI/AN) survivors of violence and abuse, as domestic and sexual violence is a leading cause of homelessness for women and children. Housing is a basic human right, yet AI/AN survivors of gender-based violence frequently report access or sustainability issues, leading to layers of vulnerability and increased risk of new or continued victimization. While there are continued issues for AI/AN survivors of abuse accessing or attempting to access shelters or emergency and transitional housing, this article does not focus on those outstanding issues. Rather, this article focuses on the availability of housing assistance in tribal communities, and on protections for survivors of abuse, primarily Native women, who utilize public housing assistance.

There are three issues to consider for AI/AN survivors: 1) the Violence Against Women Act of 2013 (VAWA) and the Native American Housing and Self Determination Act of 1966 (NAHASDA); 2) the role of tribal governments in tribally issued housing regulations that protect survivors; and 3) funding.

The Violence Against Women Act of 2013 (VAWA) and the Native American Housing and Self Determination Act of 1966 (NAHASDA)

VAWA 2013, in many ways, was a major step forward for survivors in marginalized communities. Immigrants, LGBTQ, and Indian tribes all advocated and witnessed hard-won historic improvements in strengthening protections for victims of VAWA-related crimes. Moreover, housing, as a separate intersection and issue area, also saw improvements in increased housing-related protections for survivors of abuse.

Most notably, VAWA 2013 expanded its VAWA 2005 housing protection provisions to provide protection to survivors of sexual assault.¹ The housing provisions now protect anyone who: 1) is a victim of actual or threatened domestic violence, dating violence, sexual assault, or stalking, or an "affiliated individual" of the victim and 2) who is living in, or seeking admission to, any of the covered housing programs (covered housing programs discussed later in this section).²

VAWA 2013 removed the VAWA 2005 requirement that the household member be related by blood or marriage to the victim. According to the National Housing Law Project, this means that VAWA 2013 now protects individuals who "simply live in the victim's household, regardless of whether they are related by marriage or blood to the victim."³ VAWA 2013 further revised the definition of "domestic violence" to include crimes of violence committed by an intimate partner of the victim or by a person who has cohabitated with the victim as an intimate partner.⁴

VAWA 2013 prohibits any person from being denied assistance, tenancy, or occupancy rights to housing solely on the basis of criminal activity, if that activity is directly related to domestic violence, dating violence, sexual assault, or stalking engaged in by a household member, guest, or any person under the tenant's control, if the tenant or affiliated individual of the tenant is the victim.⁵

VAWA 2013, like VAWA 2005, allows covered housing programs to bifurcate a lease to evict or terminate assistance to any tenant or lawful occupant who engages in criminal acts of violence against an affiliated individual or others. VAWA 2013 also added a protection for tenants who remain in the housing as a result of the lease bifurcation.⁶

VAWA 2013 revised the certification process under VAWA 2005. The new law permits public housing authorities, owners, and managers to request that a survivor certify via a form approved by the appropriate federal agency. The form has to state that an applicant or tenant is a victim of domestic violence, dating violence, sexual assault, or stalking; state that the incident that provides grounds for protection meets the requirements under the statute; and includes the name of the perpetrator (if the name is known and safe to provide).⁷ VAWA 2013 also expanded the forms of documentation to include one signed by a survivor and a mental health professional (under penalty of perjury). A survivor also has the option of providing an administrative record to document the abuse. Under the new law, instead of a certification form, the applicant or tenant may provide:

3. Id.

4. Id.

5. 42 U.S.C.A. §14043e-11(b)(3)(A) (West 2014).

6. 42 U.S.C.A. §14043e-11(b)(3)(i) (West 2014).

7. 42 U.S.C.A. §14043e-11(c)(3)(A) (West 2014).

1. See generally 42 U.S.C.A. §14043e-11 (West 2014)

2. <http://nhlp.org/files/VAWA-2013-Bulletin-Article-Jan-2014-updated.pdf>

- (a) Documentation signed by the survivor and a victim service provider, an attorney, a medical professional, or a mental health professional in which the professional attests under penalty of perjury to his or her belief that the victim has experienced abuse; or
- (b) A federal, state, tribal, territorial, or local law enforcement, court, or administrative record.⁸

VAWA 2013 also included a new provision mandating that each federal agency adopt a model emergency transfer plan for covered entities to utilize.⁹ The plan must allow survivors to transfer to another available and safe dwelling unit assisted under a covered housing program if: the tenant expressly requests the transfer and the tenant “reasonably believes” that the tenant is threatened with imminent harm and further violence if the tenant remains within the same unit, or whether the tenant is a victim of sexual assault and that assault occurred within 90 days before the transfer request.¹⁰

