



**OF NATIVE
SOVEREIGNTY AND
SAFETY FOR NATIVE
WOMEN**

June 2021 | Volume 18 | Issue 2



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Letter from the National Indigenous Women's Resource Center

Dear Friends,

We are pleased to share the June 2021 issue of *Restoration of Native Sovereignty and Safety for Native Women*. This edition comes at a critical inflection point in the movement of safety for Native women, landing days after this year's first National Week of Action for Missing and Murdered Native Women and Girls (MMIWG) and ahead of our bi-annual Women Are Sacred Conference (WAS). To our relatives, friends and allies receiving this edition of *Restoration* as part of WAS, we are grateful to join hands with you virtually this year and look forward to our shared time to organize, support and find new opportunities to work alongside each other.

It is important to highlight one feature of this year's organizing for MMIWG in the lead up to May 5th: the release of the Presidential Proclamation for Missing and Murdered Indigenous Persons Awareness Day—a direct response to the continued grassroots advocacy of surviving family members, advocates and Indigenous communities—along with the passage of Senate and House resolutions marking this day. The acknowledgement of these awareness days is a step forward that would not have been possible without the support of grassroots efforts in our communities. We would also be remiss not to mention the continued organizing and hard work of our MMIWG Family Advisors group and National Partners Workgroup for their support this year as part of the National Week of Action for MMIWG. The #MMIWGActionNow campaign reached more people inside and outside of Indigenous communities than ever before.

With that said, the time has come to rise up again against the challenges that face us on the journey to reauthorize the Violence Against Women Act (VAWA), as well as the reauthorization of the Family Violence Prevention and Services Act (FVPSA). As we advocate for the passage of these bills collectively, it is crucial that we not lose sight of intersecting issues emerging in our communities, such as the preservation of sacred land including Oak Flat, highlighted in this issue. We look forward to continually working alongside Native survivors, grassroots advocates, tribal communities, and allies on the road to VAWA and FVPSA reauthorization, as well as the preservation of sacred lands through the call to *Save Oak Flat*.

As the National Indian Resource Center Addressing Domestic Violence and Safety for Indian Women, NIWRC looks forward to continually offering culturally grounded resources, technical assistance and training, and policy development to strengthen tribal sovereignty and increase safety for Native women for generations to come. Thank you for your continued support and advocacy for the safety of Native women and girls.

In resiliency and strength,



Ahéhee',

Lucy Simpson, Esq.
Diné
Executive Director



Mvto,

Cherrah Giles
Muscogee (Creek)
Board Chairwoman



**OF NATIVE
SOVEREIGNTY AND
SAFETY FOR NATIVE
WOMEN**

Restoration of Native Sovereignty and Safety for Native Women Magazine, 2003-2021

During the reauthorization process of the Violence Against Women Act in 2005, 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. Restoration of Native Sovereignty and Safety for Native Women emerged to fulfill this task.

Restoration 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 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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Deb Haaland (Laguna Pueblo) is sworn in as Secretary of the U.S. Department of Interior by U.S. Vice President Kamala Harris on March 18, 2021. (Photo courtesy of U.S. Department of the Interior.)

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Editor's Note



Understanding the Beginnings of the Violence and the Path Forward

Restoration of Native Sovereignty and Safety for Native Women is the national publication of the National Indigenous Women's Resource Center. *Restoration* is designed to inform tribal leadership, Indigenous communities, and allies of emerging and ongoing issues impacting the safety of Indigenous women and provide political analysis to address such issues. The goal of *Restoration* is to support social justice organizing to create the changes needed to increase the safety of Native women.

How is *Restoration* Distinct: A Strategic Tribal Framework to Restore Safety

The guiding framework of *Restoration* links the contemporary spectrum of violence committed against Native women to the historical pattern of governmental violence used to diminish the sovereign authority of American Indian Nations to safeguard the lives of their women citizens. The name of the publication reflects the grassroots strategy that by strengthening the sovereignty of Indian Nations, the original Indigenous protections to safeguard the wellbeing and safety of Native women will be strengthened.

