

# Restoration

OF NATIVE SOVEREIGNTY AND SAFETY FOR NATIVE WOMEN



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IN THIS ISSUE: #MMIW National Vigil  
— VAWA Reauthorization 2018 —  
Annual Tribal Consultation

# Restoration

OF NATIVE SOVEREIGNTY AND SAFETY FOR NATIVE WOMEN

Dear Friends,

We, along with our national allies, are disappointed that rather than passing a Violence Against Women Act (VAWA) with meaningful and substantive changes to build upon VAWA 2013, Congress instead chose to extend VAWA through a continuing resolution through December 7, 2018. Tribal leaders and advocates have been calling for important changes to address the gaps in VAWA 2013, including the broadening of the tribal special domestic violence criminal jurisdiction provision, addressing missing and murdered Native women and girls, and a permanent VOCA tribal dedicated funding stream.

October is the 31st annual Domestic Violence Awareness Month (DVAM), and we urge action and public awareness to call for a meaningful reauthorization of VAWA. The 2018 Tillie Black Bear Women Are Sacred Day appropriately kicked off the October DVAM and serves as a call to action for ongoing social justice to honor the legacy of the grandmother of the grassroots movement for safety of Native women. Tillie organized to ensure Native women and Indian tribes were included under this landmark legislation over several decades, and we as a movement continue her legacy.

We are reminded of the essential lifesaving role of VAWA in our daily lives as we hear of cases of Native women and girls who are missing or have been murdered. We mourn with and offer our prayers to the families and communities of these stolen sisters, including 10-year-old Ashley Johnson-Barr of the Native Village of Kotzebue. The ongoing crisis of missing and murdered Native women and girls is a stark statement of the urgency for fundamental changes to the justice system's response to violence against Native women and girls. The current criminal justice system was not created to protect Native women and must be fundamentally reformed to adequately respond to the crisis of domestic violence, sexual assault, and trafficking of Native women.

The NIWRC remains committed to the framework that it is only through reaffirming and strengthening tribal sovereignty that we will be able to enhance the safety of American Indians and Alaska Natives. We will rise to meet the challenge of reauthorizing a VAWA that recognizes the inherent sovereignty of all of our tribal nations.

We call on all those concerned for the safety of Native women to organize public awareness events to reauthorize VAWA!



Lucy Simpson  
Executive Director  
NIWRC



Cherrah Giles  
Board Chair  
NIWRC



**Cover:** On September 11, 2018, advocates, tribal leaders, tribal coalitions, allies, and the general public gathered in the Nation's capital at the National Museum of the American Indian for a candlelight vigil to honor Native women and girls who are missing or who have been murdered. Pictured left to right: Juana Majel Dixon, NCAI Secretary and Co-chair NCAI Task Force on Violence Against Women; Carmen O'Leary, Executive Director, Native Women's Society of the Great Plains; Leanne Guy, Executive Director, Southwest Indigenous Women's Coalition.

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## Editor's Note

### Reauthorization of VAWA: Safety of Native Women and Sovereignty of American Indian and Alaska Native Nations

"I remember as a little girl laying on top of a slope as a sentry watching for agents to warn our parents and the elders doing ceremony. Our spirituality was made illegal, outlawed."

—Tillie Black Bear, Grandmother of the Movement for Safety, and Founding Member of NIWRC

The movement for the safety of Native women emerged in the 1970s as Native sisters helped each other seek safety. It developed as a resistance to the violence perpetrated against women of sovereign Indian tribes and Alaska Native Villages.

The struggle emerged in resistance to the violence committed against Native women but also intertwined with the resistance to actions by the federal government toward tribal governments as tribal nations. These remembrances highlight the difference between the political relationship of American Indian women as citizens of sovereign nations and women of other races.

**"I remember as a girl being taken to the BIA government school. I told my mother I did not want to go but she said they would come and take me away by force if I did not. I did not speak English and the BIA had the authority to remove me from my parents. It was a place where I saw violence for the first time and children cried silently to avoid more punishment. I learned out of fear not to talk."**

—Lenora Hootch, Director, Yup'ik Women's Coalition, and NIWRC Board Member

These human rights crimes committed against Native women and girls performed under the legal authority of the United States were not based on race. The federal departments of War, Interior, and Justice wrested their authority to commit these human rights violations against Indian nations and Native women of these sovereigns.

The colonization of American Indian tribes and later Alaska Native Villages created the immoral yet legal license for the United States government to violate the very rights of Indian tribes it claims sacred. Denial of religious freedom, right to liberty and justice, and equal protection were among the stark denials of basic human



rights. This political exercise of authority by the United States over Indian nations made legal the trafficking of children, rape of women, theft of land, and destruction of livelihoods and economies—in short, the destruction and diminishment of the governments of Native women.

**"I am a citizen of my tribal nation and struggle for the recognition of my government to be restored the authority and resources to fully protect all of our citizens. The violations against our women happened because of our political status that makes us vulnerable to predators."**

—Carmen O'Leary, Executive Director, Native Women's Society of the Great Plains, and Vice Chair, NIWRC Board of Directors

For Native women and Indian tribes, the 2018 reauthorization of the Violence Against Women Act (VAWA) falls in the context of this political and legal relationship established at the very formation of the United States. With each past reauthorization (2000, 2005, 2013), VAWA has reaffirmed the authority of Indian nations and provides resources to tribal governments to enhance their response to violence against women. While much remains to be done, recognizing the responsibility of the United States to the safety of Native women based on their political status and not race is fundamental to restoring the right of Native women to the protection of their tribal nations.

Recognition of this distinct political status of Native women within Title IX. Safety for Indian Women of VAWA provides the proper political framework and legal context to fulfill the purpose stated by Congress to "strengthen the sovereign authority of Indian nations to respond to violence against Indian women."

By understanding this distinct history, current reality, and political relationship, the broader national movement to end domestic and sexual violence can firmly support the lifesaving tribal amendments required to protect American Indian and Alaska Native women as citizens of their nations. The struggle to achieve the lifesaving tribal reforms to support the full authority of tribal governments is a challenge to the national movement to conceptualize American Indians not as people of color based on race but their political status as citizens of specific Indian nations numbering more than 560 separate governments. The singular view of American Indian as a race ignores the reality of these separate indigenous peoples with distinct languages, histories, spiritual beliefs, governments, and many more unique realities.

It is also the opportunity to address the resources owed to Indian nations by the commitment made by the United States to assist tribal governments in maintaining safe communities—a commitment made in exchange for the lands and natural resources upon which the United States developed as a country.

Each VAWA reauthorization has challenged the national movement and Congress to more fully understand the impact of the complex political relationship between Indian nations and the United States that places Native women and children in danger as a population. The national movement must continue to inform Congress and rise to the challenge of extending to all American Indian tribes and Alaska Native Villages the authority to provide the same protections and services VAWA affords to other governments. Restoring safety and justice to American Indian and Alaska Native women will be reached by recognizing the political status of Native women and strengthening the sovereignty of Indian nations to protect women. This struggle is organically linked to strengthening the sovereign right of American Indian tribes and Alaska Native Villages to continue their efforts toward nation building.

**“A commitment was made by the United States to assist Indian tribes in maintaining safe communities. Federal legislation such as VAWA, FVPSA, and VOCA are examples of ways Congress can work to fulfill this commitment.”**

**—Cherrah Giles, Chair, NIWRC Board of Directors**



Jacqueline “Jax” Agtuca,  
Editor, *Restoration*

# A National Vigil Honoring Missing and Murdered Native Women and Girls

Advocates, tribal leaders, tribal coalitions, allies, and the general public gathered in the Nation's capital at the National Museum of the American Indian on September 11, to honor Native women and girls who are missing or who have been murdered. The candlelight vigil included a shawl ceremony, a drum circle, and heartfelt prayers. The event was intended as a moment of healing, one where advocates and leaders could come together and pray for a solution to this crisis that many of their communities must constantly confront.

"The National Indigenous Women's Resource Center organized the vigil in the hope that it will continue to be replicated across tribal communities and will mobilize grassroots tribal advocates, tribal leaders, Members of Congress, and staffers towards drafting and implementing legislation that addresses the full breadth of violence against Native women," said Lucy Simpson, Director, NIWRC. "It is essential that Congress find a way to assist tribes in the protection of Native women and girls. Tribes, as sovereigns, are in the best position to care for their people and this care must include the ability to prosecute non-Natives for violence committed on tribal land."

Speakers at the event included: Representative Gwen Moore, NCAI Task Force Co-Chair Juana Majel Dixon, Caroline LaPorte, Mary Katherine Nagle, Leanne Guy, Carmen O'Leary, and Florence Choyou, the mother of a Hopi woman who was murdered.

The need to educate federal partners, Members of Congress, allies and the general public on gender-based violence issues in tribal communities is timely. The Violence Against Women Act, which includes necessary protections for American Indians and Alaska Natives, would have expired September 30, 2018 but is currently funded through December 7 as part of the continuing resolution passed by Congress. Movement has been made, including a 2018 Reauthorization bill from Representative Sheila Jackson Lee, which includes provisions to address the crisis of missing and murdered, but Native women experience particular vulnerabilities that make a delay of passage problematic. Native women are incredibly vulnerable, experiencing violence at astronomical rates:

More than 4 in 5 American Indian and Alaska Native women (84.3%) have experienced violence in their lifetime, including:

- 56.1% who have experienced sexual violence
- 55.5% who have experienced physical violence by an intimate partner



"Native women experience violence at higher rates than any other population of women, barriers embedded in U.S. law and policy make it harder for them to get prosecutors and courts to act. It is a legal framework that was created to fail us. The crisis of missing and murdered Native women and girls is an extension of this system."—Caroline LaPorte, NIWRC Senior Native Affairs Advisor (center). Also pictured speakers at the vigil Carmen O'Leary, Executive Director, Native Women's Society of the Great Plains (left) and Leanne Guy, Executive Director, Southwest Indigenous Women's Coalition (right).

- 48.4% who have experienced stalking
- 66.4% who have experienced psychological aggression by an intimate partner (NIJ, 2016).

For the 56.1% of Native women who reported having experienced sexual violence, those same women also reported that 96% of this violence was perpetrated by at least one non-Native perpetrator.

This is relevant due to Supreme Court Decision, *Oliphant v. Suquamish* (1978), which had the effect of prohibiting tribal governments from prosecuting non-natives for crimes they commit on tribal lands. Advocates and tribal leaders continue to call for a full *Oliphant* fix in order to address the crisis of missing and murdered, as well as to address other forms of gender-based violence that Native women experience.

"In 1978, our Tribal Nations were stripped of our inherent jurisdiction to protect our own citizens on tribal lands. But we weren't stripped of our voices. We stand together to speak out and honor the sisters, mothers, aunties and friends we have lost. And we pledge to do all that we can to restore the jurisdiction that has been taken away."

—Mary Katherine Nagle, Partner, Pipestem Law

# Juana Majel Dixon, Co-chair, NCAI Task Force on Violence Against Women Statement National Vigil Honoring Missing and Murdered Native Women



Photo Courtesy of Indianz.Com

I would like to thank all of you for attending tonight's vigil for missing and murdered indigenous women and girls. Friends and family members of victims, advocates, legislators, judges, tribal citizens, allies, and those who have traveled from far away for tonight, thank you for coming to hear our voices on this crisis that is sweeping across Indian tribes and North America.

The purpose of our vigil tonight is twofold. First, we want to bring attention to this crisis that has a significant impact on our tribal nations. Second, we want this vigil to be a healing time for those who are left with the physical, emotional, and spiritual scars from this crisis and to remember and honor our lost sisters.

In the United States, American Indian and Alaska Native women have to constantly look over their shoulders to make sure they are safe in their own communities. Today in 2018, American Indian and Alaska Native women experience a rate of homicide that is 10 times above the national average in some counties. It is undeniable that our sisters face one of the highest rates of murder in the United States.

When a Native woman goes missing or is murdered, not only is she harmed, but her family, friends, and community are left devastated by the loss of her life. Sometimes those she has left behind search for years for answers, with little help from local authorities. Many

times, tribes do not have the resources or even the jurisdiction to investigate their cases. The families of victims have no resources or services to turn to in their time of need.

The epidemic of missing and murdered indigenous women and girls must stop, we as Native women, advocates, leaders, legislators, and allies must take action to guarantee that no other woman is taken from this world before the Creator is ready to greet her.

Tonight we gather together in this place to create a sacred space to help heal our sisters, our mothers, our aunts, our daughters, and all of our relatives who have been impacted by the loss of an important Native woman in their life. We seek to remember who these women and girls were and honor their memory as we go forward from this place.

I pray that through our ceremonies and songs tonight we will help comfort each other and renew our spirits to keep searching for answers and to protect the next generation from this crisis. So that our daughters, granddaughters, and great granddaughters can live in a world where there will be no need for them to constantly look over their shoulder just to stay safe as all of us have done and must still do today. It is time for healing. It is time for a change.

# Leanne Guy, Executive Director, Southwest Indigenous Women's Coalition Statement National Vigil Honoring Missing and Murdered Native Women

Hello, my name is Leanne Guy. I'm from the Diné Nation in the Four Corners area. My clans are Tó'áhani (Near to Water) and I'm born for Tódich'íi'nii (Bitter Water). My chei (maternal grandfather) is Tábaahí and my nali (paternal grandfather) is Táchii'nii (Red Running into the Water). I am a mother, grandmother, sister, auntie, and work as an agent of social change. I am the founding executive director for the Southwest Indigenous Women's Coalition, a statewide tribal domestic and sexual violence coalition, and I also serve on the boards of the National Indigenous Women's Resource Center and the Alliance of Tribal Coalitions to End Violence.

I want to thank each one of you for being here, for taking the time to show and voice your support for the missing and murdered Native women and girls. I want to begin by saying a few names of Native women, including transwomen and young girls I have read about, heard about, and personally know about who have gone missing, disappeared, and/or murdered as it is important that we never forgot them and that we take the time to honor them.

Hannah Harris, Savanna LaFontaine-Greywind, Misty Upham, Ashlynn Mike, Ariel Begaye, Sharon Kills Back, Laverda Guy Sorrell, Rethema Lee, Earline Chavez, Lavon "Raven" Nevaktewa, and Teri Benally.

These women represent only a small fraction of the number of Native women who are missing, who have been murdered.

As Native women in this movement to end violence against Native women, we know firsthand the devastating impact violence has had on our tribal communities. We see and hear the stories of this violence as it plays out in our communities. We feel the heartwrenching pain of what our tribal communities are going through. We hear the deep inconsolable cries from family members whose child, sister, auntie, mom, or grandmother has gone missing, or are found cold and lifeless. We know the injustices of how many of these cases are handled. We also know that many of these cases are directly related to domestic violence, rape, and sex trafficking. We know the intense level of healing that needs to happen, which for many families includes closure of knowing what happened to their beloved child, sister, auntie, mom, or grandmother.

The women and young girls who fell victim to being taken and murdered had lives, jobs, families, dreams, hopes, and plans. Their lives mattered. They had no idea of what was in store for them. They did not deserve (no one deserves)



to leave this world in such a violent way. But they did, largely in part because of who they were—Native women and girls.

So, some of the questions for me are: Why? Where did this violence come from? How did we get to this point? Why are Native women devalued? When will Native lives matter? Why are we still invisible? The answers I am finding relate to colonization. In a recent article by Sarah Deer, she makes the argument that if we are to truly address the violence against Native women then we need to address how rape was used and is used still as a weapon of conquest and that we must acknowledge as a nation that the U.S. was founded in part through the use of sexual violence as a tool.

As Native peoples, we also know there are many factors that lead to the high rates of violence against Native women and the inadequate or non-response to the violence. Issues such as racism, misogyny, patriarchy, the extraction industry, inadequate criminal justice systems, inadequate funding to tribes, nonexistent or understaffed law enforcement, lack of understanding of tribal sovereignty, and the inability of tribes to fully protect their tribal members, their women and children, exist because of bad federal laws that are still, unbelievably, in place that strip tribes' authority to be the sovereign nations that they are.



