

Restoration

OF NATIVE SOVEREIGNTY AND SAFETY FOR NATIVE WOMEN



IN THIS ISSUE
Legislative Update — VAWA
Reauthorization Efforts — Domestic
Violence and Substance Abuse—Tribal
Perspectives on MMIW

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Restoration

OF NATIVE SOVEREIGNTY AND SAFETY FOR NATIVE WOMEN

Dear Friends,

As we begin the new year, NIWRC is excited at the possibilities of the coming months. The national movement for the safety of Native women for nearly two decades has won historic legislative victories. Our movement has grown, matured, and now stands more committed than ever to achieving the changes needed in 2019.

While Congress failed to reauthorize important legislation in 2018, it also created the opportunity for a fresh and new Congress reflecting a broader spectrum of the United States to enact a #VAWA4All, a #FVPSA4ALL, and a #VOCA4All. The new Congress includes for the first time two American Indian women: Sharice Davids (Ho-Chunk Nation) (KS-3rd District) and Deb Haaland (Pueblo of Laguna) (NM-1st District). NIWRC congratulates these Native women and others who won their electoral races. We look to these positive changes with anticipation that all those concerned with safety and justice for Native women will stand together to create the needed changes.

For years tribal leaders and advocates have been calling for necessary changes to address the gaps in VAWA, FVPSA, and VOCA. These changes are reflected in tribal leader testimony during annual tribal consultations, have been discussed at NCAI Task Force meetings and supported by NCAI resolutions, and supported by regional organizations of Indian tribes such as the Alaska Federation of Natives. The following proposed reforms are not new but represent the on-going priority issues of the movement and changes needed to increase the safety and justice for Native women.

Violence Against Women Act (VAWA)

- Build on successes of the VAWA 2013 by reaffirming 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.
- Authorize appropriations for DOJ's Tribal Access Program (TAP), which facilitates direct tribal access to the federal criminal information database system.
- Improve the response to cases of missing and murdered Native women and girls.
- Address the concerns of Alaska Native villages and Indian tribes in Maine.

Family Violence Prevention Services Act (FVPSA)

- Increased funding for Indian tribes to provide services to Native victims of domestic violence.
- The inclusion of tribal coalitions similar to state coalitions.
- Permanent authorization of the StrongHearts Native Helpline and the Alaska Native Tribal Resource Center.

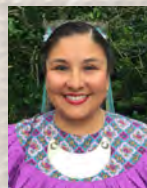
Victims of Crime Act (VOCA)

- Authorize a 5% dedicated funding stream for Indian tribes under the Crime Victims Fund.

We urge Congress to act to pass these lifesaving reforms. Safety for Native women and girls requires these fundamental changes to the justice system's response to begin to end the violence and save lives. As we rise to meet the challenges of 2019, we call on all those concerned for the safety of Native women to join together to organize tribally, regionally and nationally!



Lucy Simpson
Executive Director
NIWRC



Cherrah Giles
Board Chair
NIWRC



Cover: December 12, 2018, Washington, D.C.—Following a Senate Committee on Indian Affairs hearing Senator Murkowski and Patricia Alexander discuss concerns regarding the crisis of MMIW in Alaska. Patricia Alexander is the Co-chair of the Violence Against Women Task Force of the Central Council of Tlingit and Haida Indian Tribes of Alaska.

Contents

In the News

- 7 Native American Women Win Congressional and State Elections
- 8 Pouhana 'O Na Wahine News 2019 Organizing for Change
- 10 StrongHearts Native Helpline Establishes First Call Center Headquarters in Minneapolis Saint-Paul Metro Region Ahead of Second Anniversary
- 11 StrongHearts' Lori Jump Receives Bonnie Heavy Runner Victim Advocacy Award
- 13 United States Commission on Civil Rights New Report
Broken Promises: Continuing Federal Funding Shortfall for Native Americans

Legislative Update

- 14 Reauthorize the Violence Against Women Act in 2019: Support VAWA by Organizing Locally, Regionally and Nationally
- 16 Reauthorize the Family Violence Prevention Service Act: Tribal Support for FVPSA is Needed Now
- 18 A New Challenge for the 2019 FVPSA Reauthorization: Make the Alaska Native Women's Resource Center Permanent

International Update

- 24 **Supreme Court of the United States Update**
- 26 NIWRC *Amicus* Briefs

Tribal Perspectives on Domestic Violence and Substance Abuse

- 27 Connections: Substance Abuse and Domestic Violence, Views from a Long Time Advocate, Gwendolyn Packard

Tribal Perspectives on Missing and Murdered Native Women and Girls

- 30 MMIW and the Need for Preventative Reform
- 34 Missing and Murdered: Confronting the Silent Crisis in Indian Country - Senate Committee on Indian Affairs Oversight Hearing



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Editor's Note

Lessons for 2019 from Past Reauthorizations of VAWA and FVPSA

Looking back at 2018, we leave behind a year of increased awareness of the far-reaching impact the spectrum of violence has on the lives of Native women, their families, communities, and Indian nations. Vigils, community searches, marches for justice, press conferences, and demands upon federal agencies and Congressional leadership to respond to the crisis of MMIW reflected the collective response to not remain silent to the crisis of missing and murdered Native women.

Looking forward, 2019 presents the daunting challenge to reauthorize the two landmark pieces of federal legislation which are the underpinnings of services for tribal victims of domestic violence and sexual assault: the Violence Against Women Act (VAWA) and the Family Violence Prevention and Services Act (FVPSA). For many in the movement, we are familiar with the challenges to reauthorize VAWA and FVPSA and the importance of strategic clarity on the reforms required to determine which of the many barriers must be removed to advance to the next stage in restoring safety for Native women. We are also mindful of the urgency to act because each day under the current failed system translates into lost lives.

While some might still say violence occurs in all communities, we have reached the point at which even Congressional leaders understand the disappeared are undercounted and the numbers of Native women who are missing or murdered is shocking given the size of our population. But what are the hurdles that must be removed in 2019 to continue the progress made over the last two decades?

Tribal Recognition, Jurisdiction, and Resources

During each reauthorization, significant advances were accomplished to provide Indian tribes the recognition, jurisdiction, and resources to protect Native women under VAWA, FVPSA, and TLOA. These advances are stepping stones to continue unraveling the barriers embedded in federal law and infrastructure. VAWA in 2000, raised the tribal set-aside to 10% confirming recognition of the importance of Indian tribes receiving direct and adequate federal funding. VAWA in 2005 included the creation of Tribal Title XI. Safety for Indian Women, and the creation of a tribal office to administer funding and policy development with Indian tribes. In 2013, VAWA restored specific jurisdiction to Indian tribes over non-Indian abusers. These historic changes

in law cut away large slices of the legal barriers and provided essential resources to implement the reforms.

Similarly, in 2019 the movement must look far and wide into the future when making the list of reforms or new laws to include in the reauthorizations of VAWA and FVPSA. Also, changes to the Victims of Crime Act must be added to the organizing agenda as it is now the largest source of funding for tribal victim assistance. The vantage point from which to view this legislative struggle should as in the past include the proper **recognition** of Indian tribes as sovereigns, the full legal authority or **jurisdiction** to act, and the required **resources** to implement tribal sovereignty under both.

A Tribal Framework

From the early days of VAWA, the movement of advocates for safety has clearly connected **safety of Native women** to the **sovereignty of Indian tribes** to protect women. These tribal advocates understood this relationship organically because of their lived experience as tribal women of sovereign nations. Our movement was blessed with the leadership of Tillie Black Bear (Sicangu), Karen Artichoker (Oglala Sioux/Hochunk), Brenda Hill (Siksika), and many others. It was also blessed with strong allies and national leaders of the battered women's movement such as Ellen Pence, Barbara Hart, and others who recognized the sovereignty and separate governments of Indian tribes and included Indian tribes as sovereigns under VAWA in 1995. Many of these beloved women of the movement have passed over, and new leaders have emerged. The reform efforts of these national leaders, Native and non-Native, are embedded in VAWA and FVPSA.

Looking Forward to 2019

Every reauthorization challenges our movement to look far and wide into the future. Worries. Anxiety. Nervousness. All words to be connected with 2019 reauthorization of VAWA and FVPSA. Words encouraging a look at past reauthorizations and words of caution because federal legislation impacts all Indian tribes and the stakes are high for Native women seeking safety from violence.

Are there lessons to share from the past? A list to help guide? Issues to avoid? Items not to be compromised, traded for something less? Fortunately, these lessons can be found in numerous written documents.



Components Considered in the Development of the 2005 National Agenda for Safety:

- Recognition of the inherent right of Native women to fulfill their life journey free of violence and terror of the threat of violence;
- Recognition of the inherent sovereign right of Indian tribes to self-government and therein the protection of Native women according to their tribal beliefs, lifeways, and laws;
- Recognition of the inherent sovereign right of Indian tribes to self-government and therein the authority and resources to implement such authority to safeguard Native women from, or threat of, physical and sexual assault, stalking and murder;
- Recognition of the right of Native women to live free of violence and the threat of violence and access to protections to safeguard this right from or threat of physical and sexual assault, stalking and murder;
- Recognition of the right of Native women to live in housing that is free of violence or threat of violence and access to safe housing, including shelters and transitional housing, as places to live safe from perpetrators of violent crimes against Native women;
- Recognition of the right of Native women to access health care providers to treat injuries inflicted from battering, sexual assault, and physical attacks;
- Recognition of the right of Native women to economic independence and access to resources to economically survive independent of perpetrators of violence; and,
- Recognition of the right of Native women to live in tribal communities, as well as American society, that culturally respects Native women and rejects the colonial legacy of portrayals of Native women in disrespectful and genocidal manners.

In 2003, the movement had discussions to reach unity on a **National Agenda for Restoration of Safety for Native Women**. This unity was based on a common framework providing an analysis, components, and clarity on far-reaching reforms to guide national action on the 2005 VAWA reauthorization. In general, the 2005 National Agenda was correct in that it won, achieved enactment, and after more than a decade the Safety for Indian Women title continues to provide a tribal framework for increasing safety of Native women. A read of the critical components to developing the 2005 agenda is very timely and extremely helpful to those participating in the 2019 VAWA and FVPSA efforts.

Continued Growth of a National Movement to Increase the Safety of Native Women

In 1995, many advocates, such as Tillie Black Bear, concerned the new tribal VAWA program would be administered through state governments met with the newly created Office on Violence Against Women. The tribal advocates from years of helping battered women, and as survivors, clarified the new VAWA required the programs be administered by Indian tribes. Native women required services developed from a tribal framework based on their beliefs and healing ceremonies, and in the context of tribal law. The day-to-day operations of services and protections under VAWA needed tribes as governments to actively implement VAWA as sovereigns. These advocates shared how protections were locally based in their tribal communities and recovery from abuse was also found in the healing ceremonies of their beliefs, practices, and traditions. The state and federal systems' failure to protect Native women or hold abusers accountable is not a recent experience but a historical pattern. Further, the western adversarial justice system, based on the fear of incarceration, offers only a short-term solution for abusers and not real change or a healing approach for women, their families, or communities.

Of the many lessons, over nearly two decades of legislative reform efforts, two are central. **Legislative reforms must be tribally based, developed, and implemented. And not all legislative reforms strengthen the tribal response or make a difference in the day-to-day protections needed by Native women.**

A safety gauge for review of proposed federal reforms is the participation of survivors, advocates, and Indian tribes. The umbrella of the NCAI Task Force on Violence Against Indian Women established in 2003 continues to provide such a working group, and the NCAI resolution process continues to provide a vetting process for the inclusion of Indian tribes on national reforms. Organizing toward reauthorization of VAWA and FVPSA in 2019 provides the opportunity for the continued growth of the national movement and the urgently needed changes to increase the safety of Native women.

Many of the 2019 proposed changes to VAWA and FVPSA have been discussed at NCAI Task Force meetings and supported by NCAI resolutions, regional organizations of Indian tribes such as the Alaska Federation of Natives, and raised by tribal leaders at annual consultations. The reforms proposed are not new ones. They are the priority issues of the ongoing struggle of the movement for safety and justice for Native women. **Key to 2019 passage of these reforms, as in the past, is the ability of the movement to unite and organize at the tribal, regional, state, and national levels.**

#VAWA4All
#FVPSA4All
#MMIWG
#VAWA4Natives
#TribalVAWA

Jacqueline "Jax" Agtuca,
Editor, *Restoration*



Native American Women Win Congressional and State Elections



The National Indigenous Women's Resource Center (NIWRC) congratulates the Native American Women candidates who won their Congressional and State elections during this past November!