Though there are other protections and improvements to be noted, the final issue for the purpose of this analysis relates to confidentiality. VAWA 2013 requires that a public housing authority, owner, or manager keep confidential the information that a survivor provides to certify victim status. This information cannot be entered into a shared database or disclosed to another entity unless the disclosure meets certain requirements (requested or consented to by the survivor in writing; required for use in an eviction proceeding to determine whether the incident qualifies as a serious or repeated violation of the lease, etc.).¹¹

Prior to 2013, housing protections under VAWA 2005, only applied to public housing, the Section 8 Housing Choice Voucher Program, Section 8 project-

based housing, Section 202 housing for the elderly, and Section 811 housing for people with disabilities. VAWA 2013 expanded the list of covered housing by including additional HUD programs and other affordable housing programs administered by the Department of Agriculture and the Department of Treasury. (<http://nhlp.org/files/VAWA-2013-Bulletin-Article-Jan-2014-updated.pdf>). VAWA 2013 now applies to the following covered housing programs in the table below.¹²

It is critical to note that the Indian Housing Block Grant (IHBG) under the NAHASDA has been expressly excluded from the expanded housing protections. This means that most tribal housing authorities do not have to comply with the housing provisions as expanded under VAWA 2013 and accordingly represents a serious gap in survivor protections. However, should the VAWA 2013 protections be expanded in 2018 to include Indian Housing Block Grants, and engagement with tribes in a government to government relationship be sidestepped, tribal sovereignty would be further degraded. Thus, we must understand that while VAWA 2013 housing protections are important for survivor safety, the NAHASDA is equally important for tribal sovereignty interests.

The NAHASDA reorganized the system of housing assistance provided to AI/ANs through HUD by eliminating several separate programs of assistance and replacing them with a block grant program.¹³ There are two programs authorized for Indian tribes under this Act: the Indian Housing Block Grant and Title VI Loan Guarantee, which provides financial guarantees to tribes for private market loans in order to develop affordable housing.¹⁴ In 2000, NAHASDA was amended to add Title VII, Housing Assistance for Native Hawaiians.¹⁵

Department of Housing and Urban Development	<ul style="list-style-type: none"> • Public Housing • Section 8 Housing Choice Voucher Program • Section 8 project-based housing • Section 202 housing for the elderly • Section 811 housing for people with disabilities • Section 236 multifamily rental housing • Section 221(d)(3) Below-Market Interest Rate housing • HOME • Housing Opportunities for People with Aids • McKinney-Vento Act programs
Department of Agriculture	<ul style="list-style-type: none"> • Rural Development multifamily housing programs
Department of Treasury	<ul style="list-style-type: none"> • Low-Income Housing Tax Credit

8. 42 U.S.C.A. §14043e-11(c)(3)(B) (West 2014).

9. <http://nhlp.org/files/VAWA-2013-Bulletin-Article-Jan-2014-updated.pdf>

10. Id.

11. 42 U.S.C.A. § 14043e-11(c)(4) (West 2014).

12. 42 U.S.C.A. § 14043e-11(a)(3) (West 2014).

13. https://www.hud.gov/program_offices/public_indian_housing/ih/codetalk/nahasda

14. Id.

15. Id.

NAHASDA's Congressional findings state (in part):

“(2) there exists a unique relationship between the Government of the United States and the governments of Indian tribes and a unique Federal responsibility to Indian people;
(3) the Constitution of the United States invests the Congress with plenary power over the field of Indian affairs, and through treaties, statutes, and historical relations with Indian tribes, the United States has undertaken a unique trust responsibility to protect and support Indian tribes and Indian people;
(4) the Congress, through treaties, statutes, and the general course of dealing with Indian tribes, has assumed a trust responsibility for the protection and preservation of Indian tribes and for working with tribes and their members to improve their housing conditions and socioeconomic status so that they are able to take greater responsibility for their own economic condition;
(5) providing affordable homes in safe and healthy environments is an essential element in the special role of the United States in helping tribes and their members to improve their housing conditions and socioeconomic status...”¹⁶

These findings are critical because they highlight the continued commitment that Congress has made in recognizing its trust responsibility and in strengthening tribal sovereignty under its unique obligation to tribes. Furthermore, in recognizing the role of the trust relationship and with respect to tribal sovereignty, the NAHASDA includes a requirement for negotiated rulemaking. The Act states that in establishing the negotiated rulemaking committee, the Secretary shall—adapt the procedures for negotiated rulemaking in general to the **unique government-to-government relationship between the Indian tribes and the United States**, and shall ensure that membership of the committee include only representatives of the federal government and of geographically diverse, small, medium, and large Indian tribes. Thus, any changes to NAHASDA and the two programs it established, must go through this mandated process. This would include any applicability of other federal statutes, like VAWA 2013's expanded housing protections.