With this knowledge comes the need to come together, like we are this evening, and to educate and advocate for the riddance of these bad laws and to stay vigilant in the fight against issues like racism, misogyny, and disparity in resources and funding. We must remain united, organized, strong in our voice, and proactive in our work in this movement.

Today, I heard in our meeting the phrase, “We are sovereign women from sovereign nations,” and it occurred to me that I have never, until now, felt the strength, hope, and inherent right embedded within those words. So, we, as Native women, Indigenous women, must take the

lead and feel those words and stand in our power so that Hannah, Savanna, Misty, Ashlynn, Arial, Sharon, Laverda, Rethema, Earline, Lavon, Teri, and the thousands of other Native women and girls who have gone missing and/or have been murdered will not have been for nothing. It is a future that brings healing, justice, and safety that we look to and must continue to fight for.

***“In an environment where racism, privilege, patriarchy, misogyny, and extraction industries flourish, reauthorizing the Violence Against Women Act is a must. Simply said, it is the right thing to do – the only thing to do. Given the rates of violence against Native women, safety and justice for Native women should not be debated or negotiated. Safety and justice are human rights that should be equally accessible to Native women and right now they are not. Reauthorization of VAWA including necessary expansions and provisions that address the safety of Native women is undeniably needed.”***

**Leanne Guy**

Diné

Board Secretary, NIWRC

**#VAWA4Natives**

**#TribalVAWA**

**#VAWA2018**

**#VAWA4All**



# StrongHearts Native Helpline Is Here for You

Lori Jump (Sault Ste. Marie Tribe of Chippewa Indians),  
Assistant Director of the StrongHearts Native Helpline

Domestic violence isn't always an easy topic to discuss, but we see the signs of abuse all around us. It affects our sisters, mothers, aunts, nieces, cousins, youth and elders, and can range from physical abuse, emotional abuse, sexual abuse, financial abuse, cultural abuse, or digital abuse, or any combination of these.

At the StrongHearts Native Helpline, we often hear callers reporting more than one type of abuse occurring in their relationships. Since March 2017, our helpline (1-844-7NATIVE) has received more than 900 calls to date with no signs of slowing down. It's no secret that Native Americans experience violence and abuse at higher rates than other groups. That's where the StrongHearts Native Helpline comes in, serving Native victims of domestic violence and dating violence across Indian Country and Alaska.

StrongHearts, created by and for Native Americans, launched as the first national helpline tailored specifically to support Native American survivors and concerned family members, and friends affected by domestic violence and dating violence. Through the helpline—available Monday through Friday from 9 a.m. to 5:30 p.m. CST—advocates offer free peer-to-peer support and resources in a safe, confidential, and healing environment. Callers reaching out after hours can connect with the National Domestic Violence Hotline or are encouraged to call StrongHearts back the next business day.

What some people don't realize is that abuse can affect anyone from all walks of life. It is not limited to a specific age, class, religion, gender, or sexual orientation. Abuse happens in relationships where couples are married, living together, or dating, and violent behavior can appear at any time in a relationship.

Domestic violence and dating violence occur when an abusive partner uses a repetitive pattern of behaviors to maintain power over their partner and control their actions. These behaviors can physically harm, instill fear, prevent a person from acting freely, or force them to behave in ways they do not want.

Consider the statistics about Indian Country, which are shocking: According to a recent study by the National Institute of Justice, more than 4 in 5 Native women and men have experienced violence in their lifetime, and more than 1 in 3 Native people have experienced violence within the past year. Of those who had experienced violence, more than 1 in 3 Native women and more than 1 in 6 Native men were unable to access the supportive services they needed. Yes,



**Domestic violence is not our traditional way.**

Does your partner ever...

- Call you names or criticize you?
- Isolate you from family or friends?
- Threaten to hurt you or your children?
- Push, slap, kick or strangle you?
- Refuse to give you money for food, gas or medicine?

Support is available at  
**1-844-7NATIVE**  
Monday-Friday from  
9 a.m. to 5:30 p.m. CST.  
Callers reaching out after hours  
will have the option to connect  
with the National Domestic  
Violence Hotline or to call back  
the next business day. All calls are  
anonymous and confidential.

Trust. Speak. Heal. Together. | [strongheartshelpline.org](http://strongheartshelpline.org)

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Native men are also victims of domestic violence. One-third of Native men report being physically abused by an intimate partner.

The report goes on to highlight the extreme rates of violence perpetrated against Native Americans across the board, where our relatives 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.

At StrongHearts, we know some people might feel uncomfortable when the subject of domestic violence or abuse comes up. We know in our small, tight-knit communities that speaking up isn't always easy, because speaking out might mean getting a loved one in trouble,

challenging a powerful family, or victim blaming and shaming. Being in an abusive relationship can be lonely, a place where silence feels safe, but I'm here to tell you: It's okay to speak out. You are not alone.

Native survivors of abuse continue to experience barriers to justice and safety that non-Native survivors do not face. Resources are scarce, and in some areas culturally appropriate resources are practically non-existent. Issues of tribal jurisdiction, gaps in culturally appropriate resources, the lack of availability of law enforcement, as well as the availability of emergency shelters and rape crisis services present blockades for Native women on their path to support, healing, and safety.

The StrongHearts Native Helpline helps to address these inadequacies in whatever way we can. In our first year of operation, we have been able to capture empirically what the field has known anecdotally for years: The response to gender-based violence in Indian country and Alaska is woefully inadequate. At StrongHearts, we know that culture is at the core of any appropriate response to violence. Yet, culturally responsive or tribally rooted victim services are rare and do not rise to meet the severe rates of violence in our lives.

The number of callers reaching out to StrongHearts clearly demonstrates the need for safe, confidential, and culturally rooted resources for our Native people.

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. Our goal at StrongHearts is to do whatever

we can to weave together a support network for our relatives in a way that promotes safety and healing, and above all maintains the sovereignty and dignity of our people.

We have connected with so many of our relatives who have shared their stories and have told us how much the StrongHearts Native Helpline is needed, and how much our peer-to-peer advocacy has helped them. Our services are free for callers, and all calls are confidential and anonymous.

So, whether you're experiencing domestic violence or dating violence, or if you're a concerned friend or family member, you can be assured that StrongHearts is a safe place to call—with an advocate who understands you and where you come from—from the very beginning.

The StrongHearts Native Helpline toll-free phone number is 1-844-7NATIVE (1-844-762-8483). As a national helpline, our hours are Monday through Friday, 9 a.m. to 5:30 p.m. CST. Callers after hours may connect with the National Domestic Violence Hotline or call back the next business day. Visit [strongheartshelpline.org](http://strongheartshelpline.org) for information about what abuse looks like, abuse red flags, and how to support your loved one in an abusive relationship. StrongHearts is also on social media, including Facebook, Twitter, and Instagram.

It's important to remember when it comes to our people that violence and abuse are not Native traditions, and neither is ever okay. Healing begins in our communities when we share our stories—this is truly at the heart of what the StrongHearts Native Helpline is all about. To all Native survivors out there, we hear you—we hear your stories. Your story matters.

Join Our  
Team!



**STRONGHEARTS**  
Native Helpline

View open positions at:  
[strongheartshelpline.org/about](http://strongheartshelpline.org/about)

### The StrongHearts Native Helpline is Hiring!

The StrongHearts Native Helpline is searching for the next wave of Advocates and Advocate Shift Leads to help expand its team. Trained with a strong understanding of Native cultures and traditions, StrongHearts advocates provide culturally-appropriate, one-on-one support to callers affected by domestic violence and dating violence. As a national helpline, the StrongHearts Native Helpline (1-844-7NATIVE) offers confidential, anonymous and healing space for Native Americans to reach out for help and resources.

To learn more about these positions here, visit [www.strongheartshelpline.org/about](http://www.strongheartshelpline.org/about). View the job descriptions and submit all application materials in confidence to: [info@strongheartshelpline.org](mailto:info@strongheartshelpline.org). To learn more about our work, visit the StrongHearts website at [strongheartshelpline.org](http://strongheartshelpline.org).

# StrongHearts Native Helpline Receives Its 1,000th Call from Those Affected by Domestic Violence and Dating Violence Across Indian Country and Alaska

Mallory Black (Diné), Communications Manager for the StrongHearts Native Helpline

## Calls received at helpline paint a picture of Native victims' experience and critical need for culturally-based supportive services for American Indians and Alaska Natives

In time for Domestic Violence Awareness Month, the StrongHearts Native Helpline (1-844-7NATIVE) announced 1,000 callers have now reached out to the helpline for safe, confidential support and resources for domestic violence and dating violence, shining a light on the deep-rooted issues of violence plaguing Tribal communities across the United States.

Since March 2017, the StrongHearts Native Helpline has offered a culturally-appropriate space for victims, survivors, their families and friends, service providers and abusive partners to reach out for help. As a partnered effort, StrongHearts combines the technology and infrastructure of the National Domestic Violence Hotline with the National Indigenous Women's Resource Center's policy and programmatic expertise and community connections.

"This is a key milestone in our work to support those facing intimate partner violence, though we recognize these calls are only beginning to scratch the surface of violence in Tribal communities," said StrongHearts Assistant Director Lori Jump (Sault Ste. Marie Tribe of Chippewa Indians). "Every call speaks to the bravery of our people in breaking the silence of violence in our homes, families and communities. For those reaching out to StrongHearts, we hear you, and we are here for you, no matter what."

Steeped in Native cultures and traditions, advocates navigate each caller's abuse situation with safety, compassion and respect. Created by and for Native American communities, StrongHearts is uniquely designed to serve a population facing some of the highest rates of domestic violence in the United States. Tribes, even as sovereign nations, face significant jurisdictional hurdles when addressing domestic violence in their communities. Gaps in culturally-based supportive services create unique barriers for Native victims seeking help.

According to StrongHearts' data from its first 19 months of operations, the severity of victims' experiences is telling: more than 7 out of 10 victim-survivor callers reported experiencing more than one type of abuse (71%), including physical abuse, emotional abuse, sexual abuse, financial abuse, digital abuse, cultural abuse, and other complex situations. Nearly half of callers experiencing violence reported a child being involved in their situation (46%). The top service referral requested by victim-survivors were shelters and legal advocacy.

"Because more than four in five Native Americans experience violence in their lifetime, there is a clear need for a national, confidential and tailored resource like StrongHearts to support Native victims," said Jump. "However, we cannot do this work without the help of our relatives; every call to the helpline speaks to the need for more resources for tribally-run services for victims in Indian Country and Alaska Native communities."

In 2016, the National Institute of Justice released a study indicating more than one in three American Indian and Alaska Native women and men had experienced violence within the past year. Of those who had experienced violence, a third of Native women and one in six Native men were unable to access the supportive services they needed.

"Our advocates take calls from victims, survivors, family members and friends, service providers, youth and elders—anyone who is impacted by violence and needs help," said Jump. "Domestic violence affects everyone in our communities and each generation. We encourage anyone who needs to talk to reach out to us. Every story matters."



**STRONGHEARTS**  
Native Helpline

**OCTOBER IS DOMESTIC VIOLENCE  
AWARENESS MONTH**

*As a project of the National Indigenous Women's Resource Center and the National Domestic Violence Hotline, the StrongHearts Native Helpline (1-844-7NATIVE) offers anonymous and confidential peer-to-peer support and referrals to resources for those affected by domestic violence and dating violence in Tribal communities. This fall, StrongHearts announced 1000 calls had been received, shining a light on the issues of domestic violence in Indian Country and Alaska. (Photo credit: StrongHearts Native Helpline)*

### Need to talk?

The StrongHearts Native Helpline (1-844-7NATIVE) is a culturally-appropriate, confidential and anonymous service for American Indians and Alaska Natives affected by domestic violence or dating violence. Trained with an understanding of tribal cultures, sovereignty and intimate partner violence, advocates offer peer-to-peer support and referrals to resources at no cost. StrongHearts is available Monday through Friday from 9 a.m. to 5:30 p.m. CST. After hours calls can connect with the National Domestic Violence Hotline or call back the next business day. Domestic violence is not our traditional way, and it is never okay.

# The Tillie Black Bear Women Are Sacred Day, October 1, 2018

Tillie Black Bear (Sicangu Lakota), Wa Wokiye Win (Woman Who Helps Everyone), gave hope and healing to generations of Native Americans and aspiring allies by participating in the initial organizing of the Violence Against Women Movement on a national level to change laws and policies at the root of these injustices and disparities. She inspired thousands from all walks of life to end domestic and sexual violence.

## Movement Declares October 1, 2018 the Tillie Black Bear Women Are Sacred Day

As a grandmother of the grassroots movement for safety for Native women, Tillie stressed the importance of utilizing our tribal cultures, stories, and traditions to address violence in our communities. "Even in thought, women are to be respected. We teach this to our children. We teach it to our grandchildren. We teach it to our kids so that the generations to come will know what is expected of them. Those generations will also know how to treat each other as relatives." —Tillie Black Bear.

"As we pause to honor and reflect on Tillie's life, the National Indigenous Women's Resource Center (NIWRC) asks all advocates and activists to commit to an action to celebrate Tillie's life and the beginning of the national battered women's movement," said Lucy Simpson, Director, NIWRC. "By declaring October 1st as the National Tillie Black Bear Women Are Sacred Day, we honor her legacy."



*"Looking back over three decades, having spent most of my life as a woman in our resistance movement, I am so proud of our women who went beyond the shelter doors. I am so proud of our movement for safety and sovereignty. As tribal women, as indigenous women, we are helping to create a safer, more humane world."—Tillie Black Bear (1946-2014)*



July 19, 2018, St. Francis, SD—"My mother wanted a white buffalo calf headstone and I think she would have loved this one."—Connie Black Bear-Brushbreaker, daughter of Tillie Black Bear. The newly unveiled memorial statue was placed on the gravesite honoring the 4th anniversary of the passing over of Tillie Black Bear. Over 100 relatives, friends and longtime advocates for the safety of Native women attended the memorial service.

In 1978, Tillie was the first Native woman to organize a national movement and educate Congress on domestic violence and the federal trust responsibility to assist Indian tribes in protecting their women. Tillie leaves a strong legacy of tribal grassroots organizing. We are honored and challenged to continue to build our movement for safety," says Lucy Simpson, Executive Director, NIWRC. "Tillie inspired millions of other Americans from all walks of life to end domestic and sexual violence. We celebrate Tillie's life with a national day to honor her life's work."

The 2018 Tillie Black Bear Women Are Sacred Day kicked off the October Domestic Violence Awareness Month and also supported all organizations—both tribal and non-tribal, law enforcement, health officials, and community members to speak out against domestic violence and support efforts to end violence against all women and help survivors find the healing they seek. National Tillie Black Bear Women Are Sacred Day serves as a call to action for ongoing social justice to honor the legacy of the Grandmother of the Grassroots Movement of Safety for Native Women.

*"It is an honor to receive the Tillie Black Bear Women Are Sacred award. Tillie inspired so many of us over her life-long commitment to build a movement to increase the safety of Native women and sovereignty of our Indian tribes to protect women. Tillie as a Sicangu Lakota women understood this connection and struggle."—Carmen O'Leary, June 26, 2018. Pictured with Carmen is Coleen Clark, the first recipient of the Tillie Black Bear Women are Sacred Memorial Award, and other members of the Native Women's Society of the Great Plains. Coleen made a red ribbon skirt and gifted it to Carmen in honor of her receiving the 2018 award.*



## NIWRC Honors Tillie Black Bear During Domestic Violence Awareness Month



**“Even in thought, women are to be respected. We teach this to our children. We teach it to our grandchildren. We teach it to our kids so that the generations to come, will know what is expected of them. Those generations to come will also know how to treat each other as relatives.”**

-Tillie Black Bear (Sicangu Lakota),  
Wa Wokiye Win (Woman Who Helps Everyone)

**SIGN ON to support Oct. 1st  
as Tillie Black Bear  
Women Are Sacred Day!  
<http://bit.ly/TillieSignOn>**



National Indigenous Women's Resource Center



October 1st  
Tillie Black Bear Women Are Sacred Day

## Dorma Sahneyah Departs NIWRC Congratulations! New Executive Director for the Hopi Tribe

It is with great sadness that we must say goodbye to Dorma Sahneyah as the Director of Technical Assistance/Training within NIWRC. Dorma has been a part of NIWRC since the beginning. She started as one of our founding Board members in 2010, representing the Southwest region. In early 2011, she resigned as a Board member to apply for a position as Program Specialist. In 2015, she was promoted to the Director of TA/Training when NIWRC reorganized, while also maintaining an important role on our Policy team and OVV Tribal Coalitions TA project. Her wisdom and vision has been instrumental in guiding NIWRC's ability to provide culturally relevant assistance and training to Indian tribes throughout the country.