Two Native Women made history with their wins as the first Native American women elected to Congress. Congratulations Sharice Davids (Ho-Chunk Nation) elected to the United States House of Representatives (KS-3rd District). Davids is also the first openly LGBTQ Congresswoman from Kansas. Congratulations Deb Haaland (Pueblo of Laguna) elected to the United States House of Representatives (NM-1st District).

We also applaud Peggy Flanagan (White Earth Band of Ojibwe) elected to become the Lieutenant Governor of Minnesota and Ruth Buffalo (Hidatsa/Mandan/Chiricahua Apache) elected to North Dakota State House of Representatives of District 27 in Fargo. NIWRC celebrates all of the Native women elected to tribal, state, and national positions across the United States.

As these Native women get ready to head to Washington, D.C. or begin work in their state, they inspire a new generation of Native women and girls to become leaders in government and change-makers in their communities. Just as important, these women are also in a position to increase awareness of violence against American Indian and Alaska Native women, a population that is all too often invisible to most of the American public.

American Indians and Alaska Natives (AI/AN) face disproportionate and alarming rates of domestic and sexual violence each day. The National Institute of Justice (NIJ) through the USDOJ released a study in May 2016 that highlighted statistical information on violence against AI/AN individuals.¹ This study found American Indian and Alaska Native women have experienced severe rates of violence in their lifetimes, 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; and, 66.4% who have experienced psychological aggression by an intimate partner. These are not just statistics. These numbers represent the lived experiences of many Native women.

As Native women enter the public realm of elected office, aspiring to take on leadership roles within government, we increase the recognition of our individual and inalienable right to respect, equality, and safety. "A record number of Native candidates ran in the midterm elections for national and state offices, and we celebrate all of the candidates. We welcome the changes they will bring," said Lucy Simpson, Executive Director, NIWRC. "As a non-partisan organization, we remain committed to working with all elected leadership in furthering the sovereignty of our tribal nations and the safety of Indigenous women, as the two are undistinguishably tethered."

1. Department of Justice, National Institute of Justice, *Violence Against American Indian and Alaska Native Women and Men: 2010 Findings From The National Intimate Partner and Sexual Violence Survey 26 (May 2016)*, <https://www.ncjrs.gov/pdffiles1/nij/249736.pdf>.

Pouhana 'O Na Wahine News 2019 Organizing for Change

Native Hawaiian women represent the highest percentage of victims of domestic and sexual violence within the state of Hawaii. The Pouhana 'O Na Wahine (Pillars of Women), a collective of Native Hawaiian women, is focused on determining how to change this unacceptable reality. The hui understands that relying solely on non-indigenous responses to domestic and sexual violence are short-term, temporary solutions which do not address the needs of Native Hawaiians. Taking on the challenge of organizing to increase safety for women and children, the hui continues to discuss their strategy based on a Native Hawaiian worldview for addressing the injustices they have suffered since 1898.

"Native Hawaiian people had their own government structure and processes, including our practices and ceremonies," said Kupuna NaniFay Paglinawan with the Pouhana. "Strengthening our way of life to address violence against wahine is linked to recognizing the authority of Native Hawaiians as a nation. We also need resources to implement the programs rooted in Native

Hawaiian voices, language, and teachings." NIWRC looks forward to our ongoing partnership, including a face to face meeting with the hui later this year.

Important to note that the U.S. government entered into five treaties with the Kingdom of Hawaii as referenced in the Apology Bill from 1826 through 1887, and, has consistently recognized its legal relationship with the Native Hawaiian community with more than 150 federal laws, including creating special programs and services for the Native Hawaiian community. Examples include the Hawaiian Homes Commission Act, Native Hawaiian Health Care Improvement Act, and Native Hawaiian Education Act. There has also been a legal relationship as evidenced by state laws respecting Native Hawaiians. As written in the state Constitution Article 12, Section 7, reaffirming that the state "shall protect all rights, customarily and traditionally exercised...by... descendants of native Hawaiians who inhabited the Hawaiian islands prior to 1778."



'Iao Valley, Maui, Hawaii, Sept. 2017: Pouhana O Na Wahine members discussing ho'oponopono, a Native Hawaiian spiritual practice for setting things right and peacemaking. Ho'oponopono continue to be an important practice in the organizing to bring healing from the overthrow of the Native Hawaiian monarchy and to end violence against Native Hawaiian women.



AWA Ceremony

Halau Na Hanona Kulike O Pi'ilani conducting an awa ceremony for the Pouhana 'O Na Wahine at Ka'ehu. Pictured left to right: Kau'i Podlewski, Kumu Kapono'ai Molitau, and Kyra Glover.

September 9, 2017, Maui: Kupuna NaniFay Paglinawan of the Pouhana preparing for the ceremony.

Resources to Understand Violence Against Native Hawaiian Women

Apology of the U.S. Congress to Native Hawaiian People (PL 103-150), <https://goo.gl/3a3NMQ>

Procedures for Reestablishing a Formal Government-to-Government Relationship With the Native Hawaiian Community (43 CFR Part 50), <https://goo.gl/NKGNoi>

Restoration of Native Sovereignty and Safety for Native Women, Vol. 14, Issue 3, p 13-17, <https://goo.gl/yX4ZxZ>



StrongHearts Native Helpline Establishes First Call Center Headquarters in Minneapolis Saint-Paul Metro Region Ahead of Second Anniversary

Native-centered domestic violence helpline offering culturally-based support for victims in Indian Country and Alaska sets sights on Eagan, Minnesota

This winter, staff of the StrongHearts Native Helpline, a partnered project of the National Indigenous Women's Resource Center and the National Domestic Violence Hotline, packed their bags and made the move from Austin, Texas, to their permanent home in Eagan, Minnesota, a city in the Minneapolis–Saint Paul metro area where its national headquarters will be based. To carry out the work of StrongHearts Native Helpline, both the National Indigenous Women's Resource Center and the National Domestic Violence Hotline are funded through the Family Violence Prevention and Services Act, administered by the Family & Youth Services Bureau, Administration for Children and Families, in the U.S. Department of Health and Human Services.

"We are proud to call Minnesota as StrongHearts' new home because of its rich Native history, Native population, and its status as a hub for Native-led organizations," said StrongHearts Assistant Director Lori Jump, a member of the Sault Ste. Marie Tribe of Chippewa Indians. "Organizations in Minnesota are also known for being very proactive and progressive in the work that is being done around domestic violence, which goes hand-in-hand with basing our operations in a supportive environment with a built-in network that fits StrongHearts' mission and goals."

The StrongHearts Native Helpline joins a handful of Native-led organizations and coalitions in Minnesota, including Mending the Sacred Hoop, the Sacred Hoop Coalition and the Minnesota Indian Women's Sexual Assault Coalition (MIWSAC), along with 11 Tribal nations across the state. Also based in Minnesota are the Battered Women's Justice Project (BWJP) and the Minnesota Coalition for Battered Women, which work to provide a voice for victims of violence and promote social change.

Nicole Matthews, a member of the White Earth Band of Ojibwe, serves as the Executive Director of the Minnesota Indian Women's Sexual Assault Coalition in Saint Paul. She said StrongHearts' move to the Twin Cities metro area feels like a natural fit because of the state's programs and community-driven work to end violence against Native women.

"The new offices for the StrongHearts Native Helpline are located in the heart of Dakota Territory," Matthews said. "Our Minneapolis-Saint Paul metro area also

serves as a major hub for several Tribal Nations, many of which have urban offices to address the needs of their members. Within Minneapolis-Saint Paul, we have a thriving urban Native community, many of which initially came to the Twin Cities looking for work or to attend school and stayed. We sincerely look forward to building our relationship with the StrongHearts Native Helpline and working together to end violence against Native women."

To date, StrongHearts (1-844-7NATIVE) has received more than 1,400 calls from survivors, concerned family members and friends, service providers and more, helping to close the gap in culturally-appropriate resources for American Indians and Alaska Natives facing domestic violence. As the first culturally-appropriate domestic violence helpline specifically targeting Native Americans, StrongHearts is also expanding its staff of advocates to respond to callers, many of whom are seeking support as they navigate difficult barriers to justice and safety.

Trained with a strong understanding of Tribal cultures, sovereignty and law, StrongHearts advocates offer one-on-one, peer-to-peer support and referrals to local resources in a safe and healing environment. All calls are anonymous and confidential.

"We have heard from so many Tribes and advocates about the needs in their communities, and we are looking forward to growing StrongHearts in every possible way to better serve Native victims of abuse," Jump said. "Domestic violence affects us all. It is critical for us to weave together the supports made available by Tribal programs and advocates to help our Native people seek safety and healing in whatever way they choose."

Domestic violence remains a critical issue in Tribal communities, where half of the Native American women and a third of Native men have experienced physical abuse by an intimate partner in their lifetime, according to a study by the National Institute of Justice (NIJ).

The study also found for those who had experienced violence, more than a third of Native women and more than one in six Native men were unable to access the supportive services they needed, such as shelters, legal advocacy, and medical services.

StrongHearts' Lori Jump Receives Bonnie Heavy Runner Victim Advocacy Award

On December 7, 2018, Assistant Director of the StrongHearts Native Helpline Lori Jump was recognized for her lifetime service to victims and survivors of crime in Indian Country during the closing ceremony of the 16th Annual Indian Nations Conference: Justice for Victims of Crime in Palm Springs, California. Jump was awarded the Bonnie Heavy Runner Victim Advocacy Award alongside four fellow strong-hearted leaders in the movement to end violence in Tribal communities as well.

Bonnie "Sim-sin" Heavy Runner, a member of the Blackfeet Nation, grew up on the Blackfeet Indian Reservation in Browning, Montana. Heavy Runner was a strong advocate for victims in Indian Country, serving as a tribal court judge, administrator, and consultant before she walked on in 1997. Her legacy award continues to honor individuals and organizations serving Native people impacted by violence. The awards are presented by Bonnie's surviving family members at each Indian Nations Conference. Special thanks to the Tribal Law and Policy Institute and the Office for Victims of Crime (OVC) for coordinating this year's event. The NIWRC-StrongHearts team is so proud of all of Lori's hard work. Congratulations, Lori!



"When victims cannot access services that understand their culture and world view, they cannot fully explore their options for safety, justice or healing," Jump said. "It is important that we create spaces where survivors of violence feel safe and restored in their ability make the best decisions for themselves and their families along their journey, wherever it leads."

Created by and for American Indians and Alaska Natives across the United States, the StrongHearts Native

Helpline (1-844-7NATIVE) is a culturally-appropriate, confidential and anonymous service dedicated to serving Native Americans affected by domestic violence and dating violence. By dialing 1-844-762-8483, Monday through Friday from 9 a.m. to 5:30 p.m. CST, callers can connect at no cost with advocates who can provide immediate support and lifesaving tools and resources. After hours callers have the option to connect with the National Domestic Violence Hotline or they may call back the next business day.

For more information about the StrongHearts Native Helpline's available services, visit www.strongheartshelpline.org.

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**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.

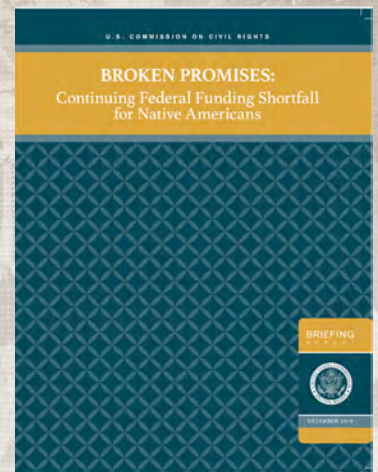


STRONGHEARTS
Native Helpline

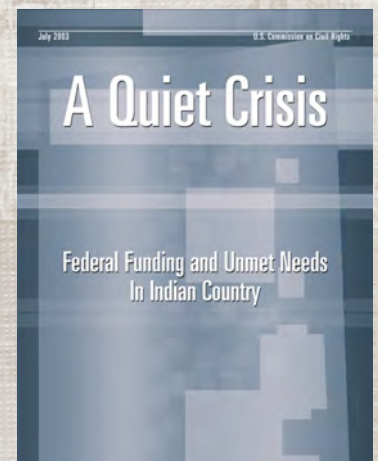
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Broken Promises: Continuing Federal Funding Shortfall for Native Americans, is available at <https://goo.gl/vCaUvD>.