In understanding what NAHASDA requires in the form of negotiated rulemaking and in knowing why that process is required, even as victim advocates, we can begin to understand and respect why the Indian Housing Block Grants were expressly excluded from the list of covered housing entities in VAWA 2013.

The Role of Tribal Governments in Tribally Issued Housing Regulations That Protect Survivors

As victim advocates and those that work in the field, we have to find ways to address victim needs while advocating for policy reform that respects tribal sovereignty. This can sometimes be challenging because sovereignty and the victim advocacy framework occasionally appear to be in conflict. However, knowing that through strengthening tribal sovereignty, we can best address the needs of victims in our communities, we can work through an adjusted framework: **one that contemplates future survivors**.

Regardless, it is clear that tribal victims in public housing run by tribal authorities funded by IHBGs will continue to experience a gap in protections that non-Native survivors utilizing public housing assistance do not. The question of how to address this issue remains.

One option, as contemplated above, is to amend (through the legislative process at the federal level) VAWA 2013 to include public housing assistance that is funded by IHBGs as covered entities. Again, **this is not an acceptable reform**. As stated above, this strategy would undermine tribal sovereignty and ignore long-standing statutory and regulatory policies recognizing the federal-tribal relationship while further sidestepping the negotiated rulemaking procedure that is mandated by NAHASDA.

A second and more viable option, which further supports tribal sovereignty is for tribal governments who receive IHBGs to include survivor protections within their respective tribal housing codes. This method would not only be respectful of tribal sovereignty, but would also be an **exercise of tribal sovereignty**. Most tribal housing codes do not include protections for victims of domestic violence, dating violence, sexual assault, and stalking. Some housing codes are outdated and actually harmful to victims of abuse. Examples (illustrative, not exhaustive) of harmful provisions in tribal housing codes include the following:

1. Records of disturbance to neighbors by any household member as a basis for denial;
2. Denial for any past convictions;
3. Eligibility based on anyone in household over age 13 with a criminal history;
4. One-strike eviction policies; and
5. Evictions from private housing.

Tribal housing codes can be amended to remove harmful provisions and include provisions that prioritize

16. P.L. 104-330

survivor safety. Examples (illustrative, not exhaustive) of survivor-centered provisions that can be included in tribal housing codes include:

1. Emergency transfer provisions;
2. Lease bifurcation options;
3. Self-certification provisions;
4. Early lease termination;
5. Confidentiality requirements around victim status; and
6. Prohibitions on denials of assistance to victim based on criminal activity, when that activity is related to instances of abuse suffered by victim.

Adequate Funding Required

In January 2017, the Department of Housing and Urban Development (HUD) released a report titled, "Housing Needs of American Indians and Alaska Natives in Tribal Areas: A Report from the Assessment of American Indian, Alaska Native and Native Hawaiian Housing Needs" (<https://www.huduser.gov/portal/sites/default/files/pdf/HousingNeedsAmerIndians-ExecSumm.pdf>).

The need for meaningful access to public housing assistance is substantial in tribal communities. Compared with an average poverty rate of 18%, AI/AN-alone poverty rates stood at 22% in metropolitan areas outside of Indian Country, 28% in surrounding counties, and 32% in tribal areas.¹⁷ The report begins by stating, "[d]uring the past two decades, although improvements

17. Page 3, <https://www.huduser.gov/portal/sites/default/files/pdf/HousingNeedsAmerIndians-ExecSumm.pdf>

have been made, the overcrowding and physical housing problems of American Indians and Alaska Natives (AI/ANs) living on reservations and other tribal areas remain strikingly more severe than those of other Americans."¹⁸ The report cites "particular circumstances" of tribal areas such as remoteness, lack of infrastructure, and complex legal and other constraints related to land ownership to explain the difficulties in improving housing conditions in tribal areas.¹⁹ The report further stated that "inadequate funding appears to be a major constraint at this point."²⁰

The HUD report includes findings and conclusions to determine the extent of housing problems and needs in Indian Country. HUD standards in general focus on physical problems in three categories:

1. Systems deficiencies (plumbing, heating, etc.)
2. Condition problems (structural issues, holes in the wall, etc.)
3. Overcrowding (defined by having more than one person per room)²¹

The report concludes that "data from this project's household survey show that physical housing problems for AI/AN households in tribal areas remain much more severe than for U.S. households, on average, in almost all categories."²² The chart below illustrates the disparity.