The framework of *Restoration* is grounded in an Indigenous worldview. Content is developed from the viewpoint of how the various attacks on and systemic barriers to the safety of Indigenous women are understood through the eyes of these very women; how Indigenous

women, Indian tribes, and Native Hawaiian people address the violence. The analysis, proposed solutions, changes, or reforms are developed from a perspective of strengthening the support needed for Indigenous women. This view is generally absent in reform efforts of federal departments charged with the “responsibility to assist tribal governments with safeguarding the lives of Indian women.”

The current movement emerged because of the advocacy of American Indian women in the late 70s. While rising to support many broader related attacks on Indian tribes, this tribal framework has guided the movement to focus on specific advocacy for the safety of Indigenous women, including Native Hawaiian women. *Restoration* has maintained this tribal framework for almost two decades.

Restoration is intended to support organizing efforts to build the response of the national movement through the ongoing identification of priority issues and developing unity on necessary actions. The consistent presentation of analysis of issues from a systemic vantage point supports a process of unity in action.

“Who is going to advocate for the safety of Native women if not us?”—Tillie Black Bear (Sicangu Lakota)

Restoration was founded in 2003 during the organizing efforts to include the historic Safety for Indian Women Act in the VAWA 2005. Several national tribal organizations united in this effort and realized that

a primary barrier to the passage of the tribal title was the lack of a shared understanding of the obstacles embedded in the legal infrastructure of the United States. Unlike other populations, the vulnerabilities created by systemic barriers create multilayered obstacles to safeguard the safety of Indigenous women. Advocates and tribal leaders needed detailed explanations of how these barriers embedded in federal Indian law made Native women vulnerable in their daily lives.

The original VAWA of 1995 and 2000, while inclusive of Indian tribes in terms of minimal funding and recognition of tribal protection orders, did not address the underlying legal foundation allowing the violence to exist and continue generation after generation without consequences. *Restoration* was intended to explain and connect the spectrum of violence committed against Native women to the historic and current federal laws that destroyed many of the traditional social protections for women within their tribes. In 2003, the importance and role of this type of public policy organizing and its connection to individual advocacy for women were new to the developing national movement.

Identification of a Six-Point Action Plan

Over the last two decades, the national movement for the safety of Indigenous women has continuously matured. One clear indication of this development as a national movement is the response to the crisis of Missing and Murdered Indigenous Women and Girls (MMIWG). From April 29-May 5, 2021, national Indigenous sister organizations rallied to collectively organize a national week of action, with families of missing and murdered Indigenous women informing the movement and participating in these events. These organizing efforts lifting the voices of survivors, built on past efforts, added the voices of Alaska Native and Native Hawaiian women

and the need for continued advocacy for Indigenous women on an international level.

The various legal and legislative victories have resulted due to the national movement's political clarity. As part of these efforts, during the organizing for the MMIWG national week, NIWRC offered a six-point action plan presented on page 49 as the expression of our political unity in action. The six points outlined the key issues to be addressed in organizing to increase the safety of Native women and address the MMIWG crisis in general.

Support Restoration's Efforts in Building a National Movement

Restoration has consistently, for nearly two decades, supported the growth of a national social justice movement to increase the safety of Indigenous women. Due to the political content and tribal framework of *Restoration*, the original funding of the publication came from Indian tribes and private foundations. Today, funding from Indian tribes, advocates, Native organizations, and small Native and non-Native businesses is integral to the continuation of *Restoration's* support for the movement to restore safety through legislative and public policy efforts.

In looking at the challenges ahead, we ask you to support Restoration in continuing the process as relatives to understand our oppression as Indigenous peoples and the direction forward to safety.

*Jacqueline "Jax" Agtuca,
Cherokee and Filipino Descent
Editor, Restoration of Native Sovereignty and Safety for Native Women*

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niwrc.org/restoration



A ‘Fierce’ Voice

Deb Haaland (Laguna Pueblo) wears traditional ribbon skirt as she is sworn in as Secretary of the U.S. Department of the Interior by U.S. Vice President Kamala Harris on March 18, 2021. (Photo courtesy of U.S. Department of the Interior.)