A Quiet Crisis: Federal Funding and Unmet Needs in Indian Country is available at <https://goo.gl/6Gjg7S>.

Broken Promises: Continuing Federal Funding Shortfall for Native Americans

U.S. Commission on Civil Rights New Report

December 20, 2018, the U.S. Commission on Civil Rights released its report, **Broken Promises: Continuing Federal Funding Shortfall for Native Americans**. The Commission majority found that the federal government is not meeting its trust responsibilities and that budgets and spending of federal agencies sponsoring Native American and Native Hawaiian programs, including the Departments of Health and Human Services, Interior, Housing and Urban Development, Justice, and Education, are inadequate.

“This report confirms what Indian Country knows too well—federal programs designed to support the social and economic wellbeing of American Indians and Alaska Natives remain chronically underfunded, leaving many basic needs unmet,” said Jefferson Keel, President, National Congress of American Indians.

Prompted by concerns raised by Native American communities and Members of Congress, **Broken Promises** updates the Commission’s 2003 report, **A Quiet Crisis: Federal Funding and Unmet Needs in Indian Country**, which similarly evaluated expenditures of federal agencies on Native American programs. **Broken Promises**, based on expert and public input, and extensive research and analysis, offers actionable recommendations to the President, Congress, and agencies to meet the federal government’s trust obligations.

“The harrowing inequities documented in this report, across every issue area the Commission examined, cry out for immediate federal action to ensure Native Americans live, work, and learn with the same expectations for opportunity and equality to which all other Americans have access,” said Catherine E. Lhamon, Commission Chairperson.

Key findings from the Commission majority include:

- Federal programs designed to support the social and economic wellbeing of Native Americans remain chronically underfunded and sometimes inefficiently structured, which leaves many basic needs in the Native American community unmet and contributes to the inequities observed in Native American communities.
- Unequal treatment of tribal governments and lack of full recognition of their sovereign status by state and federal governments, laws, and policies diminish tribal self-determination and negatively impact health, criminal justice, education, housing, and economic outcomes.

- In the areas of public safety and justice, for example: in 2017, the Bureau of Indian Affairs (BIA) estimated it funded only 21 percent of law enforcement, 49 percent of detention center, and 3 percent of tribal court needs.
- During the last 15 years, most federal funding for Native American programs has remained stagnant; yet even when federal funding for Native American programs has increased, these levels have not kept pace with declines in real spending power

Key recommendations from the Commission majority include:

- The United States expects all nations to live up to their treaty obligations; it should live up to its own.
- Congress should honor the federal government’s trust obligations and pass a spending package to fully address unmet needs, targeting the most critical needs for immediate investment. This spending package should also address the funding necessary for the buildout of unmet essential utilities and core infrastructure needs in Indian Country such as electricity, water, telecommunications, and roads.
- The federal government should provide steady, equitable, and non-discretionary funding directly to tribal nations to support public safety, health care, education, housing, and economic development of Native tribes and people. It should also provide sufficient funding, training, tools, and resources to tribal nations to provide their citizens the opportunity to exercise self-government and self-determination.
- The Commission also reversed its previous opposition to federal recognition of Native Hawaiians. Congress should pass legislation facilitating the reorganization of a Native Hawaiian governing entity and to confirm the special political and legal relationship between the United States and such an entity.

In February 2016, the Commission held a public briefing on the subject, hearing from a broad range of panelists. Their testimony, along with that submitted by members of the public, played an integral part in informing the report. In addition, the Commission considered evidence from federal officials, tribal officials, community leaders and advocates, scholars and researchers, and legal experts; official visits to Standing Rock in North Dakota, Pine Ridge in South Dakota, and the Quinault Nation in Washington; and activities of its Advisory Committees, among others.

Reauthorize the Violence Against Women Act in 2019

Support VAWA by Organizing Locally, Regionally and Nationally

Now is the time for all those concerned about the safety of Native women and all other victims of domestic, sexual, and other crimes to organize at the tribal, local, regional, and national levels. Congress failed to reauthorize the Violence Against Women Act (VAWA) in 2018. Instead, Congress voted to pass a series of continuing resolutions.

"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."

Support the Reauthorization of VAWA

Congress failed to reauthorize VAWA in 2018 and strong support at the tribal, regional, and national levels is needed. VAWA can only be reauthorized through strong bipartisan support. "Those seeking safety from violence need changes included under the VAWA 2019," said Caroline LaPorte, NIWRC Senior Native Affairs Advisor. "We need the new proposals like protections for survivors on tribal land, housing protections, protection from abusers with guns, and increased prevention funding. These changes we hope will save lives."

Reauthorization Needs Local Action

Steps you can take to help reauthorize VAWA:

First, call your senators and representatives. VAWA has always been bipartisan. Let your members know: *We need the Violence Against Women Act reauthorized now! Survivors can't wait for lifesaving responses to domestic violence, dating violence, and sexual assault.*

Second, work to inform your tribe about the importance of reauthorizing VAWA and organize to pass a tribal resolution supporting reauthorization of VAWA. Your members of Congress are more likely to support VAWA reauthorization if they understand the importance of VAWA to people living in their district, Indian tribes, and your community. Meet with local tribal council members to share the significance of VAWA to your tribe. Let them know why supporting reauthorization of VAWA can save lives and end the violence in the community.

Third, organize to host community actions in support of the reauthorization of VAWA. Community events supporting VAWA are essential. Local shelter programs, women's resource centers, or elders' groups can make the difference to your member of Congress. Organize local actions to support the reauthorization of VAWA. A community walk, vigil, or rally are examples of awareness activities that can make a difference. Also, writing letters or meeting with your members of Congress in your local district office will help inform them why reauthorization of VAWA is vital to the local community.

Important Reforms Needed for Indian Tribes Under VAWA 2019 Reauthorization Act

Indian tribes need many lifesaving reforms for communities across the United States. VAWA 2019 can provide many of these changes. It can change laws, increase resources, and increase awareness. For Native women, tribal communities, and Indian tribes, these changes are essential and immediately necessary. Essential changes recommended by the NCAI Task Force on Violence Against Women and also made by tribal leaders at government-to-government consultations include:

- Build on successes of the VAWA 2013 by reaffirming 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.
- Authorize appropriations for DOJ's Tribal Access Program (TAP), which facilitates direct tribal access to the federal criminal information database system.
- Improve the response to cases of missing and murdered Native women and girls.
- Address the needs of Alaska Native villages, Maine tribes, and other Indian tribes.

For questions and more information, please contact Virginia Davis vdavis@ncai.org or Caroline LaPorte claporte@niwrc.org.

"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, NIWRRC

#VAWA4Natives

#TribalVAWA

#VAWA2019

#VAWA4All



VAWA 2019 Tweets: Add New Ones That Raise Your Issues

Violence doesn't discriminate [[@YourRepresentative](#)], support #VAWA19 to allow Native women access to justice! #VAWA19

Full protections for Native women! [[@YourRepresentative](#)], now is the time to reauthorize #VAWA19

Safety for Native women! [[@YourRepresentative](#)], reauthorize #VAWA4All

Native women need tribal responses to domestic violence, sexual assault, and trafficking. [[@YourRepresentative](#)], now is the time to reauthorize #VAWA4All.

"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."

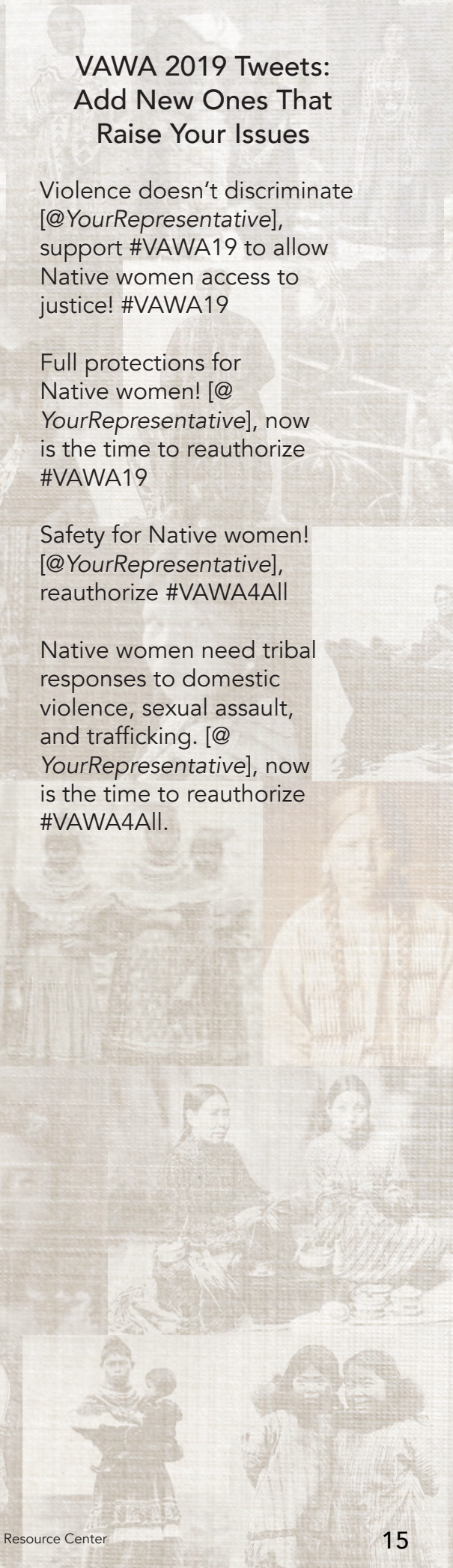
Juana Majel Dixon
Pauma Tribe
Co-Chair, NCAI VAW Task Force
& Traditional Legislative Council-
woman, Tribal Court Justice

#VAWA4Natives

#TribalVAWA

#VAWA2019

#VAWA4All



Reauthorize the Family Violence Prevention Service Act

Tribal Support for FVPSA is Needed Now

FVPSA supports more than 200 tribal programs based on an annual set-aside for Indian tribes. These funds are used to support emergency shelter, crisis hotlines, counseling services, victim assistance initiatives, and other supportive services. With funding under FVPSA, many tribal programs have developed lifesaving services for victims of domestic violence. Without FVPSA funds these services would not be available to those with the greatest need—women and their children often fearing for their lives.

“In tribal communities, where survivors face intimate partner violence at rates higher than any other population, the shelter and other services funded under FVPSA are extremely scarce and in many tribal communities do not exist. FVPSA resources are essential for maintaining these services and filling this void,” said Lucy Simpson, Executive Director of NIWRC. “One example at the national level is the StrongHearts Native Helpline, which only launched in March 2017. Supported by FVPSA funding, it helps to address this inadequacy by acting as a tribal confidential service for American Indian and Alaska Natives victims of domestic violence.”

Congress Did Not Reauthorize FVPSA in 2018

Unfortunately, in 2018, Congress failed to reauthorize a meaningful FVPSA inclusive of changes needed for Indian tribes and other communities. The NCAI Task Force on Violence Against Women calls upon Congress to understand the urgent need of domestic violence victims for shelter services and swiftly reauthorize a FVPSA inclusive of the needs of American Indians and Alaska Natives. NCAI passed a resolution in support of FVPSA reauthorization in 2014.

First passed in 1984, FVPSA is the oldest and only federally dedicated funding stream for domestic violence shelters and services programs in the country. While Indian tribes have created tribal programs under FVPSA, funding and services remain nonexistent for over one-half of all Indian nations. Given this lack of resources, Indian tribes, tribal coalitions, and grassroots advocacy programs support the reauthorization of an inclusive FVPSA. The changes needed include increased funding for Indian tribes to provide services to Native victims of domestic violence, the inclusion of tribal coalitions under FVPSA similar to state coalitions, and permanent inclusion, authorization, of the StrongHearts Native Helpline and the Alaska Native Tribal Resource Center under FVPSA.

“Native women are in desperate need of emergency shelter and 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. The increase in funding for Indian tribes under FVPSA offers the hope of services where none exist.” —Caroline La Porte, Senior Native Affairs Advisor, NIWRC

“Including the Alaska Native Women’s Resource Center in the continuous funding scheme of FVPSA will demonstrate the commitment of the federal government in improving the situation for Alaska Native women and their tribal governments, and will provide the local support necessary to combat the overrepresentation of domestic violence against Alaska Native women,” said Michelle Demmert.