We wish her the best in the next steps of her professional career. She leaves NIWRC to serve as the Executive Director for her home community, the Hopi Tribe in northern Arizona. This new challenge will offer her the opportunity to use the knowledge and skills gained throughout her prestigious career to oversee the Hopi Tribe's 13 administrative departments and technical services/programs, providing leadership, strategic direction, and vision in managing operations of the Hopi tribal government.

Although we will miss Dorma as part of our NIWRC family, we acknowledge that all organizations go through change. If we are doing our job right, we will eventually see our own employees grow and eventually advance to the next level of their work, as Dorma is now doing to help build the movement, using what she has gained from her time at NIWRC toward a more holistic vision for her home community.

In Dorma's own words, she says, "The past seven years have been very rewarding. I've enjoyed working for NIWRC, being a part of the movement on a national level to end violence against Native women has been worthwhile and gratifying. I have established a positive sisterhood with many and will always think kindly of the entire NIWRC family."

We echo these sentiments and then some.

With love and respect for our sister,



Lucy Simpson  
Executive Director  
National Indigenous Women's Resource Center



# NINWRC



# Recap: Hundreds of Advocates Gather for Women Are Sacred Conference to Further Safety for Native Women and Children

ALBUQUERQUE, New Mexico – More than 500 attended the 13th Women Are Sacred Conference (WAS), one of the oldest and largest gatherings of advocates dedicated to ending violence against American Indian and Alaska Native women and children, held this week at the Hotel Albuquerque at Old Town. The conference, presented by the National Indigenous Women's Resource Center (NIWRC), featured voices from across the country, including advocates, survivors of violence, law enforcement and court personnel, tribal leaders, as well as tribal youth.

This year's WAS conference theme was: "Resilience: Walking in Ancestral Footprints, Carrying our Medicine." This theme speaks to who we are as Indigenous peoples and our journey towards rebuilding our communities in a way that honors our ancestors' sacrifices, hope and love for our traditions and people. It speaks to the many different traditions and nations we come from, what was taken from us, and how we can rebuild the fire from the embers that are still glowing. We have survived through our cultural strength, resilience and the Indigenous knowledge that we carry with us into the future – our ancestor's medicine. As Indigenous people, we come from deep roots, and we need to nurture those roots in our movement to create social change and end violence across all our relations. With deep roots we cannot be washed away.

WAS is one of the oldest and largest gatherings of advocates, survivors, tribal domestic and sexual violence programs, community members, tribal leadership, law enforcement and tribal court personnel dedicated to ensuring the safety and protection of Native women and children. Presenters include emerging Indigenous leaders and experts in the movement to ending violence in recognizing that Native people are best able to address violence in our communities—"Carry Our Own Medicine." Sessions offer training opportunities to help increase the capacity of tribal nations and tribal domestic violence and community-based programs to address violence in their communities, as well as address safety issues and provide resources for victims and survivors of domestic violence, sexual assault, sex trafficking, and missing and murdered Indigenous women.

Updates on national policies and national issues included – the Violence Against Women Act, Victims of Crime Act, Tribal Law and Order Act, Savannah's Act, and more. Safety for Native women is vital in the



national conversation due to the disproportionate rates of domestic violence, sexual assault and other forms of gender-based violence that occur at alarmingly high rates. According to the National Institute of Justice reported more than 4 in 5 American Indian and Alaska Native women (84.3%) have experienced violence in their lifetime, including:

- 1% who have experienced sexual violence.
- 5% who have experienced physical violence by an intimate partner.
- 4% who have experienced stalking.
- 4% who have experienced psychological aggression by an intimate partner.

Conference co-sponsors include the StrongHearts Native Helpline, Coalition to Stop Violence Against Native Women, Mending the Sacred Hoop, National Congress of American Indians, National Center of Juvenile and Family Court Judges, Indian Law Resource

Center, Alaska Native Women's Resource Center, Bureau of Indian Affairs Victim Assistance Program, Minnesota Indian Women's Sexual Assault Coalition, Tewa Women United, Americans for Indian Opportunity, Tribal Law & Policy Institute, American Indian Development Association, Pouhana 'O Na Wahine and the Hispano Chamber of Commerce.

**Conference Highlights, by day:**

Tuesday, June 26th: Conference attendees were encouraged to wear their traditional clothing to celebrate Indigenous roots and culture. Keynote speaker Taylor Sheridan, Writer and Director of the feature film *Wind River*, spoke during the opening session. Sheridan is an Academy Award-nominated screenwriter, Taylor Sheridan is currently writing, directing, and executive producing the upcoming series "Yellowstone" for the newly launched Paramount Network. A frontier family drama set on the largest contiguous ranch in the U.S., the project stars Kevin Costner, Josh Lucas, Luke Grimes, Gil Birmingham, and Kelly Reilly and will premiere on June 20, 2018. The Acoma Pueblo Traditional Dance was featured in the evening.

Wednesday, June 27th: Conference attendees were encouraged to wear red in remembrance and to promote awareness of missing and murdered Indigenous women and girls across the United States. The NIWRC policy team has been working to ensure permanent designation of May 5th as a National Day of Awareness for Missing and Murdered Indigenous Women and Girls (MMIW). To help shed light on MMIWG, a local Albuquerque organizing collective of Indigenous Women is created an exhibit called "Missing & Murdered Indigenous Women Earring Project." All Things Feminine Powwow will take place in the evening starting at 7:00 – 10:00pm.

Thursday, June 28th: Conference attendees were encouraged to wear purple to support and raise awareness of domestic violence in tribal communities. Often victims don't report the abuse because often there are no resources or access to services and speaking up can mean getting a loved one in trouble, challenging a powerful family, or having to endure victim blaming and shaming, and not being believed. We must work collectively to stop domestic violence – all forms of violence – in our communities.



**WATCH:** NIWRC YouTube page for three videos produced at Women Are Sacred; *#WomenAreSacred* Storytelling Session, *#TeamLove* Youth at Women Are Sacred Conference and *#TeamReal* Youth at Women Are Sacred Conference.  
[www.youtube.com/user/NIWRC](http://www.youtube.com/user/NIWRC)

# Pouhana O Na Wahine Sharing at Women Are Sacred Conference 2018

By Paula Julian, Policy Specialist, NIWRC

For the first time since 1998 in the 20-year history of our Women Are Sacred Conferences, a hui (group) of five Kanaka Maoli (Native Hawaiian) advocates participated and presented at the Conference in Albuquerque, June 26–28, 2018. The theme of the Conference was Resilience: Walking in Ancestral Footprints, Carrying Our Medicine, and the hui titled their two-part workshop presentation, Ke ipukukui pio 'ole i ke Kaua'ula (The light that will not go out in spite of the blowing of the Kaua'ula wind).

The advocates are part of a volunteer group of Native Hawaiian advocates who've named themselves the Pouhana O Na Wahine (Pillars of Women) working with NIWRC to address domestic violence against Native Hawaiians. The workshop shared their Native Hawaiian indigenous views that are central to addressing domestic violence and joining the national tribal grassroots movement to increase the safety of indigenous women across the country.

Central to the Pouhana's organizing efforts to address domestic and gender-based violence are their Native Hawaiian indigenous customs and tradition.

Ke ipukukui pio 'ole i ke Kaua'ula two-part workshop description: What is light? Light is a natural element that stimulates sight and makes things visible. Light is provided by nature in the Sun, Moon and Stars. Light can be bright and light can be dim. Light could also be created in the form of fire which in turn creates warmth. But is this all it really is? In Hawai'i the light was embodied in the form of the kukui or a tree which would bear nuts that could be eaten, used as medicine, used as adornment, and used as candles. The tree itself was the kinolau (physical representation) of Lono, one of the four main Hawaiian deities that represented peace and growth, and Hawaiians revered and honored. The second workshop shared the disconnect that occurred with the arrival of the missionaries and the gradual decimation of a sovereign people and their ways.

Presenters shared current events, current interventions, and needs of Kanaka Maoli in order to heal as a lāhui (nation), especially women.

## Reflections from the Pouhana O Na Wahine delegation:

**Mililani Martin:** It was an honor and a scared moment for me to co-mingle our spirits with other indigenous people. To be humbled by sharing our story to others of a similar plight was eye opening and also a heavy-hearted experience. I truly never realized how many people do not know of our own painful history as Hawaiians.

To actually have people come up to me and say, "I had no idea that this happened to your people, how can I help you?" Hearing brothers and sisters saying how similar our walk has been solidified by our relationship as a people. Talking about Hawaiians and our struggles to live on our own lands and not having a voice in the U.S. government. Our ceded lands that our



*Pouhana O Na Wahine members who presented a two-part workshop at NIWRC's Women Are Sacred Conference, June 26-28, 2018. Pictured left to right: Rosemond "Loke" Pettigrew; Paula Julian, NIWRC; Mililani Martin; Dayna Schultz; Michele Navarro Ishiki; and Dolly Tatofi.*

kingdom left for our Kanaka Maoli, we see very little money to be used on us.

I was asked the question in one of the presenting groups, what can we do to help? I said, "Talk about Hawaiians, talk about our historical trauma, talk about our stolen lands, but most of all talk about the annexation of our Queen." We, as Hawaiians have paid a huge cost with our culture, language, and at times our lives to help perpetuate our forward motion of being who we are as a race.

Being at this conference, I felt the heaviness in spirit when I looked at faces that looked like mine. I understood the exertion of spirit that our Indian sisters and brothers put forth for their own survival. Hawaiians have the same spirit of expectance waiting to get back what is rightfully ours. I have the hope that we too will follow suit being recognized as Indigenous people.

I am so thankful to the NIWRC for hosting our group and hope to join in on other conferences. Mahalo nui.

**Michele Navarro Ishiki:** My time attending my very first indigenized conference was nothing short of amazing. The connections from women from all walks of life who share the same vision of advocacy, survival, and of hope, left me in awe and inspired to continue the work I do. The pride and welcome I felt from each and every person I spoke with reminded me of why I do what I do. Every woman, girl, and soul deserves to feel a part of, and it left the lasting impression that because I have survived; it's my responsibility to make sure I help as many hands and hearts to the same place! Mahalo nui NIWRC for the experience of a lifetime. I pray that my titas (sisters) and I were able to share our aloha with those we shared space with.

**Rosemond "Loke" Pettigrew:** Mahalo (thank you) to NIWRC's staff and board, and for your continued support of the Pouhana O Na Wahine. It was an honor to share Hawaii's history as it evolved from the first outside contact in 1778 to the overthrow of the Hawaiian nation

and the impact of colonization on the Hawaiian race. Since the early 1970s, Hawaiians were determined to take back our inherent right to be Hawaiian. We have the right to practice our culture, language, and to be free to express ourselves as Hawaiians. Restoration of the language, dancing of the hula, practicing gathering and access rights, and learning the ways of our kupuna (ancestors) is the pathway to move beyond the trauma. We, as the keiki o ka aina (children of the land) of Hawaii, must stand as one mind, body, and spirit if we are to heal. For the colonized way is to divide and conquer. There is a desire in me to be a part of something that is bigger than me. And the WAS conference may be the beginning of my journey.

I am inspired by my kupuna who came before me. For those who stand up in righteousness to overcome the oppression inflicted upon Native Hawaiians. We, Hawaiians, all must rise above our oppressors by first healing from the inside then out. I am reminded of the prophecy told by the Kahuna at Paku'i on Molokai east side before Kaahumanu's men destroyed the heiau (shrine) in 1819. They foretold of events that would take place upon the Hawaiian people within the span of 200 years following the destruction of the heiau. Half of their prophecy 199 years later, has been fulfilled.

The prophecy is "Ho'ale ka lepo popolo," which translates as "the people of the land shall rise as a wave," as told by Kumu John Kaimikaua. He says the prophecy speaks of the present time. Ho'ale ka lepo popolo is a metaphor of the manner in which contemporary Hawaiians will move into the 21st century as a great and graceful wave. There is an interconnection of all things. From the kuahiwi (mountain) to the kai (ocean) everything is connected and therefore, dependent on one another.

We are dependent upon one another to move forward. However, with the continued division amongst our people and within us, how do we move forward?

**Dayna Schultz:** Being in attendance

with so many likeminded and spirit-driven individuals was a blessing, honor, and privilege. While we may not have met in physical form, I felt as if we were bound by a common love and our souls blended without complication. Without any words spoken, we were connected just as with the aloha spirit in Hawaii; however, there are no words that could fully justify this experience. It was the highest feeling of all feels with warmth and no judgment, as we as indigenous people shared the same story, just in various forms. Kupuna (elder) and Aumakua (family god) were with us, they stood with us, beside us, and led the way as this is our kuleana (responsibility).

In the Hawaiian culture, Kahunas speak of feeling and holding the vibration. I definitely felt the vibration during our second workshop as the energies were high, the emotions were raw and real as Loke shared our struggles and the tears that fell helped us to heal and cleanse as we continue to move forward. Ignorance is bliss, as the saying goes; however, to live in ignorance can also be seen as perpetuating the problem and magnifying it as it is easier to turn away and pretend this pain does not exist. However, I truly believe that this was calling and opportunity for us as Native Hawaiian sisters to not only share our story, yet take action in efforts of healing our people.

Mahalo to Paula and NIWRC for believing in us and inviting us on this journey with you.

**Dolly M.I. Tatofi:** I had many firsts on this trip to the WAS conference. My first time on the continent, first time riding Uber/Lyft, first time participating in a powwow. I am still in awe at the fact that this trip to New Mexico actually happened. Who would have thought that our proposal to a conference would have been acknowledged and accepted to be a part of such a special event? This was special as it reminds us of how we are valued and with the WAS committee giving us the green light to share our mo'olelo, our story, was very honoring, but most of all healing. Healing because



*Pouhana O Na Wahine members pictured left to right, Dayna Schultz, Dolly Tatofi and Rosemond "Loke" Pettigrew at Ka'ehu on Maui Sept. 9, 2018.*

through our leo (voice) we were able to release the hewa (wrong)—or trauma—that was placed on us by foreigners with all of the emotion entangled in that and transform it into our mo'olelo (story) and actually release this with aloha so that we could move forward by sharing what we know. This helps us remember who we are and be confident in who we are. Mo'olelo, as I have been taught, is the stacking of 'olelo, stories from generation to generation. What we pass on is our stories through mana (an inherited and/or acquired energy/power), hā (breath that gives us physical life and healing), and mākia (intention/focus/purpose) because we choose to share these stories as we see fit and appropriate for others to know. So, on a deeper and spiritual level, when we share our mo'olelo with you, we share the very essence of who we are which stems back from our kupuna (ancestors) before us. I not only release my pain but also the collective pain of my kupuna with love.

I am deeply grateful that we had this opportunity to share a piece of who we are and where we come from. It is not until we are joined with our native sisters (and brothers) across the seas

that we come to see how similar our story is; same story different lands. It was also a wakeup call to see just how much people do not know about us and who we are and the challenges we faced as a people. One of the common comments we would hear was, "Oh, are you going to do a hula for us?" We realized in these moments that the ideas of who we are were summed up in this popular phrase. And although these comments would cause a fire within us down to our very core, we pause and breathe a healing breath and release that emotion of anger that was stimulated by colonizers themselves and smile and explain that we don't all practice the art of hula. In fact, we have a saying "A'ohē pau ka 'ike i ka hālau ho'okahi"—not all knowledge is learned in one house. With that understanding, we cannot group all that we think a people are in to one definition or one idea, we need to pause and feel with our heart and na'au (intuition/gut), what can I do to make a long-lasting connection with people I do not know? How do I honor the spirit that is before me and ensure that a relationship lasts infinitely? You just never know when that person may help you or may need you in the future. So always

best to honor others fully for who they are and what they bring, even with the words we speak. Because as we have come to learn through a popular saying in our land, "I ka 'ōlelo ke ola, i ka 'ōlelo ka make," in words there is life, in words there is death. Though situations may stir up negative emotion, let's release that and communicate aloha so that we maintain solid long-lasting connections with others.