Interior Secretary Deb Haaland Poised to Lift Indigenous Voices to the Table

By Mallory Adamski, *Diné*, Managing Editor, *Restoration Magazine*

Imagine a world where a Native woman who looks like you is named to one of the highest offices in the land. For millions of Native women and girls in the United States, this vision became reality when now-Secretary of the Interior Deb Haaland (Laguna Pueblo) received Senate confirmation for her role on March 15, 2021, by a vote of 51-40. The vote sealed her place in history as the first Indigenous person ever to hold a U.S. Cabinet secretary position. Suddenly, the mountain didn't seem so high, the next step on the ladder that much closer, the once-closed door opened wider for Native women everywhere.

In December 2020, President-elect Joe Biden nominated Rep. Deb Haaland (D-New Mexico) to lead the U.S. Department of the Interior, a direct advisory position to the presidency. The move was met with fierce opposition by pro-fossil fuel Republicans, followed by harsh scrutiny of her past criticism of the GOP for

their climate, energy and natural resources views,¹ but Haaland handled the furor with grace—a fierce woman to behold.

“Growing up in my mother’s Pueblo household made me fierce. I’ll be fierce for all of us, our planet, and all of our protected land,” Haaland wrote in a tweet in response to Biden’s announcement of her nomination. “I am honored and ready to serve.”²

Haaland is a member of the Pueblo of Laguna and a 35th generation New Mexican. Her life experiences helped shape her values and political decisions, giving her first-hand knowledge of the types of issues Native people and New Mexicans face in their daily lives. As a single mother, she relied on food stamps at times and struggled with homelessness and food insecurity, struggling to put herself through college and later law school.³ Today, she and her child—both graduates of the University of New Mexico—are still paying off student loans.⁴

In a press release, the Biden-Harris Transition team said Haaland “is a barrier-breaking public servant who

1 <https://cnn.it/2Qgweez>

2 <https://bit.ly/3dupiDk>

3 <https://on.doi.gov/32H9sPP>

4 *Id.*

In The News



has spent her career fighting for families, including in Tribal Nations, rural communities and communities of color. Currently serving as Vice Chair of the House Committee on Natural Resources, Haaland will be ready on day one to protect our environment and fight for a clean energy future.”⁵

A Return of the Matriarchy

Haaland’s identity as a Laguna Pueblo woman is a stark contrast with the Interior’s legacy of oppression toward Indigenous people, making her nomination to the highest level of decision-making in the department historic in and of itself. Many tribal leaders, Native organizations, and community members rallied behind Haaland’s nomination, hopeful that her confirmation would represent the beginning of a new era in the federal government’s historically bureaucratic relationship with tribal nations.

“Native people, advocates, and allies from around the country have been working tirelessly to support and uplift [Haaland] and we couldn’t be more proud of her,” Crystal Echo Hawk, founder and executive director of IllumiNative, told Al Jazeera in March 2021.⁶ Echo-Hawk added that Haaland, one of the first Indigenous women elected to the U.S. Congress in 2018, is “a powerhouse and history maker who will fight to ensure Native issues and voices are heard.”⁷

Ahead of Haaland’s confirmation, Fawn Sharp (Quinault

5 <https://bit.ly/3mYUsGe>

6 <https://bit.ly/3ef0pL1>

7 *Id.*

Nation), National Congress of American Indians President and President and Chief Executive Officer of the Quinault Indian Nation, wrote in an op-ed for *Indian Country Today*, “After centuries of invisibility, the best and brightest of Indian Country are rising to the highest positions of leadership across the United States government. This moment is long overdue [...]”⁸

Haaland now heads the U.S. Department of the Interior (DOI), established in 1849 and oversees 500 million acres of surface lands along with 1.7 billion acres of U.S. shores. This includes approximately 56 million acres of land held in federal trust for tribes and individuals.⁹

Most tribal lands are trust land. The Bureau of Indian Affairs (BIA) provides services to 1.9 million American Indian and Alaska Natives of the 574 federally recognized tribes and villages.¹⁰ The BIA also has administrative authority over tribal trust lands, which also include national monuments and lands that have been sacred to Indigenous tribes for thousands of years, as well as land in the Arctic National Wildlife Refuge’s coastal plain.

Despite what should be a mutual relationship, the DOI-tribal relationship remains largely contentious and highly politicized, given the federal government’s historical legacy of attacking and oppressing Indigenous tribes, lands, cultures, and families. With each passing administration, the DOI has been largely complicit in the removal, dislocation, and genocide of Indigenous people and tribal nations. For generations, through the actions of the Interior, the federal government has taken millions of acres of land from tribes and forcefully assimilated thousands of Native children into white culture by way of residential schools.