Changes Needed in 2019

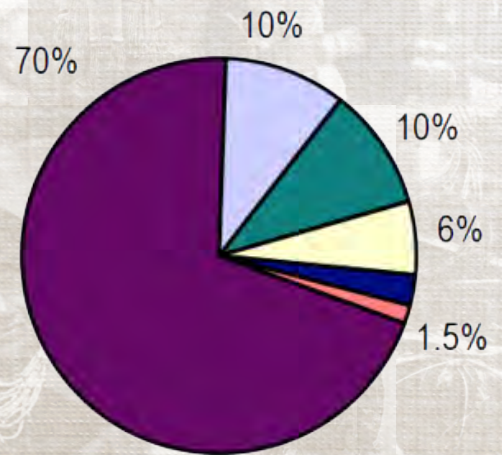
FVPSA is the primary federal funding source dedicated to supporting immediate shelter and supportive services for victims of family violence, domestic violence, or dating violence and their dependents. Administered by the U.S. Department of Health and Human Services’ Administration for Children, Youth, 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. 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.

The changes Indian tribes seek include:

- Increased funding for Indian tribes to provide services to Native victims of domestic violence.
- Inclusion of tribal coalitions under FVPSA similar to state coalitions.
- Permanent inclusion, authorization, of the StrongHearts Native Helpline and the Alaska Native Tribal Resource Center under FVPSA.

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



We can do this!

Reauthorize FVPSA to include:
Funding for all Indian tribes not less than half;
Funding for tribal coalitions like state coalitions;
The StrongHearts Native Helpline; and,
The Alaska Native Women's Resource Center.

Time to re-distribute resources to include those excluded!

#FVPSA4All #TribalFVPSA #FVPSA 2019

A New Challenge for the 2019 FVPSA Reauthorization: Make the Alaska Native Women's Resource Center Permanent

In 2017, Congress recognized the crisis facing Alaska Native women as a national priority by appropriating \$1 million to establish an Alaska Native Tribal Resource Center on Domestic Violence. Alaska tribal leaders and advocates are calling upon Congress to make the Resource Center permanent by including it under the 2019 reauthorization of the Family Violence Prevention Act Services Act (FVPSA).

"It is long overdue that Alaska tribal governments have the resources we need to help develop local, village-based responses to domestic violence," said Mike Williams, Akiak Native Community tribal leader. "The challenge we face now is to make the Resource Center permanent. The 2017 appropriation was a one-time appropriation authorized for the Resource Center at the discretion of the Secretary of the Dept. of Health and Human Services. To become permanent Congress must

amend FVPSA in 2019 to include, authorize and fund, the Alaska Native Tribal Resource Center."

Alaska Native women are subjected to the highest rates of sexual assault, at least 7 times the non-Native rate, reporting domestic violence rates 10 times higher and physical assault rates up to 12 times higher. Alaska Native women are over-represented in the domestic violence victim population. While Alaska Natives represent 19% of the Alaska state population, they are 47% of reported assaults of domestic violence victims. Many say the current crisis in the everyday safety of Alaska Native women came with the arrival of outsiders.

Alaska Native peoples have lived on their lands for thousands of years governing themselves as sovereign peoples. "Our beliefs from the beginning respected women as part of our way of life and violence is not



Memorial Kuspak for Alaska Native MMIW October 17, 2018, Anchorage, Alaska—Tribal leaders and advocates organizing to address the crisis of missing and murdered Native women honor their sisters by placing their images on a memorial kuspuk created by Amber Webb. Pictured left to right, Frances Andrews, Stephanie Masterman, Amber Webb, Pamela Sterns, Michelle Demmert, Michaela Demmert, Miciansia Hutchersonn, and Catherine Edwards.

part of our traditions," said Mike Williams. "The widespread violence against women we see today is a result of the attacks on village government authority and our traditional beliefs. The solutions to ending the widespread violence are found within our villages, our traditions, and strengthening village authority to respond."



voices, languages, and laws of Alaska Native villages is exciting. It fills a void, nationally and internationally, in the lack of tribally based solutions to violence against indigenous women." One of three statutory requirements for the Alaska resource center is to coordinate all projects and activities with NIWRC, the FVPSA-funded national Indian resource center.

Support for Alaska Native Based Solutions

Since 2013, the Resource Center has worked with its partners and advocates working with over ninety villages throughout the state to offer Alaska Native based village engagement sessions. Host villages for the meetings included Emmonak, Kotzebue, Kake, Anvik, Akiak, Barrow, Mountain Village, Fort Yukon, and the hub community of Bethel. These sessions reached more than 50 participating villages, many of which had never received information on domestic violence from any federal agency. One product developed by the partnership was an indigenous training curriculum based on three core components of teachings, languages, and voices of Alaska Native peoples. The curriculum has expanded to include other resources.

"While the lower 48 has spent decades and billions of dollars on training efforts, so much of the material is not relevant to the 229 villages of Alaska. We have found the terms used do not exist in our Alaska Native languages. And many of the concepts such as reliance on arrest and prison system do not apply because of the lack of any law enforcement in most villages. We are all relatives and responsible for one another," said Lynn Hootch, Board of Directors, AKNWRC.

"Working closely with Alaska Native advocates and tribal leaders we can remove barriers to the safety of women in Alaska Native villages and hold offenders accountable," said Lucy Simpson, Executive Director of NIWRC. "The development of indigenous training and technical assistance based on the teachings,

"Since 2013, we have partnered with advocates and villages across Alaska to develop village-based responses to domestic violence," said Truett Jerue. "For tribes across Alaska, the Resource Center provides a pathway to building relations with each other and with Indigenous peoples across the country, including Native Hawaiians."

Congressional Response to the Crisis of Violence Facing Alaska Native Women

The efforts and systems advocacy over the past 30 years by Alaska tribes and advocates were based on the foundation that solutions to end domestic violence rest in the beliefs of Alaska Native peoples and villages, not western criminal justice. The 2017 appropriation to create the Resource Center was the result of a strong national alliance of American Indian and Alaska Native tribes, and federal lawmakers and agencies. The Resource Center has four primary areas of focus: Technical Assistance and Training, including Needs Assessment; Public Awareness and Resource Development; Policy Development and Systems Advocacy and Engagement; and, Research and Knowledge Development.

The Resource Center just launched its revamped website as part of its public awareness and resource development. In addition, it will provide for a variety of resources, including online and social media connections; informational mailers; media relations; program website (virtual" distribution center of news

"The solution to this crisis is strengthening the authority of our tribal governments to protect women. It is unraveling all that removed the traditional protections surrounding a woman and restoring the respect which wrapped women in everyday safety."

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

announcements; articles relevant to Alaska Tribes; tools); posters, fact sheets, bumper stickers, etc.; resource materials for awareness months; mailing of jump drives to communities without adequate internet; and, webinars (live and recorded/archived).

The AKNWRC policy development, systems advocacy, and engagement focuses on providing tribal, federal and state education and updates on laws and policies including the following processes: monitor and inform tribes of local, state and federal law and policy changes that can benefit Alaska Native tribes; provide education about law and policies to ensure systemic responses are comprehensive and trauma-informed with the goal to build local capacity, control and infrastructure within tribal communities to provide training and technical assistance on government-to-government consultations; provide FVPSA service engagement; build beneficial partnerships with local, state and national organizations, including networking during annual regional associations and NCAI meetings; host the Annual Unity meeting prior to the Alaska Federation of Natives meeting. Finally, the AKNWRC research and knowledge development are addressing the disparities faced by Alaska Native tribes and victims of domestic violence by creating a 3-year plan to discuss issues and begin overcoming them. In the first year of FVPSA funding, a research roundtable was conducted regarding the development of a research program that addresses these issues to identify the best approach to document the unique challenges facing Alaska Native villages in responding to domestic violence.



Legislative History of the Alaska Native Women's Resource Center

To respond to the crisis of violence facing Alaska Native women, Congress authorized the creation of a resource center in Alaska to provide technical assistance to address domestic violence under the 2010 reauthorization of FVPSA. In 2017, Congress appropriated \$1 million under the FY 2017 omnibus budget to establish an Alaska Native Tribal Resource Center on Domestic Violence.

Senator Lisa Murkowski, a longtime champion for ending violence against Native women, has strongly supported the concerns and recommendations of advocates and villages. The Senator monitored the final inclusion of the \$1 million FY 2017 appropriation under the U.S. Department of Health and Human Services Administration for Children and Families budget to support the Alaska Native Tribal Resource Center on Domestic Violence to address such disparities.

"We deeply appreciate Senator Murkowski's leadership and advocacy in securing the \$1 million included in the FY 2017 appropriations," said Nettie Warbelow, Board of Directors, AKNWRC. "Now that the Center is launched we cannot go back and are looking toward permanent inclusion and funding of the Center under FVPSA's reauthorization in 2019."

"Alaska Native tribes face unique challenges and require additional training and technical assistance to enhance statewide capacity to respond to domestic violence affecting tribal and Alaska Native populations. The \$1 million increase to establish an Alaska Native Tribal Resource Center on Domestic Violence would build capacity to engage villages in developing local responses to domestic violence and support critical networking and coalition building between village-based advocates and tribes across the state."

—FY 2017 Administration for Children and Families,
U.S. Department of Health and Human Services
Justification of Estimates for Appropriations Committees

State tribal resource centers were initially included under the 2010 reauthorization of FVPSA (42 U.S.C. 10410 or Sec. 310). Congress included the following description for state resource centers "to reduce disparities in domestic violence in states with high proportions of Indian (including Alaska Native) or Native Hawaiian populations. Also, such centers "shall provide statewide information, training, and technical assistance to Indian tribes, tribal organizations, and local domestic violence service organizations serving Indians (including Alaska Natives) or Native Hawaiians, in a culturally sensitive and relevant manner."

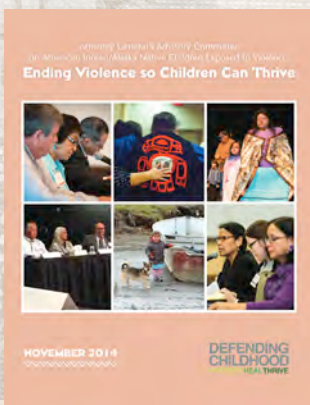


"The authorizing language for these resource centers came at a time of increased awareness of the high rates of violence against Alaska Native women," said, Shirley Moses, Board of Directors, AKNWRC. "This awareness continues to increase nationally, and we have strong support for making the Alaska Native Women's Resource permanent under FVPSA."

Resources on the Current Crisis of Violence Against Alaska Native Women



The Indian Law and Order Commission—A Roadmap For Making Native America Safer—was required by the Tribal Law and Order Act of 2010, Public Law 111-211 (TLOA). The recommendations of the Report are intended to make Native American and Alaska Native nations safer and reduce the unacceptably high rates of violent crime. Chapter 2, Reforming Justice for Alaska Natives: The Time is Now," reflects one of the most comprehensive assessments ever undertaken of criminal justice systems servicing Alaska Native communities.
<https://goo.gl/7WMCSZ>



Ending Violence So Children Can Thrive, a 2014 report by the Attorney General's Advisory Committee on American Indian and Alaska Native Children Exposed to Violence. This report was created as part of the Defending Childhood Initiative to harness resources from across the U.S. Department of Justice to prevent children's exposure to violence, mitigate the negative impact of children's exposure to violence when it does occur, and, develop knowledge and spread awareness about children's exposure to violence.
<https://goo.gl/ubuQqJ>

International Update

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

Inter-American Commission on Human Rights

On October 5, 2018, Alaska Native Women's Resource Center, Indian Law Resource Center, National Congress of American Indians, and National Indigenous Women's Resource Center organized a thematic hearing before the Inter-American Commission on Human Rights to address the extreme levels of violence against American Indian and Alaska Native women.

The thematic hearing was well attended. "Although the hearing was only an hour, the Commission strongly expressed interest in learning more about violence against indigenous women in the United States, particularly the urgent situation of Alaska Native women and of missing and murdered Native women," said Jana Walker, Senior Attorney at the Indian Law Resource Center. "The fact that Commissioner Garcia called the high level of violence against Alaska Native women 'astonishing' shows just how important continued public outreach about this issue is. Alaska Native women experience the highest rates of assault and violence in the United States and almost no one knows about it."