This doesn't just apply to those outside of our lāhui (nation/race/tribe/people), it also applies within. Internalized oppression is so prevalent that it sways us from maintaining this harmony within our own society; brothers and sisters causing us to discredit each other and what we know to be true. Being here at this conference allowed myself to share freely and not be discredited by the "cultural police" that come to define what our culture is from a seemingly select few that we may call practitioners. And it is this way because they are active, outspoken, and practicing the traditions of our kupuna. But not all people within our lāhui speak or even know that they have a say too in all of this. Why are we all not called practitioners? Especially



*Pouhana O Na Wahine members who presented a 2-part workshop at NIWRC's Women Are Sacred Conference, June 26-28, 2018 with Rebecca Odor, Program Specialist, FVPSA Office.*

once we are reconnected with our identity? Why am I not valued as a kanaka 'ōiwi (native person) even though I don't speak Hawaiian? If my kupuna were highly connected spiritually with Akua (God/higher power) then why are their Hawaiian practices not valued like how the mainstream practitioners identify it today? Being able to share my mo'olelo as I know and hold to be true in my na'au and heart is just as important as another one of my brother or sister practitioners that practice a certain skill such as lomilomi (massage) and should not be devalued as spirit knows no bounds. Our culture is a living entity that does not and has not stopped evolving since it was first created. Why then do we get side tracked to stay in just the traditional practices and not allow it to grow as it sees fit? Why is it hard to trust our na'au that says this is true? In this sense, sharing had allowed me to release this internalized oppression as well and is helping me to continue to build confidence in who I know I am today

without fear from outsiders and insiders alike. Today, I feel I am at ease to share what I know and can connect people to others that may hold more knowledge in any particular area so that culture is perpetuated.

Today we live in a po'o (head) heavy society meaning we overuse our brain/mind muscle that we forget that we have other muscles to use as well such as our pu'uwai (heart) and na'au muscles and because of this disproportionate use of our muscles, we come to add to the disconnect that was caused by colonizers themselves. We also cannot forget that our kino (body) is also a muscle that needs attention as well because this helps us capture what we know to be true and it presents physically and visually. We subconsciously carry the disconnect with our own being making it difficult to connect with others at times. We need to ask ourselves, do I really want to carry that disconnect that was passed on to me? Something just does

not feel right deep inside of me really. Sometimes we need situations to remind us of these disconnects so that we can utilize the other parts of our being to make and maintain loving relationships that lasts forever. In my eyes, although we were physically disrupted when our lands were abused and taken away from us, which led to being mentally disrupted and caused our emotions to be at an unrest, we still have a spiritual being that knows and feels others and can maintain a connection no matter what the circumstance. We need to pay attention to this more. So, with this, I would like to express my deepest gratitude for the reminder that was provided me during this conference as it has allowed me to remember just how important we all are to each other and that no matter how much a situation may hurt or try to shift me/us/you, just breathe and respond with aloha and everything will be fine if you just TRUST.

# THE IMPLICATIONS OF *CARPENTER V. MURPHY* FOR NATIVE WOMEN

By Mary Kathryn Nagle

The State of Oklahoma's attempt to have the Creek Nation Reservation declared "disestablished" could have serious, harmful consequences for Native women and the Tribal Nations who seek to protect them.

Recently, the Tenth Circuit Court of Appeals examined all of the legislative acts passed by Congress surrounding the creation of Oklahoma as a state—including Allotment Acts—and concluded that Congress never disestablished the Creek Nation's reservation. Under the Supreme Court's past guiding precedent, the absence of any congressional disestablishment was enough to put such a question to rest; that is, if Congress has not acted to eliminate a Tribe's reservation, that reservation remained intact. See *Solem v. Bartlett*, 465 U.S. 463, 740 (1984) ("[O]nly Congress can divest a reservation of its land and diminish its boundaries.").

Oklahoma, however, is asking the United States Supreme Court to judicially declare the Creek Nation to be without a reservation. While such a judicial declaration may seem to have very little to do with safety for Native women, a closer look at the legal landscape reveals serious implications for Native women—both in Oklahoma and in Tribal Nations across the United States.

Today, Native women face the highest rates of domestic violence, murder, and sexual assault in the United States. The majority of these crimes are committed by non-Indians, but since this Court's decision in *Oliphant v. Suquamish* in 1978, Tribal Nations have been prohibited from exercising their inherent jurisdiction to prosecute crimes committed by non-Indians on tribal lands. Recently in 2013, however, Congress took action to restore a portion of the inherent jurisdiction that *Oliphant* removed.

In 2013, with the knowledge that the extraordinarily high rates of violence against Native women threaten the continued sovereignty and existence of Tribal Nations, Congress re-authorized VAWA to include an amendment that restores tribal jurisdiction over domestic violence crimes committed by non-Indians (referred to as "special domestic violence criminal jurisdiction" or "SDVCJ"). P.L. 113-4, 127 Stat. 54, (March 7, 2013), (codified at 25 U.S.C. § 1304).

Congress rendered this restored jurisdiction contingent upon two words: "Indian country." That is, in re-authorizing VAWA, Congress restored tribal jurisdiction over "[a]n act of domestic violence or dating violence that occurs in the Indian country of the participating tribe

... " 25 U.S.C. § 1304(c)(1) (emphasis added). VAWA 2013 states that its use of the term "'Indian country' has the meaning given . . . in section 1151 of title 18, United States Code." 25 U.S.C. § 1304(a)(3).

And since the passage of 18 U.S.C. § 1151 in 1948, "Indian country" has consistently referred to lands that include and/or comprise a Tribal Nation's "reservation." And since crafting the legal term "Indian country" in 1948, Congress has never taken action to disestablish Creek Nation's Reservation.

The State of Oklahoma, however, now asks this Court to conclude that the "territorial boundaries of the Creek Nation no longer constitute an 'Indian reservation' today under 18 U.S.C. § 1151(a)." If this Court were to agree with Oklahoma, and declare the Creek Nation to be without an "Indian reservation" in 18 U.S.C. § 1151(a), then the Creek Nation would be unable to arrest and prosecute a non-Indian engaged in an act of domestic violence or dating violence unless the Nation could establish beyond a reasonable doubt that the crime occurred on land that is held in trust or restricted status. See 18 U.S.C. § 1151(c). This sort of jurisdictional maze and prerequisite factual inquiry all too often preclude tribal police from taking the decisive, swift action that is necessary to prevent a domestic violence crime from escalating to homicide.

"The crisis response of our tribal police responding to an emergency domestic violence call involving a non-Indian abuser will be further complicated," said Cherrah Giles, Chairwoman, NIWRC Board of Directors and former Tribal Council Member, Muscogee Creek Nation. "Our tribal police will be required to determine the status of the land the crime occurs on and the tribe may not be able to arrest or prosecute the non-Indian abuser."

Because Congress rendered the exercise of VAWA SDVCJ contingent on "Indian country," any judicial disestablishment of an Indian reservation would significantly endanger the ability of Tribal Nations to exercise VAWA SDVCJ and protect their women from domestic violence crimes committed by non-Indians. Many Tribal Nations have reservations that Congress has never formally disestablished; indeed, many reservations have survived Allotment and Statehood Acts, and if those reservations were suddenly at risk of being removed from the category of lands that constitute "Indian country" under § 1151(a) without congressional action, many Tribal Nations would be precluded from exercising VAWA §





September 11, 2018, Washington, DC—lead organizers of the #MMIWG Vigil Mary Kathryn Nagle (right) and Caroline LaPorte, NIWRC Senior Native Affairs Advisor, (left) celebrate the success of the event to honor missing and murdered Native women and girls.

904's restored criminal jurisdiction over crimes committed by non-Indian offenders. Such a conclusion would undermine Congress's intent in restoring the inherent right of Tribal Nations to ensure the safety of their women and children citizens living within their borders.

Nothing in the plain text of VAWA 2013, or its legislative history, supports the notion that Congress intended—or even understood—its own legislation to limit the exercise of restored tribal criminal jurisdiction pursuant to an interpretation of § 1151 that did not, and does not yet exist. If adopted, Oklahoma's interpretation of § 1151 would upset seventy years of federal Indian law and congressional legislation. Ultimately, if adopted, Oklahoma's interpretation of § 1151 would prevent Tribal Nations from exercising VAWA § 904's restored criminal jurisdiction over thousands of crimes committed by non-Indian offenders within the borders of reservations Congress never disestablished.

"The NIWRC, along with scores of other tribal and non-Native organizations working to end domestic violence and sexual assault will file an amicus brief before the Supreme Court, offering our unique perspective on the relationship between Congress's authority over Indian affairs, the inherent sovereign authority of tribal governments to prosecute crimes committed against their own citizens, and safety for Native women and children," said Lucy Simpson, Executive Director, NIWRC. "Because Petitioner's attempt to have the Creek Nation's Reservation judicially declared 'disestablished' threatens the safety, welfare, and lives of Native women, the NIWRC amici will urge the Supreme Court to uphold the Tenth Circuit's conclusion that until or unless Congress does in fact disestablish the Creek Nation's Reservation, the Nation's lands will continue to constitute a 'reservation' under 18 U.S.C. § 1151(a)."

# Looking Back

American Indian Tribes and VAWA, 1994—2013

The Violence Against Women Act (VAWA), which Senators Biden and Hatch originally sponsored, was enacted in 1994 as a result of national grassroots organizing by battered women and advocates. This also included Indian women who organized to engage state and federal systems to hold governments accountable to address the nationwide statistics, crisis, and seriousness of violence—domestic violence, sexual assault, and stalking—against women. The Act's passage marked the federal government's acknowledgment of the extent and pervasiveness of violence against women and the need for more dedicated resources for law enforcement and judicial responses to these crimes. Over the last two decades, VAWA has grown into an historic Act reshaping the laws, policies, and responses of federal, tribal, and state governments.

## VAWA and American Indian Tribes and Alaska Native Villages

The VAWA has been reauthorized three times: 2000, 2005, and 2013. The growth the national movement has achieved over the last 20 years with each reauthorization of VAWA includes many important advancements:

**1994**—VAWA included a 4% dedicated funding stream of the available funding for American Indians and Alaska Natives tribes with a statutory purpose of “developing, enlarging, or strengthening programs addressing the needs and circumstances of Indian tribes in dealing with violent crimes, including sexual assault and domestic violence, against women.”

## Reauthorize the Violence Against Women Act!

**More than 4 in 5 American Indian and Alaska Native women (84.3%) have experienced violence in their lifetime, including:**

- 56.1% who have experienced sexual violence
- 55.5% who have experienced physical violence by an intimate partner
- 48.4% who have experienced stalking
- 96% of these survivors report that they are victimized by at least one non-Native perpetrator.

Source: NIJ, 2016

#VAWA4Natives  
#TribalVAWA  
#VAWA2018  
#VAWA4All



**2000**—VAWA increased the tribal dedicated funding stream to 10%, provided increased clarity regarding tribal court protection orders and enforcement, and created a tribal coalition grant program.

**2005**—VAWA included a Safety for Indian Women Title, recognizing the unique legal relationship of the United States to Indian tribes and women. Congress explicitly provided that the title was “to strengthen the capacity of Indian tribes to exercise their sovereign authority to respond to violent crimes committed against women.” It authorized the creation of a single VAWA tribal grant program, creation of a tribal unit and Deputy Director for Tribal Affairs, and mandated annual tribal-federal VAWA consultations. VAWA 2005 also added dating violence as a new purpose area.

**2013**—VAWA included an historic amendment affirming inherent tribal authority over non-Indians committing certain acts of domestic violence or dating violence or violation of certain protection orders in the Indian country of the tribe, provided increased funding for the tribal coalitions program, and recognized sex trafficking as a new purpose area under the tribal grants program.

## The Road Ahead

The federal law amendments above demonstrate an increasing awareness of the need to address violence against Native women and the critically important role of Indian nations in the full implementation of VAWA. The substantially high crime statistics among Native populations represent the ongoing impact colonization

has had on Indian people and nations. The federal Indian legal framework is devastatingly complex and one that Native victims must confront and navigate all too frequently while seeking safety and protection. Overall, resources are scarce and culturally appropriate resources are practically non-existent. Many barriers and questions exist concerning jurisdiction, law enforcement and/or funding availability, lack of culturally appropriate services and victim advocates, emergency shelter

availability, and coordinated rape crisis responses. In addition, many Indian tribes are excluded from utilizing all of the legal advances gained under VAWA to protect and serve Native women. During the annual consultation, tribal leaders from Alaska Native villages, Indian tribes from Maine and Michigan, and other regions of the United States have testified to these restrictions and need for additional reforms under VAWA.

## Join the Movement to Reauthorize VAWA Your Action Is Needed! Support H.R. 6545!

Congress failed to reauthorize VAWA before the September 30, 2018, deadline by not taking action on H.R. 6545, a bill introduced by Representative Sheila Jackson Lee to reauthorize VAWA. Instead, Congress voted to pass a continuing resolution. Many interpreted this as a ploy to allow Congress to avoid taking meaningful action until after the midterm elections.

While understanding the seriousness of this failure, it is important to also remember that only the grants funded under VAWA expire and require reauthorization. The amendments and new federal laws established under VAWA, including special tribal jurisdiction, the habitual offender provision, and similar provisions do not require reauthorization and are permanent.

Many are asking if funding for VAWA is secure and the answer is yes but only for the time being. VAWA grant programs are currently funded through December 7 as part of the continuing resolution (CR). The CR extended VAWA's authorization for 10 weeks. If VAWA is reauthorized by December 7, or by another CR, VAWA funding will continue to be available.

"We, as a social justice movement, are challenged to organize, educate, and inform Congress of the lifesaving programs supported by VAWA," said Lucy Simpson, Executive Director, NIWRC. "VAWA is essential to the everyday safety of Native women and their children. We call on Congress to work together to pass a bipartisan bill that strengthens the nation's response to domestic violence, sexual assault, dating violence, and stalking—one that is inclusive of American Indian tribes and Alaska Native villages."

Much work remains to be done in the 10 short weeks before December 7. The VAWA Reauthorization Act, H.R. 6545, needs many more supporters to reauthorize VAWA this year. H.R. 6545 can only be enacted

through strong bipartisan support, and currently it lacks Republican supporters. Now is the time for all those concerned about the safety of Native women and all other victims of domestic, sexual, and other crimes under VAWA to organize at the tribal, local, regional, and national levels.

"Those seeking safety need the changes included in H.R. 6545 to prevent further violence," said Caroline LaPorte, NIWRC Senior Native Affairs Advisor. "We need all of the new proposals that are included in H.R. 6545 like the housing protections, protection from abusers with guns, justice for survivors on tribal land, and increased prevention funding. These changes we hope will save lives."

### Steps you can take to help reauthorize VAWA

**First, call your representative.** VAWA has always been bipartisan, if your congress member is not a sponsor, please send this simple message:

*We need the Violence Against Women Act reauthorized now. Survivors can't wait for lifesaving responses to domestic violence, dating violence, sexual assault, and stalking. Representative Sheila Jackson Lee has introduced H.R. 6545, moderate legislation reauthorizing VAWA that members of Congress on both sides of the aisle can support. Please co-sponsor this legislation today!*

**Second, work to inform your tribe about the importance of reauthorizing VAWA and organize to pass a tribal resolution supporting H.R. 6545.**

Members of Congress are more likely to support VAWA reauthorization if they understand the importance of VAWA to Indian tribes and their constituents. Meet with local tribal council members to inform them of the importance of your tribe supporting reauthorization of VAWA.