A potential beacon of hope and change, Haaland’s new position as Interior Secretary could help lift Native voices to the forefront of the Administration’s U.S.-tribal relations. In an interview with *Native America Calling*, Sault Ste. Marie Tribe of Chippewa Indians Chairman Aaron Payment noted that although the relationship between Native peoples and the Department of the Interior has ebbed and flowed throughout different presidencies, “It has been a paternalistic relationship, make no mistake.”

“I think that we’re going to move in a new direction that is going to be respectful and to amplify the Native voice,

8 <https://bit.ly/3v4JJgk>

9 <https://bit.ly/3n1iqAq>

10 <https://www.bia.gov/about-us>

so that the relationship between the federal government and tribes is going to be more like the state department and the relations with foreign countries,” Payment said. “And I believe, because I know in her heart, I’ve heard her speak about this, is that she is going to facilitate that different ideology about how we communicate. Decisions should not be made for us; they should be made with us.”

Haaland is no stranger to making moves in new directions. Her existence has increased the representation of Indigenous people on the national legislative stage. In 2018, she, along with Rep. Sharice Davids of the Ho-Chunk Nation (D-Kansas) shattered the once-impenetrable glass ceiling for Native women and girls when they were elected as the first two Native American women to serve in Congress.

Although Haaland served in the House of Representatives for only two years, she already had an extensive and historic political career. After serving as New Mexico’s Native American vote director in former President Barack Obama’s 2012 reelection campaign and as chairwoman of the Democratic Party of New Mexico’s Native American Caucus from 2012 to 2013, Haaland became the state chair of the New Mexico Democratic Party in 2015. She was also the first Native person to be elected to lead a party in any senate.

“For the first Native person to be a Native woman to have broken that glass ceiling, to reach that level, is so inspiring because it says to all Native women, our little Indian girls across the country, that they can achieve anything,” Sault Tribe Chairman Payment said on Native America Calling. “Debra Haaland is fierce, and she wants us to be fierce. It’s so exciting when we think about our nieces and our relatives that we can accomplish anything because of her example.”

Spotlighting Missing and Murdered Indigenous Women

During her two years in Congress, Haaland focused on environmental justice, climate change, family-friendly policies, as well as tackling the crisis of missing and murdered Indigenous women (MMIW). On September 30, 2020, House Speaker Nancy Pelosi signed Rep Haaland’s Not Invisible Act as well as the bipartisan Savanna’s Act, both of which aimed to address the MMIW crisis.

“Everyone in this country deserves to feel safe in their



Newly sworn in U.S. Department of Interior Secretary Deb Haaland reaches for the hand of her daughter, Somáh Haaland, on March 18, 2021. (Photo courtesy of U.S. Department of the Interior.)

"Everyone is in this country deserves to feel safe in their communities, but a long history of violence against native people has led to the disappearance and murder of Native Americans at alarming rates."

—Deb Haaland, October 2020

communities, but a long history of violence against native people has led to the disappearance and murder of Native Americans at alarming rates,” said then-Congresswoman Haaland in a statement published by *Indians.com* in October 2020.¹¹ “Today, we celebrate two huge steps to combat the missing and murdered indigenous women’s crisis, an effort led by survivors, activists, and Native women across the country. My Not Invisible Act and Representative Norma Torres’ Savanna’s Act are historic steps that will begin the long road ahead to finally stop our sisters, daughters, neighbors and friends from going missing without a trace.”

¹¹ <https://bit.ly/3sy193h>

As expected, Secretary Haaland is already making strides to address the MMIW crisis in her new role, carving out the foundation for a new Missing and Murdered Unit (MMU) within the Interior's Bureau of Indian Affairs Office of Justice Services to help coordinate interagency work and investigations involving missing and murdered American Indian and Alaska Native people.¹²

According to the Interior, the MMU builds on the existing work of the Operation Lady Justice, a task force formed under the Trump administration in 2019 to pursue unresolved cases.¹³ The new unit is expected to provide resources and prioritize missing and murdered cases of Indigenous people to hold perpetrators accountable and provide closure for families.