18. Id at 1.

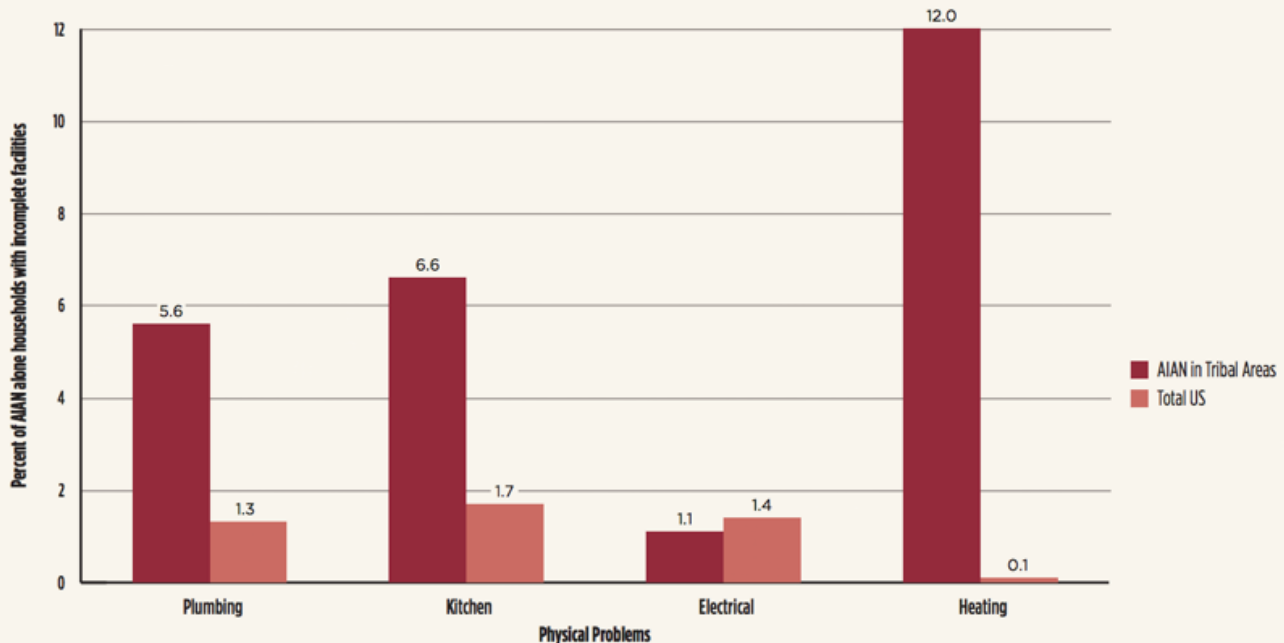
19. Id.

20. Id.

21. Id at 4.

22. Id.

Exhibit ES.2 - Individual Housing Problems in Tribal Areas and United States



Source: Urban Institute Household Survey 2013-2015. American Housing Survey, 2013.

The report found that 34% of AI/AN households had one or more physical problems, compared with only 7% for U.S. households. It estimated that in order to address these issues, it would have been necessary to build around 33,000 new units to eliminate overcrowding of the AI/AN population in tribal areas and another 35,000 new units to address or replace units that were barely habitable.²³ The shortages illustrated with these statistics show that housing in Indian Country is yet another vulnerability that American Indians and Alaska Natives have inherited. But this vulnerability is one that survivors of domestic violence and their children simply cannot afford.

The study further confirmed, “what has become the conventional wisdom about homelessness in Indian Country, namely that, in tribal areas, homelessness mostly translates into overcrowding rather than having people sleeping on the street. The study estimates that, at the time of the household survey in 2013–2015, between 42,000 and 85,000 people in tribal areas were staying with friends or relatives only because they had no place of their own; that is, they were homeless.”²⁴

The problem of overcrowding in tribal areas is illustrated in the chart below.