"Significantly, President Macaulay assured our delegation that the Commission will continue to monitor the situation," said Chris Foley, Attorney, Indian Law Resource Center. "We are responding to questions

the Commission raised at the hearing and sending additional information to enhance the Commission's reporting in the future, which can help spur federal action on this crisis."

The Commission has now released its report on its 169th Session and a summary of the thematic hearing. The summary notes that the Commission "asked the U.S. authorities to take appropriate measures to fully understand the causes of this phenomenon and comply with their obligation to prevent such crimes against women." Video of the hearing and copies of materials submitted to the Commission by Alaska Native Women's Resource Center, Indian Law Resource Center, National Congress of American Indians, and National Indigenous Women's Resource Center are available at <https://goo.gl/sgf6h8>. The Commission's summary is available at <https://goo.gl/EHFJN1>.

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.



October 5, 2018, Bolder, CO—Tami Truett Jerue, Executive Director of the Alaska Native Women's Resource Center, (left) testified during the IACHR hearing on the crisis of violence confronting Alaska Native women.

Looking Ahead 2019

UN Commission on the Status of Women

The UN Commission on the Status of Women (CSW) will meet in New York from March 11-22 for its 63rd Session. The CSW's priority theme this year is "Social protection systems, access to public services and sustainable infrastructure for gender equality and the empowerment of women and girls." In addition to the discussions on the official agenda, there are a large number of side events and parallel events that take place in the UN and in nearby off-campus venues as part of the CSW's session. These programs, sponsored by non-profit organizations, UN offices, and UN member states, address a broad range of women's rights issues. In most years there are several programs related to indigenous women's rights. Details about the CSW and side events can be found at <https://goo.gl/1NCCVp>. Details about parallel events will be posted at <https://www.ngocsw.org>. If you would like to attend the CSW and need help with the free registration, please contact the Indian Law Resource Center at mt@indianlaw.org and we can help guide you.

UN Permanent Forum on Indigenous Issues

The UN Permanent Forum on Indigenous Issues, an advisory body to the UN Economic and Social Council, will hold its 19th Session in New York from April 22-May 3, 2019. This year's theme is "Traditional knowledge: Generation, transmission and protection." Among other

matters, the Permanent Forum is expected to release a report on "good practices in addressing violence against indigenous women and the impact of grassroots movements in achieving national action" in North America.

Registration is required to attend meetings of the Permanent Forum, but it is free and will open in early 2019. Details about this and the agenda will be posted online over the coming months at <https://goo.gl/G8c7bm>.

Consideration continues on how to enhance indigenous peoples participation at the UN: Occurring on the sidelines of the Permanent Forum's meeting will be the second informal interactive hearing with the UN President of the General Assembly to discuss how to improve indigenous participation within the UN. For those of us here in the United States, this UN discussion is about creating a status for our tribal governments that recognize tribal sovereignty and acknowledges the leading role our governments should play in international advocacy about critical issues such as eliminating violence against women and girls. It is essential that tribal governments be able to participate directly in UN meetings on issues affecting them, and robust advocacy from tribal leaders and other advocates is necessary to convince the UN to act on this matter. For more information on the history of this issue in the United Nations, see <https://goo.gl/ojRM8h>.



Supreme Court Update

By Mary Kathryn Nagle

In November and December, the United States Supreme Court heard oral argument in two cases that could have significant impacts on safety for Native women and children. The NIWRC filed *amicus* briefs in both.

Carpenter v. Murphy

In late September, the NIWRC, along with the Confederated Tribes of the Umatilla Indian Reservation, the Eastern Band of Cherokee Indians, the Nottawaseppi Huron Band of the Potawatomi, the Pascua Yaqui Tribe, the Pokagon Band of Potawatomi Indians, and sixty additional organizations that share NIWRC's commitment to ending domestic violence, rape, sexual assault, and other forms of violence in the United States, filed an *amicus* brief in *Carpenter v. Murphy*.

In *Murphy*, the State of Oklahoma asked the Supreme Court to declare that the Muscogee (Creek) Nation's ("MCN") reservation has been disestablished and no longer exists, such that the MCN's reservation lands no longer constitutes "Indian country" under 18 U.S.C. § 1151(a). The MCN's reservation, however, was created in an 1866 treaty signed with the United States, and Congress has never taken any actions to disestablish it.

In re-authorizing the Violence Against Women Act in 2013 ("VAWA 2013"), Congress tethered its restoration of tribal criminal jurisdiction to lands that constitute "Indian country." VAWA, Pub. L. No. 113-4, title IX, § 904, 127 Stat. 120 (March 7, 2013) (codified at 25 U.S.C. § 1304(a)(3)). Thus, because the lands within a Tribal Nation's borders—its "reservation"—constitute "Indian country" under § 1151, a judicial decision disestablishing a Tribal Nation's reservation would effectively preclude that Nation from fully implementing VAWA's restored tribal jurisdiction. For instance, if this Court were to declare the MCN's reservation "disestablished," the Nation's ability to prosecute a non-Indian engaged in an act of domestic violence or dating violence within its territorial jurisdiction would be severely truncated.

The Supreme Court precedent on point, *Solem v. Bartlett*, 465 U.S. 463 (1984), commands that Congress—and only Congress—can disestablish a reservation. Oklahoma, however, has encouraged this Court to disregard the test outlined in *Solem* and judicially declare the MCN's reservation obsolete based

on arguments and considerations previously rejected in *Solem*. Circumventing *Solem* in this manner would undermine Congress's exclusive authority over the status of reservations, and would ultimately impede Congress's ability to pass legislation in reliance on "Indian country" as defined in § 1151(a).

For instance, if the Court were to accept Oklahoma's invitation to depart from its long-settled diminishment framework, then, such a decision could preclude the MCN (and potentially other Tribal Nations) from fully utilizing the jurisdiction Congress has restored. Thus the NIWRC *Amici*, in their *amicus* brief, offered a unique perspective on the relationship between Congress's plenary power 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.

Oral arguments were held on November 27, 2018. On December 4, 2018, the Court ordered the parties to file additional briefing addressing the following two questions: (1) Whether any statute grants the state of Oklahoma jurisdiction over the prosecution of crimes committed by Indians in the area within the 1866 territorial boundaries of the Creek Nation, irrespective of the area's reservation status. (2) Whether there are circumstances in which land qualifies as an Indian reservation but nonetheless does not meet the definition of Indian country as set forth in 18 U. S. C. §1151(a). This additional briefing is now complete, and we are awaiting the Supreme Court's decision.

Gamble v. United States

In early November, the NIWRC and NCAI filed an *amicus* brief in *Gamble v. United States*. Gamble, who had been convicted by both the State of Alabama and the United States of violating similar firearm laws, challenged his federal conviction in the Supreme Court, asserting that his subsequent federal conviction—because it followed a state conviction—violated his rights under the U.S. Constitution's Double Jeopardy Clause.

The Supreme Court's precedent on point, however, commands that the "separate sovereign" doctrine applies to duplicate state and federal prosecutions—or duplicate tribal and state/federal prosecutions—such that these duplicative violations for the same crime do not violate the Double Jeopardy Clause. Many were

surprised the Supreme Court agreed to hear this case since the “separate sovereign” doctrine has controlled for more than 150 years and the Court has repeatedly declined invitations to overturn it.

But, for the first time in 150 years, the Court now seems poised to reconsider it. To be sure, the loss of the “separate sovereign” doctrine could have significant implications for Native women and children, if the Court were to overturn the doctrine entirely.

The NIWRC and NCAI’s *amicus* brief asserted that overturning the Court’s long-standing precedent regarding the separate sovereign doctrine, which has allowed both tribal and the federal governments to prosecute for violations of their respective criminal laws, would have significant ramifications in Indian country. The ability of both sovereigns to prosecute takes on heightened importance in light of the sentencing limitations placed on Tribal Courts by the federal Indian Civil Rights Act and the well-documented challenges the federal government has investigating and prosecuting inherently local crimes, which it is often times poorly suited to do on its own, without assistance or local collaboration.

Within the complex web of jurisdictional determinations that the separate sovereigns must undertake, U.S. Attorneys and Tribal Prosecutors have grown accustomed to the existing jurisdictional scheme, which allows for concurrent jurisdiction and the possibility of prosecution by two sovereigns in many cases. Changing this rule would destabilize an already precarious jurisdictional scheme at the expense of victims, particularly those who experience serious domestic or sexual violence.

That is, the eradication of the “separate sovereigns” doctrine would require a Tribal Nation to choose whether to prosecute a case before the U.S. Attorney has had sufficient time to perform the necessary investigation to determine whether he or she will prosecute under federal law and sentencing authority. The Tribal Nation may be forced to go ahead and prosecute, and without the “separate sovereigns” exception, such a prosecution would then preclude the more meaningful and deterrent sentencing authorized under federal jurisdiction.

And thus, until or unless tribal criminal jurisdiction—and sentencing authority—is fully and completely restored, federal prosecutions will remain an essential tool in preserving the safety of Native women and children in their own homes.

Oral argument was held on December 5, 2018. During oral argument, Justice Breyer referred directly to the NIWRC and NCAI’s *amicus* brief, stating “think of the brief here with the Indian tribes. We’re saying that we need this kind of thing for abuse of women.” A decision has not yet been rendered.



Mary Kathryn Nagle,
Partner,
Pipestem Law

An essential mission of NIWRC is to restore safety to Native women by upholding the sovereignty of Indian tribes and Alaska Native villages. We hope that by monitoring VAWA-related cases, we inform the movement and the government of the importance of maintaining the gains made under VAWA.

—Cherrah Giles, Board Chair, NIWRC

NIWRC Amicus Briefs

Past reauthorizations of VAWA (2000, 2005 and 2013) opened the door to many lifesaving provisions for Native women. "Unfortunately, there are those who have and will continue to challenge these provisions," said Carmen O'Leary, NIWRC Vice Chair. "In 2008, the Plains Commerce Bank case challenged the civil jurisdiction of our tribe over a non-Indian bank. The movement was concerned that a negative opinion might prevent Native women from obtaining restraining orders against non-Indian abusers in tribal court and filed an *amicus* brief. It was the first case ever filed informing the Supreme Court on issues of violence against Native women and a historic turning point and beginning of our understanding the relationship of the Supreme Court to maintaining protections for Native women from domestic violence, sexual assault, and other types of abuse." Read the *amicus* brief filed by the movement in the Plains Commerce Bank to further understand the connections between violence against Native women and defending legal reforms to protect Native women. <https://goo.gl/GFiHm9>)

In 2015, the National Indigenous Women's Resource Center and Pipestem Law joined efforts in monitoring VAWA-related litigation nationally. "One of the most challenging battles during the 2013 reauthorization was the fight to restore the inherent authority of tribal governments to exercise criminal jurisdiction over all persons who commit domestic and dating crimes against Native women," said Lucy Simpson, NIWRC Executive Director. "Monitoring litigation related to this provision and the many other tribal amendments under VAWA is absolutely essential. We thank Mary Kathryn for her on-going efforts and dedication to increasing safety for Native women by authoring the NIWRC *amicus* briefs. We also extend our heartfelt thanks to Wilson Pipestem and all of the attorneys and staff at Pipestem Law for their efforts to inform the Supreme Court of the intersection of violence against Native women and the authority of Indian tribes to protect women."



"We have learned over the years we must remain vigilant and provide clarity when such challenges impacting the authority of Indian tribes to protect women arise."

—Carmen O'Leary, NIWRC Vice Chair

Over the last three years
NIWRC in partnership with Pipestem
Law has filed *amicus* briefs in the
following cases:

*Dollar General v. Mississippi Band
of Choctaw Indians*
<https://goo.gl/XydtG>

United States v. Bryant
<https://goo.gl/oeKxvj>

Carpenter v. Murphy
<https://goo.gl/4pHpRF>

*Standing Rock Sioux Tribe v. United States
Army Corps of Engineers*
<https://goo.gl/Y3kLvr>

Gamble v. United States
<https://goo.gl/5WcZa7>

Connections: Substance Abuse and Domestic Violence

Views from a Long Time Advocate, Gwendolyn Packard

It seems a few questions always come up when people are talking about violence against Native women, and typically these questions include the connection between substance abuse and domestic violence. Gwen Packard, NIWRC staff member, has worked for more than two decades advocating for Native women and based on her experience shares her thoughts on understanding the connections between these two issues.