Third, organize locally to host community actions in support of the reauthorization of VAWA. If you're part of an organization that cares about VAWA, such as a local shelter, women's resource center, or elder's group, organize local actions to support the reauthorization of VAWA. A community walk, vigil, or rally are important awareness activities. In addition, writing letters or meeting with your representative in your local district office will help inform your members of Congress why reauthorization of VAWA is important to the local community.



PROTECT NATIVE SURVIVORS...  
REAUTHORIZE THE VIOLENCE  
AGAINST WOMEN ACT

#VAWA4ALL #VAWA18  
#TRIBALVAWA #VAWA4NATIVES



### Important Reforms for Indian Tribes Included in the VAWA Reauthorization Act, H.R. 6545

H.R. 6545 provides many lifesaving reforms for communities across the United States. It includes changes to laws, increased resources, and increased awareness. For Native women, tribal communities, and Indian tribes, these changes are essential and needed immediately. H.R. 6545 provides the following changes and many more:

- Builds on successes of the VAWA 2013 provision that reaffirms inherent tribal authority to prosecute certain non-Indian domestic violence offenders by offering the same protections for victims of sexual violence, stalking, trafficking, child abuse, and assaults against law enforcement or justice personnel.
- Creates a \$3 million authorization for DOJ's Tribal Access Program (TAP), which facilitates direct tribal access to the federal criminal information database system.
- Incorporates the provisions included in Savanna's Act (S. 1942/H.R. 4485), which is bipartisan legislation pending in both the House and the Senate aimed at improving the response to cases of missing and murdered Native people.
- Creates a federal criminal penalty for certain violations of tribal exclusion orders.

### VAWA 2018 Tweets: Add New Ones That Raise Your Issues

Violence doesn't discriminate and neither should our laws! [@YourRepresentative], support #VAWA18 and ensure Native women have access to justice! #VAWA18

I support full protections for Native women! [@YourRepresentative], now is the time to reauthorize #VAWA18

Safety for Native women! [@YourRepresentative], act to stop the violence by reauthorizing #VAWA4All.

Native women can't wait for lifesaving responses to domestic violence, sexual assault, and trafficking. [@YourRepresentative], now is the time to reauthorize #VAWA4All.

All people deserve to lead violence-free lives. Congress has a duty to uphold this right! #VAWA18.

For questions and more information, please contact Virginia Davis [vdavis@ncai.org](mailto:vdavis@ncai.org) or Caroline LaPorte [claporte@niwrc.org](mailto:claporte@niwrc.org).

If your Representative is interested in sponsoring H.R. 6545 advise them to contact Rep. Jackson Lee's staff:  
Monalisa Dugué,  
(202) 225-6906,  
[Monalisa.dugue@mail.house.gov](mailto:Monalisa.dugue@mail.house.gov).

If your Representative has signed on as a co-sponsor to H.R. 6545, call and thank him/her. Use this link to find your Representative, and then check out this list to see if they have signed on to support VAWA yet.

# A Tribal Perspective on VAWA 2018

## Sitting Second Chair: An Opening Conversation on the Department of Justice's Tribal SAUSA Program

By Caroline LaPorte, Senior Native Affairs Advisor, NIWRC



Each VAWA reauthorization creates the opportunity to further strengthen the tribal justice response to violence against Native women. In this context, it also challenges the movement to determine the priorities in our strategic reform efforts. This article analyzes the Tribal SAUSA program, an important

program with significant benefits, within the tribal sovereignty framework and approach to ensuring safety for Indian women.

Given the current crisis facing Native women and the challenge Indian tribes face in protecting them, it is necessary to consider whether a proposed reform does one of the following:

1. Strengthens the tribal government response, as sovereigns, in addressing gender-based violence; or
2. Strengthens the federal response.

For example, the Violence Against Women Act of 2013 included historic amendments that recognized and restored the inherent power of tribal governments to exercise jurisdiction over certain non-Native defendants. This amendment clearly strengthened the tribal response. In fact, VAWA has specific findings that solidified this framework/approach. VAWA's section 901 states:

*"Congress finds that ... 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."*

This is why the fight over the "delegates" vs. "restores inherent" conversation with respect to language was so critical in the VAWA 2013 fight, proving that semantics were incredibly impactful with regard to lens.

Similarly, in looking to 2018 VAWA reauthorization, the legislative reforms are prioritized through the lens of what strengthens the tribal response vs. what

strengthens the federal one. The Native Youth and Tribal Officer Protection Act, which expands special domestic violence criminal jurisdiction to include co-occurring instances of child abuse and assaults on tribal law enforcement, is a bill that strengthens the sovereign tribal response. The Justice for Native Survivors Act, which expands special domestic violence criminal jurisdiction to include sexual assault, sex trafficking and stalking, is a bill that strengthens the sovereign tribal response. The SURVIVE Act, which creates a permanent set-aside of 5% out of the Crime Victims Fund to tribal governments, strengthens the sovereign tribal response by creating a government-to-government funding stream on the basis of parity. Even increases to the Tribal Access Program can be viewed as strengthening the tribal response.

Consequentially, other reforms are viewed as strengthening only the federal response. For example, VAWA reauthorization bills that incorporate provisions like creating a federal penalty for violations of tribal exclusion orders, or that encourage increased federal prosecutions for gender-based violence in tribal communities, have to be viewed for how they strengthen the federal response vs. the tribal one. It's not that these solutions do not help with respect to addressing violence, but rather that these solutions cannot be viewed as priority with regard to addressing violence in Indian country, where the long-term solution is to enhance tribal sovereignty and ensure safety for Indian women for generations to come.

This framework is essential in determining our VAWA 2018 tribal priorities. Is our priority proposed reforms such as the USDOJ focus on strengthening the Tribal SAUSA program, or the proposed reforms to strengthen the tribal justice response?

### What is the Tribal SAUSA program?

SAUSA stands for Special Assistant United States Attorney. As of September 2016, there are 22 SAUSAs in Indian country.

Essentially, under this program, tribal prosecutors are cross deputized to sit second chair in federal cases involving Indian country jurisdiction.

## What authorized the Tribal SAUSA program?

The Tribal Law and Order Act of 2010, which was signed into law by President Obama, “authorized and encouraged” the Department of Justice to use tribal prosecutors as Special Assistant United States Attorneys to assist in the federal prosecution of crimes that occurred in Indian country. TLOA (2010) amended two statutes to do this: The Indian Law Enforcement Reform Act and Title 28 of the United States Code. Under these two amendments, each United States Attorney (in a district with Indian country) is “authorized and encouraged” to appoint SAUSAs in order to improve the administration of justice.

25 U.S.C. §2810 directed United States Attorneys to 1) coordinate with applicable U.S. district courts regarding scheduling of Indian country matters and holding trials or other proceedings in Indian country as appropriate, 2) provide to SAUSAs appropriate training, supervision, and staff support, and 3) to provide technical and other assistance to tribal governments and tribal court systems to ensure that the goals of the relevant statute are achieved.

28 U.S.C. §543 (a), entitled “Judicial Code and Judiciary,” was amended by TLOA so that the “Attorney General (could) appoint attorneys to assist United States Attorneys when the public interest so requires, including the appointment of qualified tribal prosecutors and other qualified attorneys to assist in prosecuting federal offenses committed in Indian country.”

The Department of Justice allows each U.S. Attorney to decide whether to have a tribal SAUSA program.

## What can a Tribal SAUSA do?

Essentially cross deputized, a tribal SAUSA can perform all the functions that an Assistant United States Attorney can perform, or specific limited actions, as desired by the United States Attorney. Their appointment can last two years (and is thus, temporary), but can be extended indefinitely.

## What are the benefits of a Tribal SAUSA program?

In each report and article analyzed for the purposes of this opening conversation, most recognized that the most significant benefit from a Tribal SASUA program was the increased communication and information sharing between USAOs and participating tribes. Tribal SAUSAs serve a “critical case screening role and regularly forward cases to the USAO for prosecution.”

Tribal prosecutors receive training that many in the federal system consider to be incredibly beneficial to those same prosecutors. Additionally, if we think about Tribal SAUSA as a way to address federal declination rates, especially in cases of gender-based violence, it is easy to imagine why Tribal SAUSA is seen as a positive response with respect to the high rates of violence in Indian country.

## What are the practical limitations of the Tribal SAUSA program?

The same reports and articles that recognize increased communication and information sharing between USAOs and tribes as a benefit of a Tribal SAUSA also recognize the practical limitations of the program itself.

Essentially, the practical limitations boil down to three major problems:

- 1) The absence of written eligibility criteria;
- 2) Inconsistent/inadequate funding; and
- 3) Most USAOs do not maintain updated and comprehensive operational plans to ensure a coordinated approach to guide their work in Indian country.

Again, and perhaps most significantly, as of September 2016, there were only 22 Tribal SAUSAs serving 9 of the 49 USAO districts with Indian country jurisdiction. For the program to fulfill the intended purposes under TLOA, all the Indian tribes served by these 49 districts require a Tribal SAUSA. To this point, the OIG found that “program participation is low, in part due to tribal sovereignty, conflicts of interest with other tribal duties, and a lack of tribal prosecutors with the appropriate skill sets and experience. Also, despite the potential benefits, there are no written Tribal SAUSA guidelines to establish criteria for applicants and the program lacks consistent funding.” Addressing violence against Native women must not be selective or restricted to only those federal districts choosing to address this crisis.

The funding limitations prove to be most restrictive. The OIG report found that OVW provided grant funding for Tribal SAUSA positions as a pilot program, including \$1.7 million in Fiscal Year (FY) 2012 for four positions, \$890,000 for FY 2014 for two positions, and \$300,000 in FY 2016 for (for four positions). The report stated that, “(t)he remaining 19 SAUSAs without consistent DOJ funding are **tribe-funded or unpaid volunteer positions.**”

## Does the Tribal SAUSA program strengthen the tribal or the federal response?

While the Tribal SAUSA program strengthens the federal response, is it a viable solution to addressing violence against Indian women? Does it help to address violence in Indian country? Yes, but in a limited capacity. On the other hand, it is evident the program is aimed away from increasing tribal authority over certain crimes and certain defendants.

This is highly relevant in today's VAWA reauthorization climate. Certain members of Congress have uplifted the Tribal SAUSA program and support strengthening the program as a possible priority in legislative reform efforts with respect to VAWA reauthorization. These reforms are focused primarily on addressing the practical limitations as outlined above (the absence of written eligibility criteria, inconsistent/inadequate funding, lack of updated and comprehensive operational plans).

At tribal consultation this past August 21, 2018, Acting Associate Attorney General Jesse Panuccio delivered a keynote address, which in part centered on increased prosecutions.

"One of the primary challenges in this area is ensuring that we have enough prosecutors to hold perpetrators accountable. To that end, the Department's Office on Violence Against Women is funding Tribal Special United States Attorneys (known as Tribal SAUSAs). These prosecutors are able to bring cases in both tribal and federal courts, and their addition to our law enforcement community are meant to help ensure that cases do not fall through the cracks. Every single woman who has been a victim of domestic or sexual violence deserves to have her assailant brought to justice.

In OVW's pilot project, Tribal SAUSAs reported a wide range of successes, including: prosecution of cases that otherwise would not have been brought; increased trust and better relationships among tribal law enforcement, victim services, victims, and the participating United States Attorney's Office; and greater accountability for violence-against-women-related crimes in Indian country. Tribal SAUSAs have also been able to serve as advocates for their tribe's perspectives and needs, which helps the tribe have more input into successful prosecutions."

Based on this, Panuccio announced that OVW would be relaunching the Tribal SAUSA program with improvements based on feedback from tribes

and USAOs. To this end, Panuccio stated that OVW intends to use a "fellowship model to help attract qualified attorneys who will make a three-year commitment to prosecute crimes of sexual assault, domestic violence, dating violence, and stalking in both tribal and federal courts."

In our study and consideration of these possible reforms as suggested by members of Congress and OVW, we necessarily must return to our sovereignty framework and remind ourselves of the long-term strategic solution to this crisis: **completely restored inherent tribal authority to prosecute crimes committed in Indian country regardless of defendant or crime.**

The Tribal SAUSA program does not restore inherent tribal authority to prosecute. It simply allows a tribal prosecutor, who may or may not be funded by federal dollars, to sit second chair in a criminal case that (under the current legal/jurisdictional framework) a federal prosecutor has the responsibility to prosecute. The flame thrower amongst us will say that Tribal SAUSAs essentially do the work for the federal government, albeit paid for by limited tribal funds. The diplomat will say that Tribal SAUSAs serve the important role of increasing communication and information sharing amongst tribal governments and the USAOs.

Either way, neither analysis says, "Tribal SAUSAs strengthen the tribal response."

There is an additional, but less important issue to consider, which is that the Tribal SAUSA program trains tribal prosecutors to be "better" western criminal prosecutors. The mind-set that tribal prosecutors need this training is found throughout the OIG reports. Citing "a lack of tribal prosecutors with the appropriate skill sets and experience," bolstering is found for the program where it increases the tribal prosecutor's skill level to try federal cases.

As an attorney myself, I can see why the Tribal SAUSA program is attractive. After all, even attorneys who work for national Native advocacy organizations, are in fact still trained in the western legal approach. We are molded and conformed to fit into the western legal system. It was hard, it was an accomplishment, which makes swallowing the fact that it may not be the best umbrella approach to addressing violence in our tribal communities particularly difficult. What the Tribal SAUSA program does, then, is tell the tribal prosecutor, and the tribe, "This is how you try a case. This is what your legal system should look like. This is

the standard." It's a reality of the current limitations in Indian country, one in which we are often found looking for stopgaps to help address violence in our communities until we can find solutions that are not only **sovereign** but also **practical** and **sustainable**.

But does the western prosecution approach fit into the tribal justice approach? Is it better for our tribal legal systems to assimilate to western standards? Is it a reality that we have to accept? Or is it for our tribal prosecutors or our law-trained American Indian and Alaska Native sisters and brothers to use the tools they received in their legal training toward a bigger goal: strengthening the sovereign response? Can we do both? Are both beneficial? These are questions we have to explore.

## A Tribal Perspective on VAWA 2018

### Extending the Same Protections for Alaska Native Women

By Michelle Demmert, Chief Justice of the Central Council of Tlingit and Haida Indian Tribes of Alaska Supreme Court

*The time is now to end the confusion and remove the dangerous jurisdictional maze preventing Alaska Native villages and tribal courts from fully protecting Native women.*

We have seen the disproportionate representation of Alaska Native women in domestic violence, sexual assault, and trafficking crimes. While the state of Alaska has been responsible for the investigation and prosecution of these crimes within the state of Alaska, their track record demonstrates a lack of engagement and follow through that continues to create one of the most dangerous situations for Native women in the nation.

Alaska Native women need change now. Local control for local solutions with resources is key to improving the situation for our Alaska Native brothers and sisters. There is an opportunity to make this change in the reauthorization of the Violence Against Women Act of 2018, H.R. 6546.

#### Background of Alaska Native Jurisdiction

The situation in Alaska is different than all of Indian Country. Alaska tribes have no treaties, which often define important governmental authority and territorial jurisdiction. To understand why there are no treaties and how we got to this situation today in Alaska requires a short explanation of important historical events.

The Alaska Territory was purchased by the United States from Russia in 1867. Three short years later, Congress prohibited the President from "treating"

#### Conclusion

Until we have those sovereign and sustainable solutions, the Tribal SAUSA program may prove to be a significant stopgap in addressing violence in our communities. There are important questions around how this program will be relaunched by OVW. However, regardless of how those questions are answered, it is critical to evaluate whether or not the program fits into our sovereignty framework and whether or not the program represents a priority that we view as being part of long-term strategic reform efforts.

with tribal governments. Alaska Natives were virtually left alone and were free to live their cultural life with few interruptions until natural resources were found on their land and the United States found a pressing need to resolve land claims. Since the purchase of Alaska, there were Executive Order Reservations within Alaska (estimated at over 150), and Native townsites which were set aside for the benefit and use of "Indians" or "Eskimos"; however, with the discovery of oil, the federal government wanted to put an end to any question of land status for natives.