These issues illustrate the need for continued and increased NAHASDA funding. The President’s FY2019 budget unfortunately sought to **cut NAHASDA by 54 million**.²⁵ In that same budget, The Native Hawaiian Housing Block Grant was not requested at all.²⁶ Yet thankfully, the FY2019 Omnibus, funds the NAHASDA at \$655,000,000 through September 30, 2022, and the Native Hawaiian Housing Block Grant at \$2,000,000

23. Id at 5.

24. Id at 6.

25. http://www.ncai.org/FY2019_Presidents_Budget_Analysis7.pdf

26. Id.

through September 30, 2022 (level funding from FY2018). The FY2019 Omnibus essentially funds the programs at level funding. Full text of the FY2019 Omnibus can be found here <https://docs.house.gov/billsthisweek/20180319/BILLS-115SAHR1625-RCP115-66.pdf>.²⁷ While current levels of funding have been somewhat consistent, the effect/buying power of this funding in a positive trend has been “seriously eroded by inflation,” as well as population growth and increased construction costs.²⁸ Given the clear physical and overcrowding problems in tribal housing as found in the HUD report, level funding will not address the severity of the housing crisis in tribal communities.

Looking to the Future

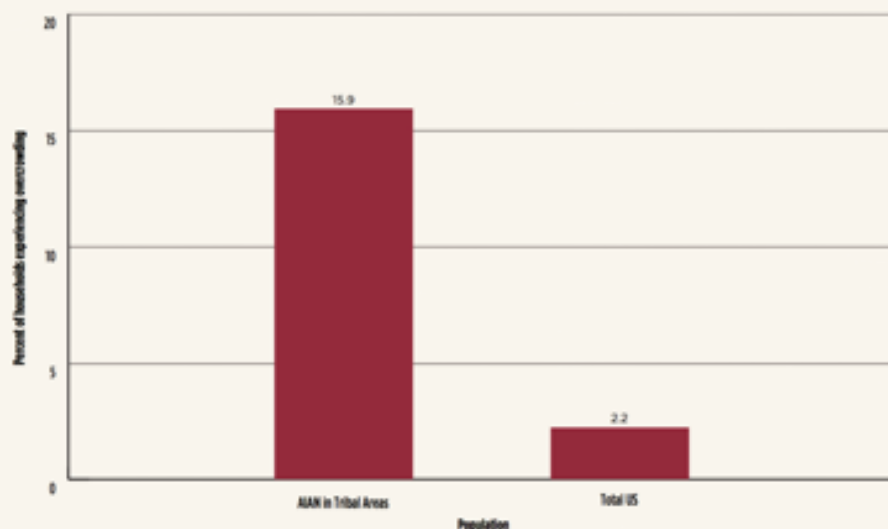
Public tribal housing assistance is a critical resource for AI/AN survivors of abuse. AI/AN survivors must have access to housing assistance that protects them regarding their unique vulnerabilities and increased risks. Though the VAWA 2013 expanded protections do not apply to IHBGs, tribal governments in an exercise of their sovereignty can include similar provisions in their tribal housing codes.

The 2018 annual consultation is schedule for August 21–22, 2018, and provides Indian tribes the opportunity to raise concerns regarding inadequate funding of tribal housing, NAHASDA, and the Native Hawaiian Housing Block Grant Program. It also provides tribal leaders the opportunity to raise their concerns and recommendations regarding the applicability of the VAWA housing protections to tribal housing within the authority of Indian tribes.

27. <https://docs.house.gov/billsthisweek/20180319/BILLS-115SAHR1625-RCP115-66.pdf>

28. Page 9, <https://www.huduser.gov/portal/sites/default/files/pdf/HousingNeedsAmerIndians-ExecSumm.pdf>

Exhibit ES.3 - Overcrowded households in Tribal Areas and United States



Violence Against Women (VAW) Task Force Established at the 83rd Annual CCTHITA Tribal Assembly

By Pamela Dalton-Stearns

At the 83rd annual Tribal Assembly of the Central Council Tlingit & Haida Indian Tribes of Alaska, held in Juneau, Alaska, April 18–20, 2018, delegates from Alaska, Washington, and California joined together to discuss critical issues to the tribes' future, including economic sovereignty, language revitalization, and the horrific epidemic of violence against women, girls, men, elders, and LGBTQ. It was the last issue—violence against women—that raised emotions and a new level of awareness among attendees. The Tribal Assembly voted to establish the task force to begin to address the disproportionate level of violence against Alaska Native women in our communities.