There are definite connections between domestic violence and substance abuse. As a starting point, we need to recognize how complicated the connections are between these two issues. Are we talking about a victim-survivor use of drugs or alcohol, or are we talking about the perpetrator's use of drugs and alcohol? Are we looking at gender-specific issues of domestic violence and drug or alcohol use? And where do we begin? What came first, the abuse or substance use?

There is so much to cover but to begin, I would like to focus on safety and sobriety and talk about how we can support survivors with substance abuse and domestic violence issues. And since much of my work has been gender specific, working with Indigenous women, I think a lot of things that I will say maybe gender specific and also specific to Indigenous or tribal communities.

Looking Back

When I first started working at a domestic violence program that worked with the Native women and children, I realized that many of the women that were coming in were dealing with both domestic violence and substance use issues. And while we did a great job addressing the domestic violence, substance abuse was something that I felt we weren't effective in at all. We were kind of a revolving door, and I reached out for a long period of time to try to figure out how we could do better in working with women experiencing domestic violence and substance abuse issues. And there was not a lot of information, but I learned a whole lot about the substance abuse field. I think one of the biggest obstacles for me personally, in the beginning, was dealing with my own biases, if you want to call it that, around substance abuse use. Sometimes it's hard to have the right thinking behind it. And I definitely didn't.

I went out and learned a lot about alcohol and alcoholism. I went to AA groups, and Al-Anon and met people, and we talked about it. I spent a long time learning about alcohol and substance abuse, especially in Native communities. I learned that domestic violence



"In 1998, when I first started working at Morning Star in Albuquerque, I really had to do a lot of work on myself. It was really a struggle working with people under the influence, because of my own understanding and past experiences. I knew that if I was going to do this work, that I had to change my thinking. I wanted to change my thinking."

and substance abuse have a lot of commonalities, such as power and control dynamics, both impact entire families, often three or four more generations. I learned that both issues thrive in silence and isolation, that they both carry a great societal stigma, and shame. And victim blaming is common such as in questions like why can't you just stop drinking or using? Or why can't you just leave? And they both involve a lot of denials such as minimizing and normalizing the violence and substance use. And when we look at the power and control wheel script, domestic violence, and for survivors or victims who use drugs or alcohol, we see that they share many of the same experiences as well.

And when we look at the obstacles to getting help or staying safe and sober, we see many of the same experiences. Again, a lack of resources, lack of access to services and resources. And so there's a lot of obstacles, and when the two issues are closely connected, it makes it twice as hard. We know that there are so few



their alcohol or substance abuse issues. Often women felt hit on at the AA meetings. Often their partners wouldn't allow them to go to a because it was largely men that were there. And that often caused violence when they came home because they were accused of being with other men or picking up men at the meetings. In this way, their recovery and their healing were sabotaged by their abusers.

Our work really needs to focus on finding meaningful ways that we can work with women who experienced substance abuse, respectful ways. Often the women that we work with who are experiencing domestic violence and substance abuse issues blame themselves. We would say you're not responsible for the violence and they would say, oh yeah, I was drinking. Yeah, I was drunk. No, I got what I deserved. It took a really long time to convince them not to blame themselves and to get them out of that way of thinking.

Albuquerque, NM, 2000---Joe Walker, Dine' Roadman, presenting Gwendolyn Packard, then Director of Morning Star House, with a traditional staff for her leadership. Also, pictured is Genny James (left) and Nicole Williams (right).

treatment facilities for women and even fewer of that will take women with their children, which is often times the main reason women don't go to treatment.

We know that the numbers are very high for domestic violence victims and there are some indicators that spousal abuse is a predictor for developing a substance abuse issue. Many victims report being coerced into using alcohol or drugs by their partners. There are numerous studies, and they all point to the conclusion that substance abuse has been found in 42 to 60 percent of people experiencing domestic violence. I think it's also important to note that for sexual assault, the percentages are even higher. For the women that we worked with, every woman who experienced sexual violence or sexual assault, every single woman, was dealing with substance abuse issues.

The power that their partners have over them really affects their ability to be safe and sober. So often they are introduced to drugs or alcohol through their partners and then they're forced or coerced into using. And really dangerous things can happen. It is also can be a gateway to trafficking and prostitution. There's a lot of ways these two issues connect, and I think it's because there are so many connections and it's so complicated that it is difficult to sort it all out and create a framework on how to best address it.

Can domestic violence be addressed without also addressing the substance abuse?

So, alcohol and domestic violence intersect in so many ways, but alcohol does not cause domestic violence, nor is it a valid excuse for the violence. And although safety and sobriety should go hand in hand, it's often difficult for a victim of domestic violence to deal with substance abuse issues until they are safe or free from the violence. It can be very dangerous for women experiencing domestic violence to attempt self-help programs such as Al-Anon or other codependency programs. For the women that we worked with who were experiencing domestic violence, they had a very difficult time accessing services for

"It takes several times to quit using just as it takes several times for someone to leave an abusive relationship."

We can start by thinking of safety and sobriety and looking at which one is more important. Some advocates would argue that safety is more important because the more a woman knows about what's happening in her life, the better choices she can make. But the same can be said around the sobriety too. Sometimes getting healthy, or getting straight, or getting off the substance can help her make those better choices. It is always kind of a back and forth and it becomes a chicken or egg thing that you get into when deciding which comes first. I think, safety is really the first because you have a better understanding of the



"Alcohol and domestic violence intersect in so many ways, but alcohol does not cause domestic violence, nor is it a valid excuse for the violence."

--Gwendolyn Packard, January 12, 2019

safety issues and why you used to begin with, whether it's self-medication or partner coercion.

I always think working with a good advocate is best and there aren't always the resources for treatment, especially for women. Many programs are really struggling to address this intersection. In developing policies, we need to write in flexibility given the different situations that can happen. For example, you could write your shelter policy to admit all women regardless of their substance abuse issues or mental health issues more for guidance and address each case based on safety. Another example is developing policies on transporting people to shelter who are under the influence. You can't say yes you will or no you won't. Staff again have to have some discretion based on different situations they face in deciding who to shelter and who they can transport to shelter.

Moving toward the Future

I have always been a person that believes in people and that people make a difference, that we are our greatest resource and people can change and create change. We see that with our domestic violence programs, how we started, where we are now. It's like a snowball effect of bringing people into our programs, our movement. As we build our programs, we add these other dimensions to our work, which really serve to strengthen our work. The self-education and public awareness and education in the community is really significant. It helps to tear down the stigma and shame that's out there. I remember I met this guy one time. He was from the Navajo reservation, he told me he had been sober

for over forty years, but all anybody would remember about him was those days when he was drinking. There is so much shame, stigma and internalized oppression in our communities. Being respectful of one another is important. Loving one another is even more critical. And being good relatives is essential.

Mitakuye Oyasin—"We are all related."

About Gwendolyn Packard

Gwendolyn Packard (Ihanktonwan Dakota), NIWRC Training and Technical Assistance Specialist, has worked for many years in Indian country, both at the national and tribal level. She has served as editor for six national Indian publications. In 1990, Gwen was instrumental in founding the National Organization on Fetal Alcohol Syndrome (NOFAS). She served as Executive Director for Morning Star House, an advocacy program that works with off-reservation Indian women and children who are victims of domestic and sexual violence. Gwen also served as Executive Director of the New Mexico Suicide Prevention Coalition and is founder and Co-Chair of Rain Cloud, the off-reservation behavioral health collaborative in Albuquerque, New Mexico. She is a survivor of domestic violence, a writer, a grassroots organizer, and community activist. Gwen has made a commitment to social change in working to address social and economic justice issues that affect the health and well-being of Indian people as documented in her work experience.

Valuable Resources to Understand Substance Abuse and Domestic Violence

Real Tools: Responding to Multi-Abuse Trauma
A Tool Kit to Help Advocates and Community Partners
Better Serve People with Multiple Issues
<https://goo.gl/YY6PJX>

The Relationship Between Intimate Partner
Violence and Substance Use
<https://goo.gl/fq60Px>

Power and Control Model for
Women's Substance Abuse
<https://goo.gl/nPX7sT>

Substance Abuse and Intimate Partner Violence
<https://goo.gl/9xHyZ8>

MMIW and the Need for Preventative Reform

By Caroline LaPorte, Senior Native Affairs Advisor, NIWRC

MMIW has received a considerable uptick in interest from mainstream media, the general public and from both Senate and House Representatives in both state and national legislatures. That this issue has been the recipient of new focus and attention, particularly in D.C., is a testament to the families, grassroots advocates, tribes, tribal coalitions, and other allied organizations who have sought to uplift the stories and experiences of their communities. Most recently, the Urban Indian Health Institute released a report to the field, held a press briefing in the Nation's Capital, and brought massive amounts of attention to MMIW in the urban setting.¹ The level of advocacy on this issue from the field in general has been nothing short of a total groundswell.

This past year, in the 2017-2018 Congress, Senator Heitkamp introduced Savanna's Act. Though the Act stalled at the end of the congressional session, the interest in the issue has not faded. In fact, advocates can fully expect that Savanna's Act will be reintroduced, and Senator Heitkamp herself has vowed to continue fighting for it despite having left the Senate. NIWRC will work with its partners NCAI, Alaska Native Women's Resource Center, as well as advocates from the field to review the language in Savanna's Act as it exists presently and will focus attention on making it responsive to what tribal communities needs are around public safety and what Native families need around response and closure.

On December 12, 2018, the United States Senate held an oversight hearing on MMIW in which Kimberly Loring Heavy Runner testified to her experiences with law enforcement and their response to Ashley Loring Heavy Runner's disappearance. She focused on the lack of response and on the lack of seriousness within which officials approached her sister's case.

Jon Tester asked the Senate² to weed out which federal agency is responsible for the incessant inaction on this issue: the Federal Bureau of Investigation (FBI), the Bureau of Indian Affairs (BIA), or tribal law enforcement?

1. <https://goo.gl/RfgmKN>

2. <https://goo.gl/RGsQ4k>

As the hearing highlighted, there are certainly issues around the ways in which local law enforcement take missing person reports and the seriousness in which they pursue them. Anecdotally, families have expressed their difficulty in either getting law enforcement to accept a missing person report or to take that report seriously enough to allocate resources towards it. Some law enforcement agencies have been accused of making assumptions about why a Native person goes missing, and often times those assumptions are formed by underlying prejudice and bias. The UIHI report strongly and unequivocally stated that one reason for the lack of data and the lack of response is fully seeded in institutional bias, which disproportionately affects American Indians and Alaska Natives. No one would disagree.

"The purpose of this hearing is not to talk about if we have a problem. It's to talk about what you're going to do about it," said Senator Heitkamp. "When these crimes go uninvestigated, when they go unsolved for long, long periods of time, or ignored for long, long periods of time, that's your failure. It's not the community's failure, it's your failure."

The UIHI Report called for reforms around the experiences of Urban Indians.³ They state that tribal nations should have the ability to advocate for their citizens who live in urban areas (law enforcement in urban settings should notify tribal nations, who would then be able to advocate for their citizen's case and their family). Furthermore, according to UIHI, tribal

nations there should be meaningful consultations with tribes to ensure proper data collection and sustained access to the data. The report finally highlights the need to fund research that would support effective policy and reform around MMIW in urban areas specifically.

We can also establish minimum standards around police bias, and in fact, the USDOJ issued such guidance under a previous administration (in relation to gender-based violence).⁴ But it is also unfair to state that all law enforcement agencies operate from a place of prejudice any or all of the time, and it narrowly frames the issue. It is just as true that, especially for tribal law enforcement, that the issues surrounding response are compounded by a severe lack of resources for public safety. It is also true that there is a clear issue around confusion about who is to respond in these cases; and

3. <https://goo.gl/P6sVx6>

4. *Identifying and Preventing Gender Bias in Law Enforcement Response to Sexual Assault and Domestic Violence (USDOJ 2015)*. <https://goo.gl/eY4UyC>

that speaks to the many jurisdictional issues in Indian country and how those issues play out in terms of who investigates. This issue should be addressed quickly and with clarity. Far too many people have testified to the issue that law enforcement gets stalled in terms of which agency needs to respond. That is not acceptable. Testimony at the hearing in December also highlighted the lack of seriousness on behalf of law enforcement in adequately addressing these cases. Loring stated that deer poaching cases were taken more seriously than her sister's case. Again, unacceptable.