**The Alaska Native Claims Settlement Act (ANCSA)** came at the tail end of the Termination Era of federal Indian policy (Termination Era mid-1940s to mid-1960s) and came to fruition after being in the works for several years. The Termination Era was designed to abolish tribes and assimilate individual Indians. After ANCSA was enacted, the only remaining Alaska reservation is the Annette Island Reserve in Southeast Alaska. This exception was consistent with Public Law 280, which allowed the federal government to transfer the specific criminal authority it had over Alaska tribes to the state creating the current maze of state-tribal concurrent criminal jurisdiction, with the exception of the Annette Island Reservation, which is the village of Metlakatla.

ANCSA created a new and novel approach to tribal land tenure. Rather than recognize sovereign tribal lands, ANCSA created for-profit corporations and transferred tribal lands in fee to these entities to manage more than 40 million acres of land. ANCSA divided the state into 12 regional corporations and over 200 village corporations that would identify with





their regional corporation. Many of these villages had corresponding tribal village governments but, with the passage of ANCSA, no meaningful land base. As a result, unlike most court systems that have defined territorial jurisdiction and personal jurisdiction, Alaska tribal courts generally exercise jurisdiction through tribal citizenship, and not through a geographic space defined as "Indian country" because of ANCSA and in part due to *Alaska v. Native Village of Venetie Tribal Government*, 522 U.S. 520 (1998), a case in which the U.S. Supreme Court held that with the exception of the Annette Island Reservation, there is virtually no Indian country in Alaska.

**Indian country** defines a confined area of territorial jurisdiction tied to a tribe. The term "Indian country" means "(a) all land within the limits of any Indian reservation under the jurisdiction of the United States government, notwithstanding the issuance of any patent, and including rights-of-way running through the reservation, (b) all dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a state, and (c) all Indian allotments, the Indian titles to which have

not been extinguished, including rights-of-way running through the same." Most grants and federal programs reference eligibility of "Indian country" for certain programs. While federal programs have expanded their definitions for Alaska Native tribes to take advantage of most programs as "dependent Indian communities," the lack of true legally defined "Indian country" continues to create a dangerous situation in Alaska and for tribal governments to protect their women and children.

In addition, without the ability to tax, without Indian gaming, and without consistent and predictable tribal court appropriations, Alaska tribes lack the revenue typically available to other tribal governments to fund and sustain essential government infrastructure and services such as a court or police force. All Alaska tribes are in a similar position, and must find innovative ways to raise governmental revenue and to leverage other resources to sustain their tribal courts, public safety, and victim services. Because of this resource dilemma, available grants for developing and sustaining programs are incredibly important for Alaska tribes. Although, in a PL 280 state, Alaska tribal communities should have access to state justice services. However,

those services are centered in a handful of Alaskan urban areas, making them often more theoretical than real. As mentioned, many communities have no law enforcement, no 911, no state official they could conceive of raising a complaint to, given the separation of geography, language, and culture. Also, because Alaska is a mandatory PL 280 state and because of other factors previously discussed, jurisdictional issues in Alaska create extremely dangerous conditions for Alaska Native women living in our small, remote communities.

**Congress in part created this crisis and can also resolve it by amending federal Indian law to address this injustice and reflect the reality that tribal governments are the ones present in villages.**

Equally important is the reality that as sovereigns they have the right to protect women and children. Such a legislative fix is within reach and only requires the will of Congress to act and begin to address this crisis. The Tribal Law and Order Act Commission, specifically, recommended a legislative fix for the Venetie decision as follows: amending the definitions of "Indian country" to include Alaska Native allotments and Native-owned townsites; supporting land into trust applications by Alaska Native tribes; channeling more resources directly to Alaska Native tribal governments for the provision of governmental services; and supporting Alaska Native tribes and villages with the exercise of criminal jurisdiction within their communities. Such a federal amendment could be inserted into pending legislation such as the Native Youth and Tribal Officer Protection Act, the reauthorization of Tribal Law and Order Act, or the reauthorization this year of the Violence Against Women Act. The reform could also be accomplished by amending other federal laws such as the statute defining Indian country, or accomplished through other changes in federal policy allowing the Department of the Interior to accept land into trust for all federally recognized Alaska tribes.

Congress has a unique opportunity to fix the dangerous situation that our tribes are faced with and to correct these shortfalls in the law. Alaska Native villages are confronting head-on a civil and human rights crisis reflected in the disproportionate disappearances, murders, human trafficking, and unconscionable acts of ongoing violence of women and girls. We must look deeper and focus reform efforts on fundamental changes required to allow Alaska Native villages to protect our women and girls. We can no longer wait. The most comprehensive bill pending is H.R. 6546 Violence Against Women Reauthorization Act of 2018, and a few provisions could be added as suggested below.

**With Respect to Alaska:**

- Add to "Findings" Section 901: "(6) restoring and enhancing local, tribal capacity to violence against women provides for greater local control, safety, accountability, and transparency. (7) in states with restrictive land settlement acts such as Alaska, "Indian country" is limited, resources for local tribal responses either nonexistent or insufficient to meet the needs, jurisdiction unnecessarily complicated and increases the already high levels of victimization of American Indian and Alaska Native women. According to the Tribal Law and Order Act Commission Report, Alaska Native women are over-represented in the domestic violence victim population by 250%; they comprise 19% of the state population, but are 47% of reported rape victims. And among other Indian Tribes, Alaska Native women suffer the highest rates of domestic and sexual violence in the country."
- Adopt a jurisdictional fix to the Indian country issue, and work closely with the Alaska Delegation and the Alaska Native Women's Resource Center to ensure that provisions added will address the unique needs of Alaska Native tribal governments. A legislative fix to recognize a tribe's jurisdiction equivalent to the ANCSA Village and including to state, specifically, that 18 USC §2265(e) (Full faith and Credit provisions of the VAWA) applies to all Alaska tribes without respect to "Indian country" or the population of the Native village associated with the tribe. This issue is especially important with the June 29, 2018, Withdrawal or Solicitor Opinion M-37043, "Authority to Acquire Land into Trust in Alaska."
- Create a Pilot Project for Alaska so that more than just one of the 229 federally recognized tribes can exercise Special Domestic Violence Criminal Jurisdiction. The pilot phase could be like the SDVCJ in VAWA 2013, could require application, participation in a similar Intertribal Working Group to the SDVCJ, involve a planning phase for the development of written tribal laws and ordinances, development of enforcement mechanisms, and tribal court structuring. Upon the conclusion of the planning phase the tribe would seek plan certification from the Department of Justice like the SDVCJ Pilot Phase.

# Tlingit and Haida VAW Task Force to Gather Community Response to Address Missing and Murdered Indigenous Women in Alaska

By Pamela Stearns



It has been more than a year since the unsolved suspicious death of Jade Williams (19) of Kake, and nearly a year since the death of Francile Turpin (37) of Klawock. Now, more than ever, our community demands action to end this violence.

The Central Council of Tlingit and Haida Indian Tribes of Alaska (CCTHITA) Violence Against Women (VAW)



task force has placed its emphasis on the missing and murdered Indigenous women (MMIW) of Alaska as one of its priorities for its first year. The task force is a community-driven multi-agency consultation with the Alaska Native Women's Resource Center and the National Indigenous Women's Resource Center to create strategy and community response to end domestic violence and address MMIW. The task force goals include: education, implementing policies to ensure perpetrator accountability, and coordination

The CCTHITA-VAW task force will work toward a consistent response from law enforcement, prosecutors, judges and probation officers, educators, and elected officials to the disproportionate violence against American Indians and Alaska Natives. Violence against women is not traditional. It is a manifestation of colonization, sexism, and racism, and it erodes our sovereignty. Together, we can help bring about a more effective and structural approach to justice that not only gathers data on the missing, but solves murders and helps prevent them in the first place.

# The National Indigenous Women's Resource Center Board of Directors Standing for VAWA

*"We pray and advocate for a VAWA Reauthorization that restores inherent tribal jurisdiction and ensures justice to all women and children regardless of age, race, gender, or location. Too many gaps and barriers currently exist in VAWA and those must be addressed in an authorization along with adequate, accessible funding. Every day that VAWA with strong protections is not reauthorized, lives are lost."*

**Cherrah Giles**  
Muscogee Creek/Cherokee  
Board Chairwoman, NIWRC

#VAWA4Natives  
#TribalVAWA  
#VAWA2018  
#VAWA4All



*"Reauthorization of VAWA that includes expanded and necessary provisions that address the Safety of Native Women is Important. Barriers and gaps have been identified and these additions will strengthen the response by Tribes."*

**Carmen O'Leary**  
Cheyenne River Sioux  
Board Vice Chair, NIWRC

#VAWA4Natives  
#TribalVAWA  
#VAWA2018  
#VAWA4All



*"Protecting our women and children from violence should remain our nation's priority. The reauthorization of the VAWA is paramount in the effort to preserve what should be seen as the heart of not just our native peoples, but what all claim to be uniquely American."*

**Tina Marie Osceola**  
Seminole  
Board Member, NIWRC

#VAWA4Natives  
#TribalVAWA  
#VAWA2018  
#VAWA4All



*"Support California Native Womyn's Safety!  
Because the federal government has not honored the response of tribal governments as it has honored the responses of state and other local governments, tribes have high physical and sexual violence crime rates, particular against California Native Womyn. The federal government has failed in its trust responsibility to assist Indian tribes in safeguard the lives of Indian womyn. The federal government has under-provided to California Tribes for tribal law enforcement and advocacy services to address physical and sexual violence crimes against California Native womyn."*

**Wendy Schlater**  
La Jolla Band of Luiseno Indians  
Board Treasurer, NIWRC

#VAWA4Natives  
#TribalVAWA  
#VAWA2018  
#VAWA4All



# The National Congress of American Indians Task Force on Violence Against Women

*"Any reauthorization of VAWA should include meaningful provisions that better situate tribal governments, as sovereigns, to successfully combat the scourge of domestic violence in their communities. We must have better protections and adequate financial resources in order to secure safety for American Indian and Alaska Native Women."*



**Juana Majel Dixon**  
Pauma Tribe  
Co-Chair, NCAI VAW Task Force  
& Traditional Legislative Council-  
woman, Tribal Court Justice

#VAWA4Natives  
#TribalVAWA  
#VAWA2018  
#VAWA4All



*"In the reauthorization of VAWA, we need to continue to empower tribes to protect their citizens as was done with SDVCJ, by recognizing our inherent authority to prosecute non-Indians. We need a jurisdictional fix to the Indian Country Issue in Alaska, that will address the unique needs of Alaska Natives and their communities and provide a path forward to protect our communities. Local solutions and authority over local issues."*



**Michelle Demmert, Jaagal Aat**  
Ch'áak' (Eagle) from the  
Kaax'ooos.hittaan (Man's Foot) clan & child  
of Taakw.aaneidi (Woodworm Sculpin)  
Co-Chair, NCAI VAW Task Force

#VAWA4Natives  
#TribalVAWA  
#VAWA2018  
#VAWA4All



# Family Violence Prevention Service Act (FVPSA) Update

## House Passes FVPSA Reauthorization Act 2018, H.R. 6014

The National Indigenous Women’s Resource Center celebrates the passage of H.R. 6014 to reauthorize the Family Violence Prevention and Services Act (FVPSA). NIWRC urges the Senate to act with a sense of urgency and swiftly pass its companion, S. 2784. FVPSA is the only dedicated federal funding source for domestic violence shelters and services.

“In American Indian and Alaska Native communities, where survivors face intimate partner violence at a rate of 55.5%, funding for culturally based or tribally created resources is extremely scarce, and nonexistent in many tribal communities. FVPSA resources are critical for meeting this gap,” said Lucy Simpson, Executive Director of NIWRC. “The StrongHearts Native Helpline, which launched March 6, 2017, with FVPSA funds, helps to address this inadequacy by acting as a culturally appropriate, confidential service for American Indian and Alaska Natives who are affected by domestic and dating violence.”

First passed in 1984, FVPSA is the oldest and only federally dedicated funding stream for domestic violence shelters and services programs in the country. FVPSA supports more than 200 tribal programs based on an annual set-aside for Indian tribes. The legislation mandates that “not less than 10%” of the annual appropriation shall be used to support Indian tribes to achieve the purposes of the Act. FVPSA funds include emergency shelter, crisis hotlines, counseling services, victim assistance initiatives, and other supportive services.

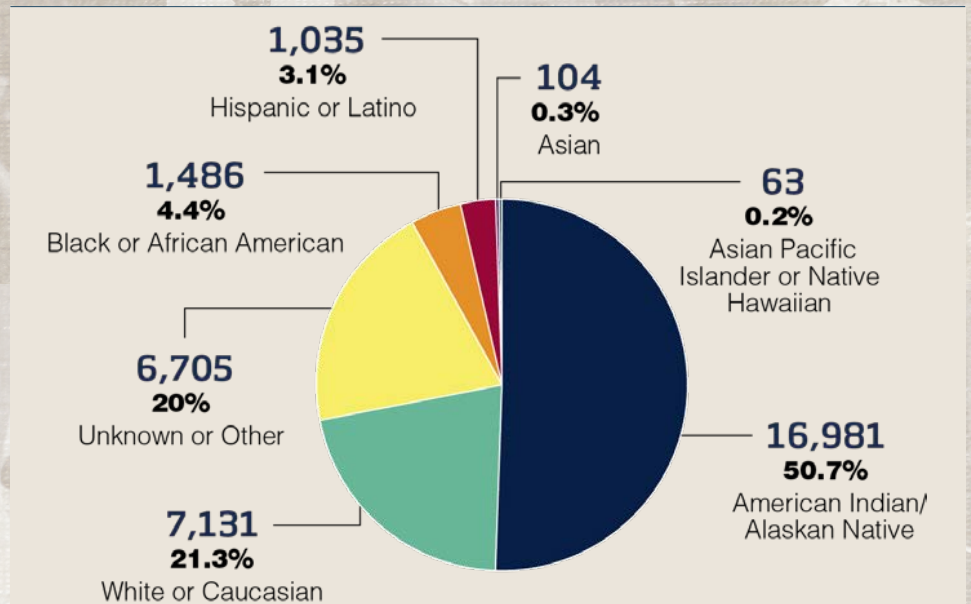
With funding under FVPSA, many tribal programs have developed and provide a spectrum of services, including: shelter; safety planning; counseling; legal services; child care and services for children; career planning; life skills training; community education and public awareness; and other necessities, such as clothing, food, and transportation. Yet, despite these advances, funding and services remain nonexistent for over one-half of all Indian nations. Given this lack of resources, Indian tribes and

tribal coalitions not only support the reauthorization of FVPSA in 2018, but also strongly support increased FVPSA funding for enhanced service delivery to Native victims of domestic violence, including the \$5 million to supplement the tribal set aside appropriated in FY 2018.

NIWRC thanks Representatives Glenn “GT” Thompson (R-PA), Lisa Blunt Rochester (D-DE), Elise Stefanik (R-NY), and Gwen Moore (D-WI) for their leadership and commitment to ensuring that local domestic violence programs can continue to prevent future violence and provide safe places for victims to rebuild their lives free from abuse. We also express our gratitude to Education and Workforce Committee Chairwoman Virginia Foxx (R-NC), Ranking Member Bobby Scott (D-VA), and the more than 100 Representatives who cosponsored H.R. 6014 for their support of its passage.

“Native women are in desperate need of emergency shelter safe housing. There is such a severe crisis in the shortage of housing in many tribal communities that often women have no option but to stay in housing with an abuser.”—Caroline La Porte, Senior Native Affairs Advisor, NIWRC

Victims Served by Race or Ethnicity in FY 2017



In FY 2017, local domestic violence programs, including tribal programs, served 1,279,878 victims of domestic violence and their children. Approximately 91% of the adults served were female and 9% were male.

## FVPSA BACKGROUND

FVPSA is the primary federal funding source dedicated to supporting immediate shelter and supportive services for victims of family violence, domestic violence, or dating violence and their dependents. Administered by the U.S. Department of Health and Human Services' Administration for Children, Youth and Families, FVPSA supports these activities through state and tribal shelter programs, state domestic violence coalitions, training and technical assistance service providers and the National Domestic Violence Hotline.