The VAW Task Force was created to address the high rates of homicides of Alaska Native women, as well as other forms of violence, including sex trafficking, domestic violence, and sexual assault, affecting indigenous communities in Alaska, Washington, and California. In parts of Indian country, Native women are murdered at a rate of 10 times the national average, and four out of five Native women have experienced violence in their lives. There were 5,712 incidents of

missing and murdered Native American women in 2016, but due to unreported cases and misclassification, the actual number is likely much higher.

The task force will be composed of community members, allied partners, domestic violence advocates, CCTHITA tribal delegates and judges, as well as families impacted by the issue. "Our women are dying at epidemic rates, and this is 100% preventable," stated Pamela Dalton-Stearns, Seattle tribal delegate who submitted the resolution to the Tribal Assembly, and member of the Wooshketaan Clan.

For the task force, the first order of business means creating an ambitious work plan. "As a task force, we will vet these issues of violence against all our communities. It's really an education and a collective voice, and there's power in the collective," said Dalton-Stearns. Task force members will meet regularly in the upcoming year and later present their findings and recommendations in a report at the 84th annual Tribal Assembly in April 2019.

"As sovereign nations, since time immemorial we reassume tribal authority to protect Native women from harm because they're our backbone, feeding and caring for us."

– Ivan Ivan,
Chief,
Akiak Native Community





VIOLENCE AGAINST WOMEN AWARENESS RALLY

Tlingit & Haida co-sponsors rally to raise awareness of violence against women in Alaska Native communities

Photos and content courtesy of Tlingit & Haida.



On Friday April 20th, Tlingit & Haida co-sponsored a rally to raise awareness of the violence against women in Alaska Native and Indigenous communities. The event began with a march through the downtown Juneau area, primarily the Willoughby District where the marchers sang a song to honor the missing and murdered women in the state. Following the march, the crowd filed into the Elizabeth Peratrovich Hall where they heard from a panel of speakers and finished up the evening with a screening of the acclaimed film, *Wind River*, which centers on the topic of missing and murdered indigenous women in America.



WOMEN WHO ATTENDED THE MARCH COULD BE SEEN WITH FACE PAINT DEPICTING A HAND PRINT OVER THEIR MOUTHS INDICATING THAT THE DAYS OF BEING SILENCED ON THE ISSUES OF VIOLENCE AND SEXUAL ASSAULT ARE NOW OVER.

Alaska Natives Against Domestic Violence & Sexual Assault
THE CYCLE OF

According to a 2016 study, "American Indian and Alaska Native women are 1.2 times as likely as non-Hispanic white-only women to have experienced violence in their lifetime and 1.7 times as likely to have experienced violence in the past year. They are also significantly more likely to have experienced stalking and physical violence by an intimate partner in their lifetime, as well as psychological aggression by an intimate partner both in their lifetime and in the past year."





Men from the community showed up to the rally in large numbers, including tribal Delegates, Vice Presidents (VP) and state representatives to show support to the cause of ending the violence.

Children were also in attendance, letting their voices be heard as the future of tribal communities.