Aside from the law enforcement response, additional framing surrounding MMIW up to this point has centered on a lack of data and therefore an inability on the part of policy-makers to understand the full scope of the issue as an "epidemic." This demand from Congress is born out of the Western approaches surrounding reform, in which an issue must first be presented in a statistical form in order to be considered "valid." Congress wants numbers. But since colonization, MMIW has consistently been a part of the narrative for Native people. Focusing on the data is critical in that it would provide a breadth of the problem, but additional ideas around reform have to focus on pieces that center more on *why*. In order to have meaningful legislative responses to MMIW, we have to think about what our priorities are around prevention.

So while MMIW as an issue is typically discussed first from a concern around the collection of data or around the law enforcement response once a person has gone missing or has been killed, the time period **before** an individual goes missing or is murdered should be also be centered. This is especially true from a policy reform perspective. The reform that focuses on law enforcement responses or lack thereof to the issue also narrowly focuses on the time between missing and murdered or on the time in which a murder has already occurred. It's a small window, but an important one around which accountability should be the norm, rather than a big legislative ask. The fact that our ask around this issue is that law enforcement simply respond as their duties dictate them to do, serves as social commentary for the overall level of failure in these cases and as Senator Daines put it, "It raises a fundamental question about us as a nation what value we place on human life...It's clear to me [Native American lives] [are] being devalued."

"But again, whether or not law enforcement has an appropriate response to homicide once it has occurred, does not prevent the overriding harm: that someone has been killed. There is a finality to that in which no reform in terms of response could undo."

Educational advocacy and accountability around perhaps a human rights definition of due diligence in terms of responses from law enforcement are two possible reform options if the field wants to address the issue from the law enforcement angle. Establishing baseline standards may differ from community to community based on jurisdictional issues: but prejudice and institutional bias has nothing to do with jurisdiction. So at the very least, that can be addressed across agencies on a national basis. But again, whether or not law enforcement has an appropriate response to homicide once it has occurred, does not prevent the overriding harm: *that someone has been killed*. There is a finality to that in which no reform in terms of response could undo.

The fact is, MMIW is about more than the law enforcement response or lack of response to violence in Indian country. It's about the length of time in which American Indians and Alaska Natives have been continuously devalued, fetishized, dehumanized, and discarded. It's about how genocide and colonization have informed and served as underpinnings in federal policy. It's about how genocide and colonization were based on the violent thought that land and bodies could be owned and consumed. It's about how that thought has been allowed to fester and grow and cement itself in the general public's attitudes towards Indian people and Indian tribes.

MMIW is also a symptom of the culmination of the failures on the part of the federal government to fulfill its trust responsibilities, including the obligation to assist Indian tribes in safeguarding the lives of Indian women. There is not enough prioritization around infrastructure or resources for public safety and victim services in Indian country and there are gaps in how the totality of law enforcement operates in tribal and urban communities. Smaller tribal governments have overburdened police departments, little resources, a lot of land to cover and many people to protect. And of course, there is the overarching issue concerning the lack of authority tribes have to exercise jurisdiction over certain cases and certain defendants, which means that the local response will be frustrated, if not completely prohibited. Similar to resource disparity and jurisdictional complexities, the issues of inconsistent access to stable safe housing, the rate at which Natives

age out of foster care, human trafficking issues, and whether or not firearms prohibitors work in practice in tribal communities are all also likely implicated as factors that cause, perpetuate or exacerbate the MMIW. We have to focus on vulnerabilities that increase risk if we want to prevent these cases from ever occurring in the first place.

One Vulnerability: The Risk of IPV and the Presence of a Firearm

A CDC report issued in 2017 found that Non-Hispanic black and American Indian and Alaska Native women experienced the highest rates of homicide (4.4 and 4.3 per 100,000 population, respectively) (Petrosky et al., 2017).⁵ This data is likely under-representative of American Indian and Alaska Native victims due to the issues surrounding reporting as discussed in the Urban Indian Health Institute report. The CDC report further concluded that there was a strong link between homicide and intimate partner violence, finding that 55.4% of the cases involving American Indians and Alaska Natives were at the hands of an intimate partner (Petrosky et al., 2017). Thus, there is a clear connection between MMIW and domestic and dating violence.

Knowing that a significant link exists between MMIW and domestic violence helps to inform reform work around MMIW. Again, reform lenses should center around intersectional issues or vulnerabilities that increase the risk of victimization by an intimate partner or the issues that increase the risk of fatality in an intimate partner violence situation. For example, the CDC report also found that 38.8% of American Indian and Alaska Native women who were murdered by an intimate partner, were killed via *firearm* (Petrosky et al., 2017).

Of course, this will not shock most Native victim's advocates, who can corroborate how the mere existence of a firearm exponentially increases the risk of homicide to a survivor and can from there delve into how the presence of a firearm impacts their safety planning with a survivor. But beyond the basic understanding that firearms, by their nature, increase the risk of fatality in domestic violence situations, there are serious gaps

in how federal firearms prohibitors operate in Indian country. Again, representing one limitation of the *federal response* as an arm of public safety in Indian country. This issue mostly centers around access to federal criminal databases such as NCIC, which is crucial with regards to public safety. Historically access to this information has been frustrated in tribal communities, which has implications in both tribal and urban settings given that law enforcement information sharing across jurisdictions is critical especially pertaining to the purchase or possession of a firearm.

Both the Violence Against Women Act and the Tribal Law and Order Act provide authorization for tribal law enforcement to access these databases. In response, the Department of Justice launched the Tribal Access Program (TAP) in 2015.⁶ Prior to the Tribal Access Program, tribes had unreliable access to federal criminal databases. A lot of access depended on state regulations and policies, and states are historically not cooperative in terms of information sharing with Indian

country. TAP is made up of three components: Access, Technology, and Training. The point of having access to NCIC for tribes in the context of domestic violence and dating violence centers on the importance of qualifying protection orders and misdemeanor domestic violence convictions in triggering the prohibition in Lautenberg Amendment. Under the law, when a

protection order or misdemeanor domestic violence conviction is entered into the database it would prevent a prohibited person from having a firearm transferred to them. Illustrating the importance of TAP in the domestic violence context, the Department of Justice has previously reported that the tribes with access to NCIC have entered in information that **prevented or blocked 300 instances of unlawful purchase of a firearm**. However, not all tribes have access to NCIC through TAP and not all orders or convictions are entered in through other means. This is a serious public safety issue. If an order or a conviction cannot be entered, an abuser is able to purchase a firearm and ammunition. Add the fact that not all tribes can charge and prosecute all defendants who commit domestic and dating violence on their lands, and now in no uncertain terms will those defendants be subject to the prohibition. This is especially true where the federal

Focusing on the data is critical in that it would provide a breadth of the problem, but additional ideas around reform have to focus on pieces that center more on why.

5. <https://goo.gl/CfUZxB>

6. <https://goo.gl/Asm6jp>

government is not going to prioritize misdemeanor domestic violence cases, and where in Public Law 280 states, there has been a demonstrated consistent failure to prosecute in similar instances. Thus, with regards to IPV and firearms and the link to MMIW, there is also an underlying concern around jurisdiction. In this way, further highlighting another priority ask: that tribes have their inherent authority to exercise jurisdiction over all defendants and over all crimes committed on their lands restored.

Considering the tie between domestic violence, homicide, and use of a firearm in committing that homicide (especially where the victim was an American Indian or Alaska Native), the issue of access to NCIC is a significant factor in increasing public safety in Indian country, but also in a very specific way, in decreasing the risk of homicide in domestic violence situations and therefore possibly decreasing the instances of MMIW in the future. Further expansion of TAP and increased authorizations for funding TAP is a reform that could help address the issue of MMIW from a preventative lens.

CONCLUSION

MMIW continues to be one of the most complex problems facing tribal governments. As an issue, it encompasses many of the layers that the movement to end violence against Native women seeks to address. With Savanna's Act continuing to be a priority for both the Senate and the House and with two Native women finally representing our communities, we should continue to leverage the momentum towards meaningful reform. Reforms that certainly include but do not only focus on the law enforcement response to MMIW, but that also focus on an aim towards prevention and on supporting local, tribal authority to develop responses.

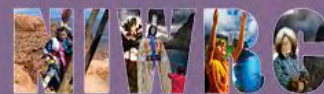


Caroline LaPorte,
Senior Native
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Missing and Murdered: Confronting the Silent Crisis in Indian Country

Senate Committee on Indian Affairs Oversight Hearing

On December 12, the Senate Committee on Indian Affairs (SCIA) held its last Congressional oversight hearing of 2018 to hear testimony from multiple federal agencies on how they are working to better handle cases of missing and murdered individuals. The Committee also heard testimony from Indian tribes and family members of missing Native women concerning the need for reforms to address the barriers to justice for MMIW.

Understanding the crisis of the disappeared is a national political issue requiring Congressional action however as stated by SCIA Chairman Hoven, "it is less clear who has responsibility for investigating cases of missing indigenous individuals. This lack of clarity has left tribes and families unsure of who to call for help and has contributed to our lack of knowledge of the scope of the problem. Families want justice and closure and tribal leaders want answers and support." Chairman Hoven ending his opening remarks stating, "It is past time that we understand the scope of the problem and work towards viable solutions."

The non-federal witnesses who provided testimony during the hearing included Kimberly Loring Heavy Runner the sister of Ashley Loring Heavy Runner, Patricia Alexander the Co-chair of the Violence Against Women Task Force of the Central Council of Tlingit and Haida Indian Tribes of Alaska, and Navajo Nation Council Delegate Amber Kanazbah Crotty. Watch the full SCIA hearing at <https://goo.gl/ZwUTBf>.



Kimberly Loring Heavy Runner
Sister of Ashley Loring Heavy Runner

My name is Kimberly Loring Heavy Runner, and I am here today to share my sister Ashley Loring Heavy Runner's story, and to shed light on the mistreatment

of Missing and Murdered Indigenous Women cases handled by multiple levels of Law Enforcement in Montana, and across the United States.

Ashley's Story

Ashley Loring Heavy Runner is a 22-year-old Blackfeet woman that went missing June 12, 2017, on the Blackfeet Reservation in Montana, at the age of 20, over one and half years ago. Ashley's life is valued and cannot be explained in the five minutes that I am being allowed. Please forgive me if I go slightly over the requested time frame.

Failure of Law Enforcement

The first information in regard to Ashley's disappearance was received on June 25, 2017, stating that Ashley was running from a male's vehicle on US Highway 89, alongside the Rocky Mountain Front on the Blackfeet reservation. In the beginning stages of the investigation, a sweater was found on the Blackfeet Reservation on June 28, 2017, and placed into evidence with Blackfeet Tribal Law Enforcement (BLES). The sweater was identified by an eye-witness stating that Ashley was wearing the exact same sweater when she went missing. When the sweater, which was stained with 'red spots' and holes was turned over by Blackfeet Law Enforcement (BLES) to the BIA, the agent stated multiple times that he sent the sweater to the crime lab, when we questioned the results of the testing of the sweater he then changed the story and said he couldn't send it out due to testing reasons after eight (8) months of being in evidence with the BIA. We later found out the sweater has never been sent and is still currently sitting in BIA evidence.

The Blackfeet Law Enforcement (BLES) informed us they did a search on the location where the sweater was found on July 28, 2017. We searched that location for two weeks after the sweater was found and never saw either agency BLES or BIA during our searches. We later spoke with a BLES officer that was working on Ashley's case and she had no recollection of a search ever being conducted in that location. We were then told BLES was no longer taking any tips concerning Ashley's case and we were instructed to contact the BIA agent assigned to our area in Montana. Several attempts have been made by the family with no response from the BIA agent to date. During the course of the investigation with the BLES we became aware that a Blackfeet law enforcement officer working on Ashley's case was having relations with and giving information to a prime suspect.