## OVERVIEW OF FVPSA FUNDING

Of the \$135 million appropriated for FVPSA's shelter and supportive services in 2015, \$13.5 million in FVPSA formula grants were distributed based on population to more than 200 tribes in 26 states. Local tribal domestic violence programs served 30,452 victims of domestic violence and their children. This is 2.3 percent of clients served by FVPSA-funded programs. Ninety percent of adults served were female, and 10 percent were male.

Of the \$135 million appropriated to FVPSA in 2015, over \$94.5 million FVPSA formula grants were distributed based on population to every state, the District of Columbia, and five U.S. territories. FVPSA State and Tribal Grants fund close to 1,600 domestic violence shelters and 1,300 non-residential service sites. Each year, local domestic violence programs, including tribal programs, serve about 1.3 million victims of domestic violence and their children. 92.5 percent of the adults served were female, and 7.5 percent were male.

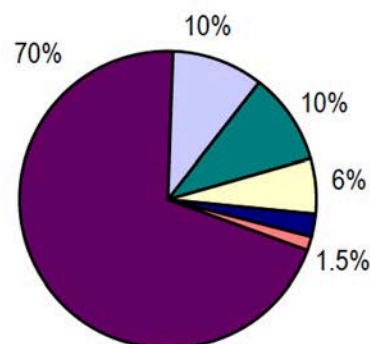
The legislation mandates that "not less than 10 percent" of the annual appropriation shall be used to support Indian tribes to achieve the purposes of the Act. FVPSA funds include support for emergency shelter, crisis hotlines, counseling services, victim assistance initiatives, and other similar services. Some of the FVPSA state fund requirements govern the FVPSA tribal funds.

## HOW FVPSA LINKS WITH OTHER FEDERAL LAWS

FVPSA is also linked with other federal laws as noted above. With the passage of the Violence Against Women Act in 1994, Congress broadened the federal response to domestic violence to provide additional resources for victim services and focus on the law enforcement and legal response to domestic violence and other crimes involving violence against women – sexual assault, dating violence, stalking, and for Indian tribes also sex trafficking. In addition, FVPSA includes victim assistance with accessing other federal and state financial assistance programs, including the Crime Victims Fund(CVF), created and authorized in 1984 under the Victims of Crime Act (VOCA) which has 2 programs – the Victim Compensation and Victim Assistance Formula Grants Programs. In recent years, between 40-50% of victims served by these 2 programs were domestic violence victims.

### *Distribution of FVPSA Grants*

- State and Territorial Formula Grants
- Tribal Formula Grants
- State Domestic Violence Coalitions Formula Grants
- National and Special Issue Resource Centers
- Evaluation, Monitoring and Administration
- Discretionary



# 2018 Annual Tribal Consultation on Violence Against Native Women As Mandated Under the VAWA 2005, Safety for Indian Women Title August 21-22, 2018, Sioux Falls, South Dakota

The 2018 annual consultation held in Sioux Falls marked 12 years of annual consultations between Indian tribes and federal departments on violence against Native women. These consultations have driven federal legislative and policy reform for more than a decade and resulted in major changes to increase the safety of Indian women. This nation-to-nation engagement provides an avenue for Indian tribes and the United States to discuss matters that at a foundational level prevent tribal governments from providing safety for women.

At the 2018 consultation in Sioux Falls Indian tribes presented the legal, policy, and administrative issues preventing their tribal governments from safeguarding the lives of Indian women. Many of the barriers identified by tribal leaders were legal ones—existing laws passed by Congress, U.S. Supreme Court rulings from decades ago, or administrative policies of federal departments. Tribal leaders highlighted priority concerns including:

- amendments to 25 USC 1304 that will address jurisdictional gaps and help ensure that the tribal domestic violence criminal jurisdiction provision included in VAWA 2013 is able to achieve its purpose;
- the creation of a permanent authorization for DOJ's Tribal Access to National Crime Information Program and opening the program to be inclusive of all Indian tribes;
- improving the justice response to cases of missing and murdered women in tribal communities; and
- legal barriers, in conflict with the purposes of the VAWA, preventing certain Indian tribes from protecting Native women such as in the states of Maine and Alaska.



*"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 allows us as governments to protect women." —Juana Majel, Co-Chair, NCAI Task Force on Violence Against Women.*

## VAWA 2005 Tribal Consultation Mandate

- (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 Mandate an Annual Report to Congress

“The Attorney General submits to Congress an annual report that:

- o Contains the recommendations made by Indian tribes during the year covered by the report
- o Describes actions taken during the year to respond to recommendations made during the year or a previous year
- o 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”

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

## 2018 Annual Consultation Tribal Priority Issues and Pending Legislation

The following three concerns and recommendations are only highlights of those identified by Indian tribes during the 2018 consultation. These issues are not new and reflect the complicated legal and policy barriers embedded in the layers of federal Indian law that impact the safety of Native women. Fortunately, resolution of some of these priority issues are being addressed in pending legislation and the 2018 VAWA Reauthorization Act, H.R. 6545.

### Special Domestic Violence Criminal Jurisdiction Over Non-Indian Offenders (SDVCJ)

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 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**. 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. **Pending Legislation: Native Youth and Tribal Officer Protection Act, S.2233**, would expand the Special Domestic Violence Criminal Jurisdiction provisions from VAWA 2013 to include co-occurring child abuse and crimes that may occur within the context of the criminal justice process. **Justice for Native Survivors of Sexual Violence, S. 1986**, would expand SDVCJ to include sexual assault, stalking, and trafficking crimes committed in Indian country.

### Crisis of Missing and Murdered Native Women and Girls

Tribal leaders testified that the disappearance and deaths of Native women are not taken seriously, and that increased awareness and a stronger law enforcement response are critical to saving Native women’s lives. They noted that missing Native women may have been trafficked, and also provided examples of abusers who murdered their partners after engaging in a pattern of escalating violence for which they were not held accountable. Tribal leaders also raised concerns that cases involving Native victims are often mislabeled as runaways or suicides, and that cold cases are not given sufficient priority. 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. 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 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.

**Pending Legislation:** *Savanna's Act, S. 1942, H.R. 4485*, would improve the response to cases of missing and murdered women in tribal communities.

**Victim of Crime Act Permanent Tribal Funding Stream** American Indians and Alaska Natives experience the highest crime victimization rates in the country. 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. **Recommendation:** The DOJ, DOI, and HHS should strongly support a permanent fix to the VOCA tribal funding stream by passage of the SURVIVE Act. **Pending Legislation:** *SURVIVE, S. 1870, H.R. 4608*, would create a permanent 5% set aside to tribal governments out of the Crime Victims Fund.

## 2018 Consultation Tribal Statement

By Catherine Edwards, 6th Vice President of Central Council Tlingit and Haida Indian Tribes of Alaska, located in Southeast Alaska and comprised of 32,000 tribal citizens.

This morning, as we witnessed the posting of the colors, I saw that POW-MIA flag, and a thought occurred to me that it's about time we start posting that red flag for MMIW. Many women die in the battlefields and warzones of their everyday lives. I would also like to encourage that we begin to use the Women's Warrior Song when we start meetings such as this.

First let me tell you about Southeast Alaska. It is made up of 22 island communities not connected by road. To get to these communities, you have to travel by boat or plane, and we aren't talking about jets! Our Southeast Villages are rural and remote, with small populations, some between 300 to 1,000 people. If you travel by boat, it's probably on the ferry system, the same ferry system that is cutting routes because of lack of funding,



so the chance of getting on the boat is not that easy any more. I bring this up not to reiterate how difficult is to get

around in Alaska, but to point out how difficult it would be for a woman trying to get herself and her children out. If they were escaping violence and couldn't afford a plane ticket, they would rely on a ferry that may have run once a week; and now it only runs once a month.

Approximately 40% of villages/tribes in Southeast are without police or law enforcement of any kind, and there are those that are lucky enough to have a Village Public Safety Officers (VPSOs). This is a program funded by the State of Alaska. VPSOs are armed with tasers, batons, and spray, not guns; they are mostly moderators. This year Central Council came close to losing its funding for its VPSO program because the state reminded us that tribes are not eligible for this funding. This money is set aside for nonprofits only and we would have to establish a nonprofit. While Central Council is able to meet this requirement, not all of our local tribes or villages have that capacity. Nor should the state be able to dictate terms for funding the safety of our communities.

Our small rural villages and communities are left unprotected and when crimes do happen, 911 is not even available in 97% of our communities. Earlier, we heard about protection orders. My question is who is there to enforce them if there isn't law enforcement, and where do we go to get one if needed? If a victim requires an advocate or a trip to the hospital, she has to go to Anchorage, but how does one afford to get to Anchorage? When she gets back from Anchorage, who will protect her? These questions make it hard for us to create change in our villages as without resources, we are reluctant to stick our necks out in ways that create issues within small communities.

Last year, one of our young women was murdered in the village of Kake; this crime is still being investigated. The people involved in the investigation pride themselves that "this one was faster than the last one." It only took them 12 hours to get to the crime scene, and this was considered successful because it normally takes days to respond. However, there is no arrest for this death that is categorized only as suspicious.

This was not the first of our young women murdered, and when bodies are discovered, they have to sit there for sometimes days on end, in the wilderness, the inclement weather, snow and rain, the wildlife, bears and ravens—what's left of a crime scene after so many days? This however is not the worst of it, because while those bodies are waiting for someone to investigate, these women's mothers, fathers, grandfathers, uncles, aunts, children, nieces and nephews, and grandmothers must be forced to live with the inhumane manner in which they died and walk past and around these bodies until law enforcement shows up.

In Alaska, sea otters get more protection than our women and children. Not only were women killed and terrorized by someone they love, but now their bodies must be left to the elements until law enforcement shows up. This is problematic for several reasons; the evidence is so tainted that the men who committed these horrendous crimes get away with it. Not only are they getting away with it, they are already grooming their next victims.

It is time to provide real assistance to women and children. The recent funding announcement was a good start, but many villages and tribes in Alaska do not have the capacity to write grants or to provide services; some barely have enough capacity to even answer the phones. I heard a gentleman say they opened an office in Anchorage to provide better access; however, Alaska is larger than the State of Texas, so one office in Anchorage is probably not going to cut it.

Central Council is taking steps to address and end violence against women and children. We have passed Judy's Law, where if you murder your wife and endanger your children then your parental rights will be terminated. Judy Lee was murdered by her husband; he claimed to not know what happened to her; they searched for her and when they found her body, they came to arrest her husband for murdering her. He then held their children hostage during an armed encounter with law enforcement, so we passed this important law in her name. Her crime two years later is still not prosecuted. We also started a DV task force and we called on the States of Washington and Alaska to recognize the National Day of Awareness for MMIW. We held a rally and march in Juneau in April to bring awareness to this important work.

I am tired of hearing about our women terrorized and brutally murdered by someone they loved and trusted. They go to bed in fear every night not just for themselves but for their children as well. At the very least, women and children should get the same protections as marine mammals.

When we can't get responses quick enough to protect a crime scene, our deceased sister is not able to walk into the forest with dignity, which was already taken from her at the hands of the perpetrator.

There was a public meeting in the village of Kake with a state commissioner. When weather prevented his departure, he had a special jet flown in to get him. Meanwhile our sacred woman's body lays out in the weather, across the street from her home, the bed that she slept in, and the home that she was raised in. If

commissioners can get special jets, surely they could get special jets to these crime scenes.

What do I tell a niece or a nephew when their mother disappears or her lifeless body is laying in the village—what do I say to them about why it's still there? What do I say when the man that killed her still hasn't been arrested? What do I tell my tribal citizens when they asked me, what can I do about it? Is it really an acceptable answer to say that it's out of our jurisdiction? Leaving that body there, or not arresting perpetrators, sends a strong signal to the community that women and children don't matter, we don't care if you die, there is nothing anyone can do for you. This doesn't help when you want victims to come forward. They won't report. The powers that be have already delivered the message that she doesn't matter. The last girl laid dead for days. The man that killed her hasn't been arrested. It just further drives home the message: there is no use in coming forward, no one can protect you.

### Recommendations

We concur with the NCAI's task force recommendations. We also believe that we need transitional housing in our communities for our victims and their families. We also need intervention and healing services that are culturally appropriate and include rehabilitative services

for all those affected. We need to provide training and funding for village governments and law enforcement, all of which needs to be in village/tribal control, not the state's. The State of Alaska has proven time and again it does not care.

Also in thinking about the current funding, and as you've already heard, tribes with grantwriters or who can afford grantwriters were able to apply for those VOCA funds recently announced. Yet a lot of our tribal communities do not have offices filled with grantwriters, victims' advocates, or domestic violence advocates. Maybe it's time for you to come to our villages and help us grow our capacity. Finally, that unique jurisdictional barrier—whether it's investigating crimes, or prosecuting in court, or having state and county courts recognize a tribal protection order—that mud needs to be cleared up and settled for good.

Maybe it's time for a civil rights investigation in our state when a moose kill gets a bigger response than a dead Native girl.

## 2018 Consultation Concerns and Recommendations: Excerpts of Tribal Testimony Addressing Specific State Barriers



"The Wabanaki Tribal Courts already met most of the requirements set forth to exercise the special domestic violence criminal jurisdiction when VAWA 2013 was passed only to have the Attorney General of the State of Maine determine that Maine would not recognize the Wabanaki Tribes' right to exercise the tribal special DV criminal jurisdictions of VAWA 2013 because it would

impede the sovereignty of the state. The Wabanaki Tribes have asked year after year that attention be given to the unique barriers we face. We come yet again this year to implore both the federal government and our tribal brothers and sisters to hear us and support the fix we ask for in the 2018 reauthorization of VAWA.

The Maine Implementing Act and the Maine Indian Claims Settlement Act (The Acts) of 1980 have created barriers to the safety of Native women in Maine and the full application of the tribal provisions of VAWA 2013. It is the interpretation of these provisions by the state that prevents full implementation of VAWA by Indian tribes in Maine.

Further, these Acts articulate a jurisdictional relationship between the tribes and the state of Maine that impede the full implementation of VAWA and prevent Indian tribes from fully safeguarding the lives of women within tribal jurisdiction. The Acts delineated a framework

for the application of federal Indian law for Indians, Indian nations, or tribes or bands of Indians and created a mechanism for overriding the framework.

In order to clarify the application of VAWA 2013 and all of its provisions for the benefit and protection of all the federally recognized Wabanaki Tribes in Maine, we recommend the inclusion of the following language in the next reauthorization of VAWA: The tribal provisions of the 2018 Reauthorization of the Violence Against Women Act, all previous tribal provisions, and all subsequent tribal provisions shall apply within the State of Maine.”

—Jane Root, Executive Director of the Wabanaki Women’s Coalition, Tribal Designee for Edward Peter Paul, Tribal Chief, Aroostook Band of Micmacs, and William J. Nicholas, Sr., Tribal Chief, Indian Township Passamaquoddy



“Historically, tribes have been deemed ineligible to access state STOP funds by our state administrator. Unfortunately, Michigan statute regarding the administration of STOP funds explicitly excludes tribes as eligible entities. After continued advocacy and efforts to educate both tribal and state leaders, it was announced just recently that tribes for the first time ever will be eligible for this funding. While the process is yet unclear, it does not appear that a legislative fix is being considered. Thus, we still believe tribes could potentially at some point be at risk for being restricted from accessing funds. We have recommended, and will continue to do so, a legislative fix to add tribes as eligible entities to receive STOP funding from the state of Michigan.”

—Rachel Carr, Executive Director, Uniting Three Fires Against Violence, the Tribal Domestic Violence and Sexual Assault Coalition in Michigan

“We have murders of our women that are too difficult to discuss. There may be tribal leaders at the table that also face murders and disappearances day by day. We want to make a clear statement to every federal employee at consultation this year. The murders and disappearances of women and girls in Alaska are connected to the lack of protections from the state and federal government. They are connected to the government disputing the authority of our tribal government to respond to the violence our women and girls face every day. And the murders and disappearances are connected to the failure of the federal government to provide resources to our tribes and other tribes to establish a comprehensive response.”