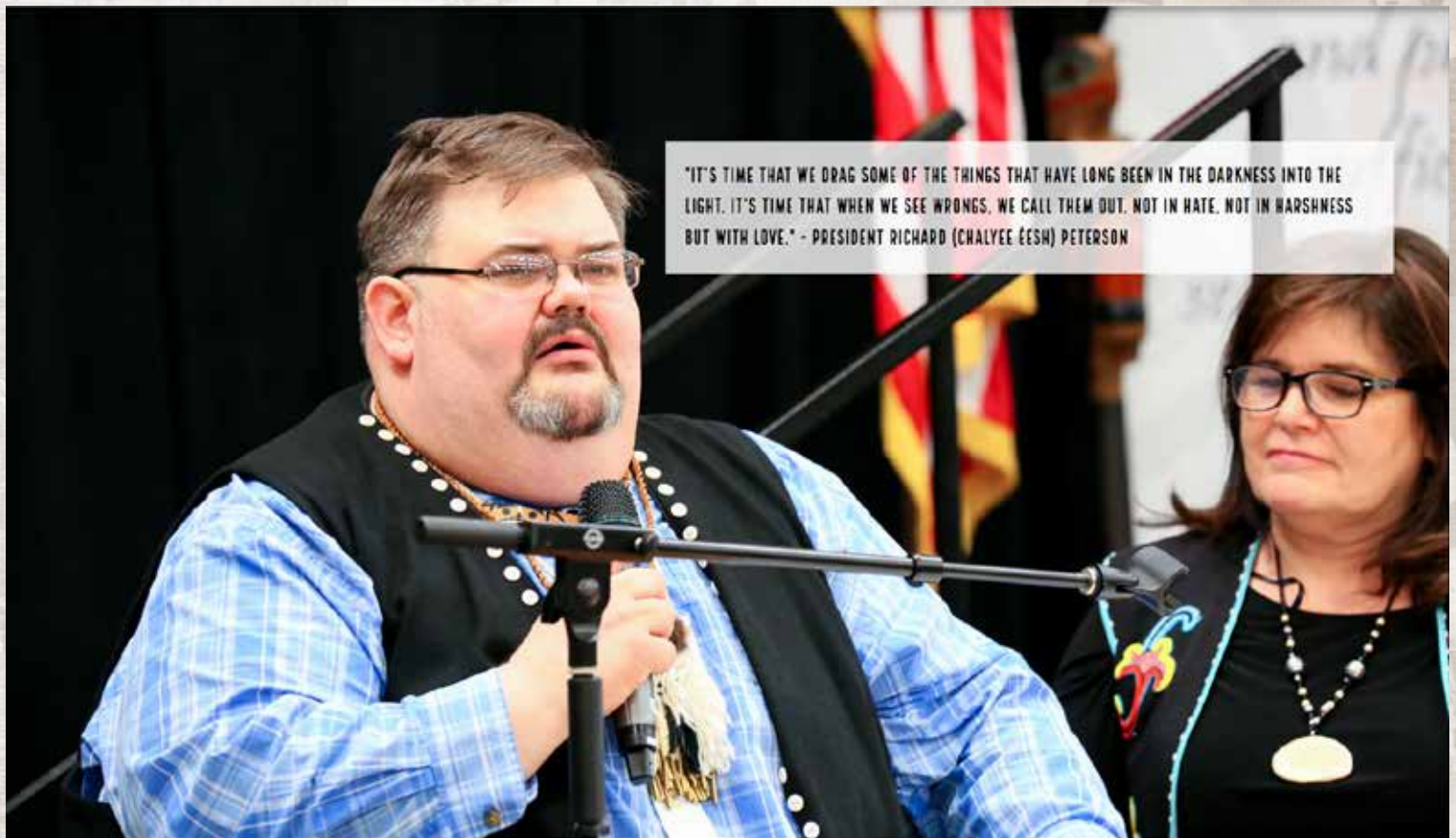
“Stop Violence Against Women” could be seen across signs that showed the faces of two young women who were recent victims of violence in Alaska. Mackenzie Howard and Jade Williams, both from the village of Kake, were found deceased in the last decade and their cases remain unsolved years later despite public outcry for justice.





Signs at the rally could be seen showing the names and faces of missing and murdered Indigenous women as well as a depiction of a Native Wonder Woman figure, created by Micians Hutcherson.





"IT'S TIME THAT WE DRAG SOME OF THE THINGS THAT HAVE LONG BEEN IN THE DARKNESS INTO THE LIGHT. IT'S TIME THAT WHEN WE SEE WRONGS, WE CALL THEM OUT, NOT IN HATE, NOT IN HARSHNESS BUT WITH LOVE." - PRESIDENT RICHARD (CHALYEE ÉESH) PETERSON

President Richard (Chalyee Éesh) Peterson spoke powerful words of hope during the rally. He spoke of a future for Tlingit & Haida people where we truly hold each other up and call out those who would inflict violence in our communities.



Other speakers at the event included VP Jacqueline Pata, Chief Justice Michelle Demmert, Emerging Leader Stephanie Masterman, tribal citizen Damen Bell Holter, ANB Grand Camp President Sasha Soboleff, ANS Grand Camp President Cecilia Tavoliero, Seattle T&H Delegate Pamela Dalton Stearns, VP Catherine Edwards, Trial Court Judge and Delegate Lisa Lang, Benjamin Young, David R. Boxley, Lyle & Kolene James, and People of Keex' Kwaan.



GUNALCHÉESH, HÁW'AA TO ALL WHO PARTICIPATED IN THE RALLY AND TO ALL THOSE WHO HELPED ORGANIZE THE EVENT AS WELL. FOR MORE INFORMATION ON THE EPIDEMIC OF MISSING AND MURDERED INDIGENOUS WOMEN AND FOR WAYS YOU CAN GET INVOLVED TO END THE CYCLE OF VIOLENCE PLEASE VISIT: WWW.NIWRG.ORG/RESOURCE-TOPIC/MISSING-AND-MURDERED-NATIVE-WOMEN.