For over the course of nine (9) months that the BIA has

taken over the case most leads, and information given to BIA have not been followed up on, nor documented. Blackfeet Tribal Law Enforcement as well as the Bureau of Indian Affairs have not taken Ashley's case seriously. After two months of being reported missing the BIA Agent responded to our calls by stating "Ashley is of age and can leave whenever she wants to." Despite the fact that all the leads coming in were stating that Ashley was in danger or was hurt and placed in the mountains. From the very beginning, both the BLES and the BIA have ignored the dire situation that Ashley is in and have allowed this investigation to be handled in a dysfunctional manner. This isn't just a reality for our family but a reality for many MMIW families. We all share the same experience when working with law enforcement.

Closing

In closing, think of how each of you would feel if the response you are given about your wife, sister, daughters missing persons case was "she is of age and can leave when she wants to." Ashley is loved and cherished. I will continue to search for my sister. I am asking you to recognize that Indigenous women matter, and the way our missing and murdered women cases are handled needs to be corrected.

We are going missing. We are being murdered. We are not being taken seriously. I am here to stress to you we are important, and we are loved, and we are missed. We will no longer be the invisible people in the United States of America, we have worth.

Patricia Alexander, Co-chair of the Violence Against Women Task Force of the Central Council of Tlingit and Haida Indian Tribes of Alaska.

"Tlingit & Haida is all too familiar with the corrosive effect that this violence against our women and children has had on our communities. It has been more than a year since the unsolved death of 19-year-old Jade Williams of Kake and nearly a year since the unsolved death of 37-year-old Francile Turpin of Klawock. The alleged murder of Judylee Guthrie, 28 of Klawock, Alaska, has yet to be prosecuted nearly two and a half years later. Earlier this year, Tlingit & Haida held a memorial in solidarity with our northern relatives after ten-year-old Ashley Johnson Barr of Kotzebue was found dead, sexually assaulted and strangled, after being missing for days. Fortunately, the perpetrator is being held accountable for this heinous crime.

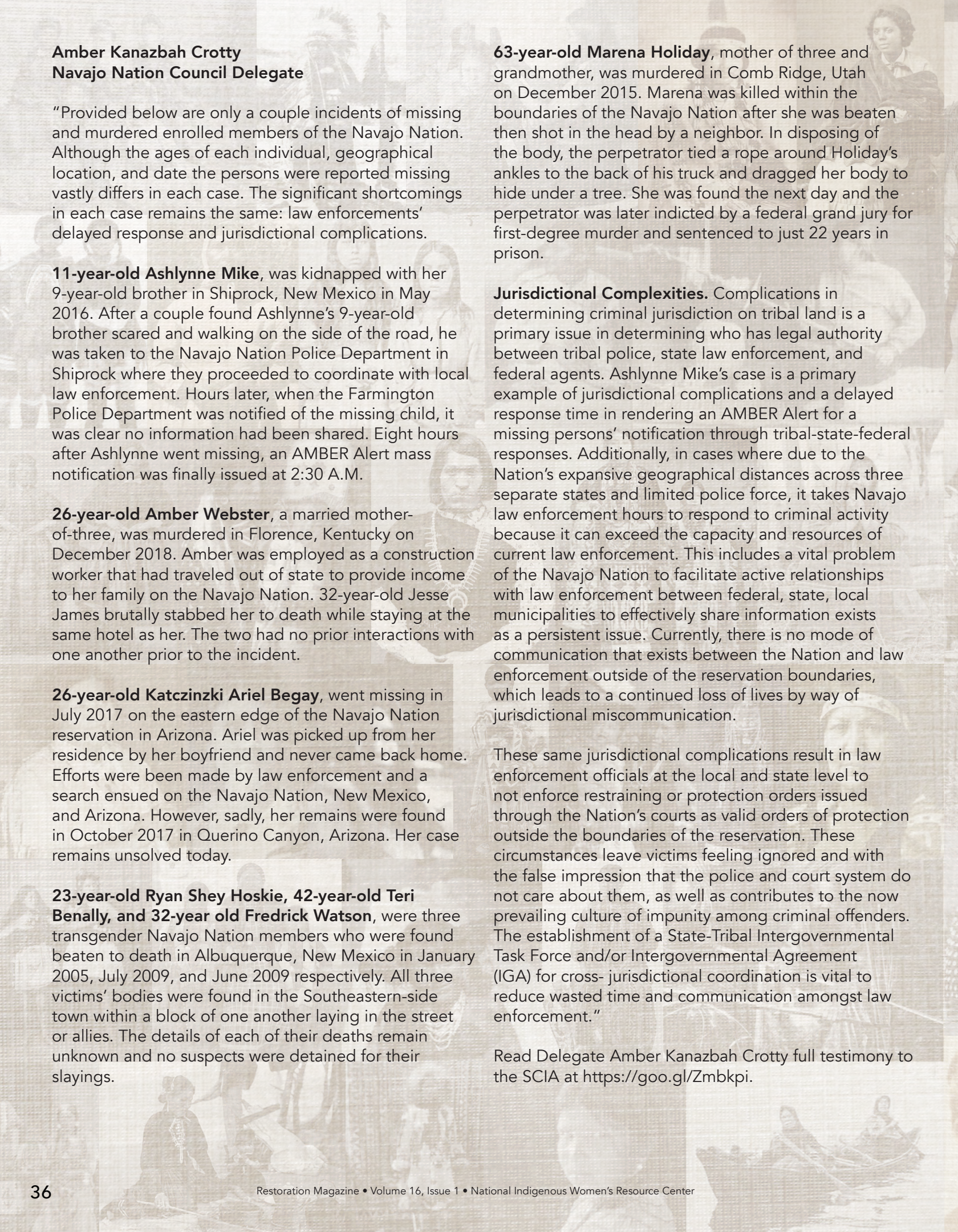
Because we believe the future of Indian Country rests in the secure status of women living in environments that are free of violence, Tlingit & Haida has committed

its resources and staff to working towards bringing an end to these threats to our women and children. At our 2018 annual Tribal Assembly, Tlingit & Haida passed resolution TA18-27 calling for the increased investigation of Missing and Murdered Indigenous Women and asking the Department of Justice to report on their steps to reduce the disproportionate numbers of victims who are Native women."

Read Patricia Alexander's full testimony to the SCIA at <https://goo.gl/3PfkzE>.



December 12, 2018, Washington, D.C.—Senator Murkowski and Patricia Alexander discuss concerns regarding the crisis of MMIW in Alaska.



Amber Kanazbah Crotty
Navajo Nation Council Delegate

“Provided below are only a couple incidents of missing and murdered enrolled members of the Navajo Nation. Although the ages of each individual, geographical location, and date the persons were reported missing vastly differs in each case. The significant shortcomings in each case remains the same: law enforcements’ delayed response and jurisdictional complications.

11-year-old Ashlynn Mike, was kidnapped with her 9-year-old brother in Shiprock, New Mexico in May 2016. After a couple found Ashlynn’s 9-year-old brother scared and walking on the side of the road, he was taken to the Navajo Nation Police Department in Shiprock where they proceeded to coordinate with local law enforcement. Hours later, when the Farmington Police Department was notified of the missing child, it was clear no information had been shared. Eight hours after Ashlynn went missing, an AMBER Alert mass notification was finally issued at 2:30 A.M.

26-year-old Amber Webster, a married mother-of-three, was murdered in Florence, Kentucky on December 2018. Amber was employed as a construction worker that had traveled out of state to provide income to her family on the Navajo Nation. 32-year-old Jesse James brutally stabbed her to death while staying at the same hotel as her. The two had no prior interactions with one another prior to the incident.

26-year-old Katczinzi Ariel Begay, went missing in July 2017 on the eastern edge of the Navajo Nation reservation in Arizona. Ariel was picked up from her residence by her boyfriend and never came back home. Efforts were been made by law enforcement and a search ensued on the Navajo Nation, New Mexico, and Arizona. However, sadly, her remains were found in October 2017 in Querino Canyon, Arizona. Her case remains unsolved today.

23-year-old Ryan Shey Hoskie, 42-year-old Teri Benally, and 32-year old Fredrick Watson, were three transgender Navajo Nation members who were found beaten to death in Albuquerque, New Mexico in January 2005, July 2009, and June 2009 respectively. All three victims’ bodies were found in the Southeastern-side town within a block of one another laying in the street or allies. The details of each of their deaths remain unknown and no suspects were detained for their slayings.

63-year-old Marena Holiday, mother of three and grandmother, was murdered in Comb Ridge, Utah on December 2015. Marena was killed within the boundaries of the Navajo Nation after she was beaten then shot in the head by a neighbor. In disposing of the body, the perpetrator tied a rope around Holiday’s ankles to the back of his truck and dragged her body to hide under a tree. She was found the next day and the perpetrator was later indicted by a federal grand jury for first-degree murder and sentenced to just 22 years in prison.

Jurisdictional Complexities. Complications in determining criminal jurisdiction on tribal land is a primary issue in determining who has legal authority between tribal police, state law enforcement, and federal agents. Ashlynn Mike’s case is a primary example of jurisdictional complications and a delayed response time in rendering an AMBER Alert for a missing persons’ notification through tribal-state-federal responses. Additionally, in cases where due to the Nation’s expansive geographical distances across three separate states and limited police force, it takes Navajo law enforcement hours to respond to criminal activity because it can exceed the capacity and resources of current law enforcement. This includes a vital problem of the Navajo Nation to facilitate active relationships with law enforcement between federal, state, local municipalities to effectively share information exists as a persistent issue. Currently, there is no mode of communication that exists between the Nation and law enforcement outside of the reservation boundaries, which leads to a continued loss of lives by way of jurisdictional miscommunication.

These same jurisdictional complications result in law enforcement officials at the local and state level to not enforce restraining or protection orders issued through the Nation’s courts as valid orders of protection outside the boundaries of the reservation. These circumstances leave victims feeling ignored and with the false impression that the police and court system do not care about them, as well as contributes to the now prevailing culture of impunity among criminal offenders. The establishment of a State-Tribal Intergovernmental Task Force and/or Intergovernmental Agreement (IGA) for cross- jurisdictional coordination is vital to reduce wasted time and communication amongst law enforcement.”

Read Delegate Amber Kanazbah Crotty full testimony to the SCIA at <https://goo.gl/Zmbkpi>.



Human Trafficking Awareness & Prevention Month

When Sex Trafficking Victims seek help,

it is almost always through domestic violence/sexual assault victim assistance programs and shelters. Once there, they may not be recognized as victims of a sex trafficker for several reasons:

- 1) Victims have been conditioned to view their traffickers as intimate partners, and resist the idea that the person they love is sexually exploiting them for profit;
- 2) Victims that do recognize their exploitation may be so deeply ashamed and afraid of the stigma attached to prostitution that they do not disclose;
- 3) Advocates may be hesitant to ask whether the victim's intimate partner has forced or coerced her to sell or trade sex because they do not want to shame or upset the victim, or because they don't feel they have the training or relevant resources to respond appropriately if the answer is "yes."



National Indigenous Women's Resource Center

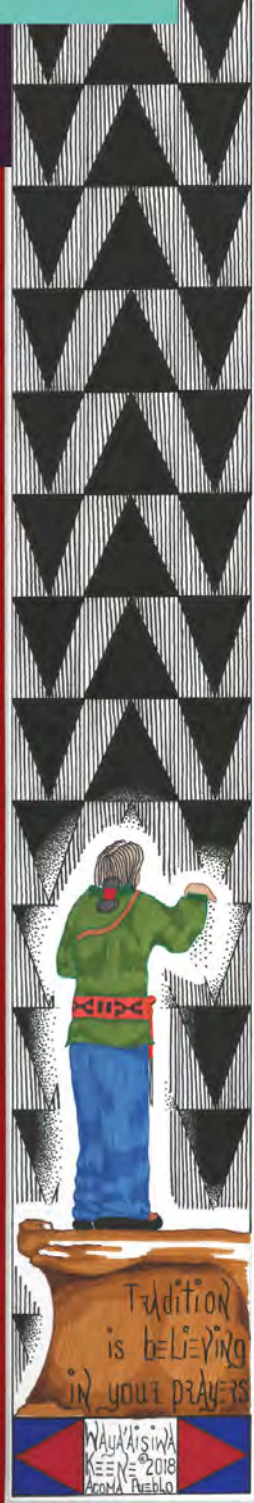


PURCHASE:
 NIWRC's Women Are Sacred Conference Poster 1.
 Artwork donated by Waya'aisiwa Gary Keene,
 Eagle clan from Acoma Pueblo.
<http://bit.ly/WASPoster1>



**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, 2003-2019

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
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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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