— Catherine Moses, Tribal Administrator, Asa’carsarmiut Tribe





## 2018 Annual Government-to-Government





## Tribal Consultation on Violence Against Women



# International Update

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



## 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, the Council held its annual day-long discussion on women’s rights. This year’s panels focused on “The impact of violence against women human rights defenders and women’s organizations in digital spaces” and “Advancing women’s rights through access and participation in information and communication technologies.” Importantly, the Council also passed a resolution calling on states to “ensure access to justice and accountability mechanisms for the effective implementation and

enforcement of laws aimed at preventing and eliminating all forms of discrimination and violence against women and girls, in all contexts, including by informing women and girls about their rights under relevant laws and by improving legal infrastructure and removing all barriers to access to legal counselling, assistance, and remedies.” This language supports efforts to reauthorize VAWA with the inclusion of new provisions to increase tribal authority over all forms of violence against indigenous women in Indian country and Alaska Native Villages as well as work to secure a permanent source of funding for crime victims through a tribal set-aside in the Victims of Crime Act.

Details and documents from the session are available at <https://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session38/Pages/38RegularSession.aspx>.

## Expert Mechanism on the Rights of Indigenous Peoples

The 11th session of the Expert Mechanism on the Rights of Indigenous Peoples took place in Geneva from July 9–13, 2018. This year the Expert Mechanism released its draft report on the legal principle that indigenous peoples should have the opportunity to give or withhold their “free, prior, and informed consent” to projects or activities impacting their rights. The report specifically calls on national governments to consult with indigenous peoples’ “representative decision-making institutions” (generally, tribal governments) and to take efforts to “understand the specific impacts on indigenous women, children, youth, and those with disabilities” before approving projects. In the United States, the terrible impact of the extractive industries and pipeline projects on the safety of American Indian and Alaska Native women is of great concern. The Expert Mechanism’s report provides new support for efforts to demand that impacts on women’s safety be taken into account during the impact assessment and review process for such projects. The report and other documents from the session are available at <https://www.ohchr.org/EN/Issues/IPeoples/EMRIP/Pages/Session11.aspx>.



# Inter-American Commission on Human Rights Public Hearing

The extreme level of violence against American Indian and Alaska Native women in the United States is again gaining global attention. The Inter-American Commission on Human Rights held a thematic hearing to investigate human rights concerns related to this crisis on October 5, 2018 at the University of Colorado Law School in Boulder, Colorado.

"It is unacceptable that today indigenous women continue to face the highest rates of sexual and physical violence of any group in the United States," said Jana L. Walker, director of the Safe Women, Strong Nations project at the Indian Law Resource Center. "Indigenous women have the same human rights as others to enjoy the full protection and guarantees against violence and discrimination."

The Commission is an autonomous body of the Organization of American States (OAS), a regional organization consisting of 35 countries, including the United States. The Commission promotes respect for human rights and defends these rights within the Americas. It holds thematic hearings to investigate human rights concerns.

The Indian Law Resource Center filed the request for the hearing joined by the Alaska Native Women's Resource Center, National Congress of American Indians, and the National Indigenous Women's Resource Center. The purpose of the hearing was to inform the Commission on the unprecedented levels of violence against indigenous women in the United States, with particular

attention to the urgent situation of Alaska Native women, missing and murdered indigenous women, and the impact of extractive industries on their safety.

"We hope the hearing increased attention to the urgent need for the United States to prevent and respond to the ongoing systemic problems relating to these violent crimes against indigenous women," said Lucy R. Simpson, Executive Director of the National Indigenous Women's Resource Center. "For example, we need the Violence Against Women Act (VAWA) to be strengthened to better protect all indigenous women." Simpson added that "many indigenous women disappear and are killed and, on some reservations, American Indian women face murder rates more than ten times the national average."

"Perhaps the most dangerous barriers in U.S. law today are the jurisdictional restrictions in VAWA 2013 that deny Alaska Natives the full benefit of the law and treat Alaska Native women differently than other women," added Tamra (Tami) Truett Jerue, Director of the Alaska Native Women's Resource Center. "We cannot forget that this is at a time when the levels of violence against Alaska Native women are among the very highest in the United States."

Indigenous women also are being denied access to justice, including victim services and victim compensation. "It is unconscionable that the most victimized population in the United States is largely left out of the Victims of Crime Act", said Virginia Davis,



senior policy advisor for the National Congress of American Indians. "Indigenous governments, like all other governments within the U.S., must have access to these life-saving funds."

The hearing provided an update to the Commission on the continuing failure of United States law to

protect American Indian and Alaska Native women from violence and multiple forms of discrimination or to provide them with meaningful remedies and access to justice because they are women, indigenous, and members of indigenous peoples' communities.

## Third Meeting of the Trilateral Working Group on Violence Against Indigenous Women

The Trilateral Working Group on Violence against Indigenous Women and Girls met for the third time in Mexico City, October 2–3.

This year's meeting focused on three themes: youth, entrepreneurship, and missing and murdered indigenous women. The Trilateral Working Group's meetings are intended to provide governments and indigenous peoples the opportunity to engage in dialogue and, according to the U.S. government, to share knowledge on country-level and regional best practices, as well as solution-oriented lessons learned, to address the high rates of violence impacting indigenous women and girls across the North American continent.

This third meeting built upon the Working Group's second meeting in Ottawa, Canada, in November 2017 and its inaugural meeting, which was held at the White House in October 2016. At these two previous meetings, leadership from the Governments of Canada, Mexico, and the United States engaged in dialogue and shared knowledge on country-level and regional best practices, as well as solution-oriented lessons learned, to address the high rates of violence impacting indigenous women and girls across the North American continent.

Following the 2017 meeting, each country made a commitment to continue to invite indigenous advocates and experts to participate in subsequent meetings of the Working Group. As such, each country delegation at the third Working Group meeting comprised a combination of indigenous representatives and government officials. It created the opportunity for Native advocates in the United States to directly connect with indigenous advocates from Mexico and Canada, as well as to provide expert testimony to government representatives from all three countries concerning barriers to and promising practices for effectively working with Tribal communities on criminal justice responses to violence against indigenous women and girls.



Native women attended the meeting in their capacity as advocates, community leaders, and technical experts on domestic violence, dating violence, sexual assault, stalking, and sex trafficking affecting American Indian and Alaska Native women and girls. The U.S. Delegation also included representatives from the Department of Justice, the Department of the Interior, and the State Department.

Information about the previous session, in November 2017, is available at <https://www.justice.gov/opa/pr/readout-associate-attorney-general-rachel-brand-trip-ottawa-canada-trilateral-summit-violence>.



Above: Pictured left to right Michelle Demmert, Alaska Native Women's Resource Center; Jonel Beauvais, Seven Dancers Coalition; Katie Sullivan, Acting Director USDOJ OWW; Leanne Guy, Southwest Indigenous Women's Coalition; Karen Diver; Nicole Matthews, Minnesota Indian Women's Sexual Assault Coalition; and, Sherriann Moore, Deputy Director for Tribal Affairs, USDOJ OWW.

Opposite Page: October 2, 2018, Mexico City—Members of the U.S. delegation to the 2018 Tri-Lateral Working Group on Violence Against Women (left to right) Sherriann Moore, Deputy Director for Tribal Affairs, USDOJ OWW; Leanne Guy, Executive Director, Southwest Indigenous Women's Coalition; Nicole Matthews, Executive Director, Minnesota Indian Women's Sexual Assault Coalition; and Jonel Beauvais, Cultural Community Outreach Worker, Seven Dancers Coalition.

# Tri-Lateral Work Group Meeting on Violence Against Indigenous Women, Mexico City, Mexico

October 2, 2018

Remarks by Nicole Matthews

Boozhoo Indinawe-maaganag! Nicole Matthews  
Zhaaginaashimong. Manidoo- Bineshiikwe indigo.  
Migizi indoodem. Gaa-waabaabiganiikaag indoonjibaa.

Greetings my relatives! My English name is Nicole Matthews, and my Indian name is Spirit Bird Woman. I am Eagle clan, and I am from the White Earth Band of Ojibwe.

I am truly honored to have the opportunity to participate in this Tri-lateral working group on Violence Against Indigenous Women.

I am the Executive Director of the Minnesota Indian Women's Sexual Assault Coalition, which is a statewide Tribal Coalition and a National Tribal Technical Assistance Provider. We provide technical assistance to Tribal Sexual Assault Services Program grantees, to tribes who are addressing or want to address Sex Trafficking, and to Programs serving Indigenous Victims of Sex Trafficking in Urban Areas.

Violence Against Women from all walks of life has been visible and streaming across the internet and the media in recent times, and yet still so much work is needed to adequately address this problem. We are drowning in a sea of toxic masculinity, patriarchy, and racism, with little or no accountability for those perpetrating violence against Indigenous women. It is no wonder that we have a lack of reporting in many communities, because there are inadequate and even harmful responses to our relatives when they do report. We cannot rely ONLY on criminal justice based strategies to violence against Indigenous women. The criminal justice system is not working as we had hoped it would, and instead we have seen high incarceration rates of our relatives, while non-Indigenous perpetrators of violence continue to perpetrate violence without consequence. We need to return to and strengthen our cultural and community based strategies to addressing violence against Indigenous women, and we need funding to develop and support culturally based prevention programs so we are not only responding to violence, but are creating changes for our future. We know that when we support and protect our life givers, we are also supporting and protecting our communities and our future generations. We have seen great success in prevention strategies that include our men and our youth. In fact our youth have taken on amazing leadership on many issues in recent years.

Our understanding of the full scope of Murdered and Missing Indigenous Women is at the beginning stages, and we have a long way to go before we can gather the stories of all our relatives. In addition, our trans sisters and our Two Spirit/LGBTQ relatives are experiencing high rates of violence and have been largely invisible. We not only need more data on this issue, but we need to address the invisibility of this issue. When one of our Indigenous relatives goes missing or is murdered, there is very little media attention or response to the issue. There is no public outcry, no large search parties, and our faces are not all over the television screen. When we do see our stories in the media, they show the persons mug shot on the screen and find ways to blame her rather than treating her with the respect and dignity she deserves. We need to increase the national attention to this issue, and hold systems and media outlets accountable to Indigenous women.

Our women are facing incredible violence on the streets and in their homes every day. When doing interviews with Indigenous women victims of sex trafficking, one woman told me that a sex buyer told her, "I thought we killed all of you." We know that this is one of many similar stories of our sisters who are being used and exploited in sex trafficking. We need to hear the stories of all our relatives, and in order to do that, we need to fund the research. One of the gaps in data is with our LGBTQ/Two Spirit relatives who are used in sex trafficking. Our organization is working to address that gap, and hoping to conduct national research on this issue. Only when we listen to victims and survivors will we learn about their needs for services, healing, and intervention; and only when we hold perpetrators accountable and put an end to racism, sexism, and patriarchy will we find solutions for ending gender based violence.

In closing, I am honored to be here with you all today to share not only the problems but also the strengths and strategies. There is so much wisdom in this room, as well as in our communities, in our families, and in our youth. We must find more opportunities to work together – to get out of our silos and work with other Indigenous communities – with other social justice movements – and with other communities of color. We are powerful when we are all together, because we share the collective wisdom of our ancestors; and when we put all our hearts and minds together, we will win.

Miigwetch Bizidawiyeg! Thank you all for listening!

## Remarks by Leanne Guy

As Native women in this movement to end violence, we know first-hand the devastating impact violence has had on our tribal communities. We see and hear the stories of this violence as it plays out in our communities. We feel the heart wrenching pain of what our tribal communities are going through. We hear the deep inconsolable cries from family members whose child,

sister, auntie, mom, or grandmother has gone missing and later found murdered. We know the injustices of how many of these cases are handled. We also know that many of these cases are directly related to domestic violence, rape, and sex trafficking. We know the intense level of healing that needs to happen, which for many families includes closure of knowing what happened to their beloved child, sister, auntie, mom, or grandmother.

## Sex Trafficking: VAWA 2013—2018

Over the last decade, the efforts of tribal advocates and coalitions has resulted in the increased awareness of the long history of trafficking and current impact these crimes have on Native women and tribal communities. The Minnesota Indians Women's Sexual Assault Coalition, Alaska Native Women's Resource Center, and other advocacy organization work daily to increase awareness of the impact of sex trafficking on Native women and girls.

In 2013, these efforts led to concrete legislative reform in the addition of sex trafficking as a new purpose area for which Indian tribes and tribal coalitions can use their VAWA tribal funds. While this amendment passed in 2013 much remains to be done to fully incorporate trafficking into the scope of services offered under the USDOJ OWW Grants to Indian Tribal Governments Program.

"With the inclusion of sex trafficking as a purpose area for Indian tribes and coalitions under VAWA 2013 it is important to broaden the focus of national attention on the safety of Native women to include sexual exploitation and trafficking," said Juana Majel-Dixon, Co-chair, NCAI Task Force on Violence Against Women. "In order to address these egregious discrepancies, the U.S. government must continue to resolve the jurisdictional maze faced by Native women by ensuring the effective prosecution of perpetrators of this heinous crime."

### VAWA 2018: Five years later

While human trafficking impacts every community, there is a growing awareness and concern that Native women and girls are particularly vulnerable and are victims of sex trafficking at an alarming rate. There is a particular concern about the relationship between both intimate partner violence and the extractive industries and sex trafficking. It is important that Congress take action to hold federal officials accountable for their failure to adequately investigate and prosecute trafficking crimes in tribal communities, while also ensuring that tribal governments have the resources and authority that they need to address these issues. There are several bills currently pending before Congress that would help achieve these goals.

**H.R. 6545, the Violence Against Women Reauthorization Act of 2018**, would amend 25 U.S.C. 1304 to make clear that tribal courts can hold anyone who traffics American Indians or Alaska Natives in Indian Country accountable for their crimes.

**H.R. 4608, the SURVIVE Act**, would amend the Victims of Crime Act to ensure that tribal governments receive a portion of the annual disbursements from the Crime Victims Fund in order to provide services and compensation to trafficking and other crime victims in tribal communities.

**S. 3280, The End Trafficking of Native Americans Act**, would establish a joint Department of Justice and Interior Advisory Committee to improve coordination in efforts to address trafficking of Indians and on Indian lands.

"In my home state of Alaska, the FBI and the BIA have warned tribal leaders that traffickers were preying on Native women and would be targeting young women who traveled to Anchorage for the Alaska Federation of Natives conference," said Michelle Demmert, Co-chair, NCAI Task Force on Violence Against Women and Policy Consultant, Alaska Native Women's Resource Center. "There has also been a great deal of discussion about the dangerous situation created for Native women by the oil boom in the Bakken region of North Dakota. Specifically, the influx of well-paid male oil and gas workers, living in temporary housing often referred to as 'man camps,' has coincided with a disturbing increase in sex trafficking of Native women."



**PURCHASE:**

NIWRC's Women Are Sacred Conference Poster 1.

Artwork donated by Waya'aisiwa Gary Keene,  
Eagle clan from Acoma Pueblo.

<http://bit.ly/WASPoster1>



National Indigenous Women's Resource Center

**RESILIENCE: WALKING IN  
ANCESTRAL FOOTPRINTS  
CARRYING OUR MEDICINE**

# WOMEN ARE SACRED



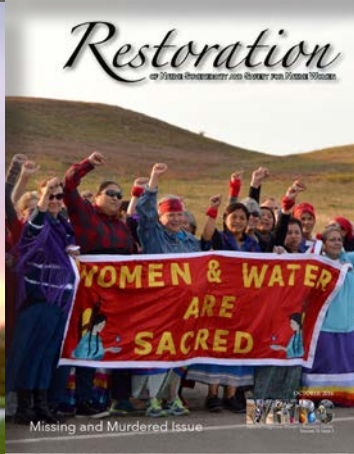
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# Restoration

OF NATIVE SOVEREIGNTY AND SAFETY FOR NATIVE WOMEN

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## 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.

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## Restoration

OF NATIVE SOVEREIGNTY AND SAFETY FOR NATIVE WOMEN

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# 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*





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