Tlingit & Haida has also implemented a Violence Against Women and Men Task Force which is dedicated to tracking national issues and informing tribal citizens how they can engage to help end the violence on a local level.



National Indigenous Women's Resource Center

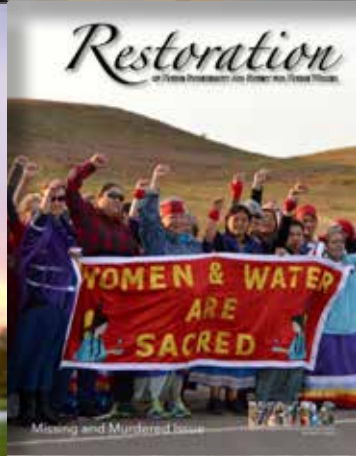
P.O. Box 99
Lame Deer, MT 59043
Toll-Free: 855-649-7299
www.niwrc.org

RESILIENCE: WALKING IN
ANCESTRAL FOOTPRINTS
CARRYING OUR MEDICINE

WOMEN ARE SACRED



Prof. *Joanist Brings Thunder*
JOANIST BRINGS THUNDER
SHOSHONI 2018
SACRED WOMAN



Restoration

OF NATIVE SOVEREIGNTY AND SAFETY FOR NATIVE WOMEN

Subscriptions Now Available!

restoration.niwrc.org
\$30 Individual / \$100 Institutional



RESTORATION OF SOVEREIGNTY & SAFETY MAGAZINE, 2003-2018

More than a decade ago during the reauthorization process of the Violence Against Women Act, several national organizations came together to take a stand for the safety of Native women: Sacred Circle National Resource Center to End Violence Against Native Women, Clan Star, Inc., the National Congress of American Indians, and the National Task Force to End Sexual and Domestic Violence. It was recognized that to fully participate in the national movement to create the changes needed to increase safety for Native women, broad communication was essential. The *Restoration of Sovereignty & Safety* magazine emerged to fulfill this task.

The *Restoration of Sovereignty & Safety* magazine is a publication dedicated to informing tribal leadership and communities of emerging issues impacting the safety of American Indian and Alaska Native women. The name of the magazine, *Restoration of Sovereignty & Safety*, reflects the grassroots strategy of the Task Force that by strengthening the sovereignty of Indian nations to hold perpetrators accountable the safety of Native women will be restored. The magazine is a joint project of the National Congress of American Indians Task Force on Violence Against Women and the National Indigenous Women's Resource Center. It is produced and made available during national NCAI conventions and the annual USDOJ Tribal Consultation on VAWA.

Editorial Content Jacqueline "Jax" Agtuca

Managing Editors Tang Cheam

NIWRC Staff Contributors Princella RedCorn, Communications Officer; Rebecca Balog, Grant Compliance Manager & NativeLove Team; Paula Julian, Policy Specialist; Caroline LaPorte, Senior Native Affairs Advisor; Rose Quilt, Director of Research and Policy; Dorma Sahnayah, Director of Training and Technical Assistance; Lucy Simpson, Executive Director

Organizational Contributors Alaska Native Women's Resource Center, Tami Truett Jerue, Executive Director, and Michelle Demmert, Law and Policy Consultant; Indian Law Resource Center, Staff Attorneys Christopher Foley, Karla General, and Jana Walker; Native Women's Society of the Great Plains, Carmen O'Leary, Executive Director; National Congress of American Indians, Virginia Davis

Individual Contributors Mary Annette Pember, Rewire News

Restoration

OF NATIVE SOVEREIGNTY AND SAFETY FOR NATIVE WOMEN

Address editorial correspondence to:
Restoration Magazine
NIWRC
PO Box 99
Lame Deer, MT 59043
Restoration@niwrc.org

Funding for this project was made possible by the support of the NOVO Foundation.

Restoration

OF NATIVE SOVEREIGNTY AND SAFETY FOR NATIVE WOMEN

**“A Nation is not conquered until the hearts
of its women are on the ground.
Then it is finished, no matter how brave its warriors
or how strong its weapons.”
-Cheyenne**

Violence Against Women Is Not Our Tradition





National Indigenous Women's Resource Center


515 Lame Deer Ave. Lame Deer MT 59043

1-855-649-7299 (406) 477-3896

info@niwrc.org • niwrc.org

 fb.com/niwrc

 youtube.com/niwrc

 @niwrc