“We are only a few months into the new Administration and already Secretary Deb Haaland is championing the voices of Indigenous families who have long been calling for justice for their missing and murdered relatives,” said Rose Quilt (Yakama), Director of Policy and Research for the National Indigenous Women's Resource Center (NIWRC). “We will continue to advocate to our federal partners to commit to centering Indigenous voices on tribal issues like MMIW and sovereignty as Haaland has done. She is setting the stage for change for the U.S.-tribal relationship, and no one should be leading that conversation more than a Native woman.”

Protecting Our Earth Mother

The Interior Department also has oversight over the United States' natural resources, national parks, endangered species habitats, and several oil and gas drilling sites—all of which are increasingly becoming key factors in the world's fight to combat climate change. Rather than continuing the Interior's long-time support for fossil fuel development, Haaland is expected to use her position to transform the department into a promoter of renewable energy and policies to mitigate climate change.

Haaland has highlighted climate change as a challenge that she will work to address as Interior Secretary and has shown dedication to this issue throughout her political career. In 2016 as New Mexico's State Party Chair, Haaland traveled to Standing Rock to stand in solidarity with the Native community against the Dakota Access Pipeline to protect tribal sovereignty and the environment.

¹² <https://on.doi.gov/3ejLFuz>

¹³ *Id.*

“Tribal consultation is the cornerstone of building trust and honoring our government-to-government relationship,” said Haaland at Standing Rock in 2016. “It's imperative that our tribes have a seat at the table, and that their voice is respected. The resolution to this issue must be found peacefully to protect the cultural and natural resources of the Standing Rock Sioux tribe.”¹⁴

Environmental justice is crucial in addressing the disproportionate impacts of climate change on low-income and minority communities, who often bear the brunt of environmental harms such as contaminated air and drinking water. Each passing year, Native communities endure increasingly unprecedented climate change-fueled wildfires, particularly across the western U.S.

Transforming the Interior in a new direction will not be an easy task—especially given the former Trump administration's directive to the Interior to rush the approval of oil and gas leases in the Arctic National Wildlife Refuge, home to caribou that local tribes hunt for food. Federal leases granted by one presidential administration are notoriously difficult for later administrations to break.

In response to Haaland's confirmation as Interior Secretary, the New Mexico Oil and Gas Association, a coalition of more than 1,000 oil and natural gas companies and individuals operating in the state of New Mexico, issued a statement reminding her of the contributions made by oil and gas leasing to the state's annual budget.

“Oil and gas development is critical to our state, and federal leasing alone provides New Mexico's budget with \$1.5 billion annually—funds our public schools and healthcare will continue to depend upon for the foreseeable future,” the statement read.¹⁵ “We are eager to do our part to proactively combat climate change and ensure our state and nation continues to be a leader in the safe, responsible production of oil and natural gas.”

Haaland is poised to take the climate crisis head on, though is committed to “strike the right balance” as the Interior manages energy development and seeks to restore and protect the nation's sprawling federal lands.¹⁶ Throughout her career, she has pledged to counteract climate change, keep fossil fuels in the ground, and to

¹⁴ <https://bit.ly/3srAhSo>

¹⁵ <https://bit.ly/3edI2Gx>

¹⁶ <https://bit.ly/3sy1xyG>



U.S. Department of Interior Secretary Deb Haaland provides testimony on the fiscal year 2022 budget request for the Interior to the House Appropriations Subcommittee Hearing on April 20, 2021. (Photo courtesy of U.S. Department of the Interior.)

fight for clean energy.¹⁷

“Indigenous rights and the fight for climate justice cannot be separated, and I will fight for tribal nations across the country who are battling the fossil fuel industry in their backyards,” she wrote during her campaign for Congress.¹⁸

As part of the Biden Administration’s Climate team, Haaland issued two Secretarial Orders in April to establish a climate task force within the Interior and to restore transparency and accountability within the department’s decision-making process. According to a statement by the Interior, Haaland’s second order revokes a series of Secretarial Orders issued in recent years “that tilted the balance of public land and ocean management without regard for climate change, equity, or community engagement.”¹⁹

Upholding Indigenous Women’s Leadership

As an Indigenous woman-led organization, the staff of the National Indigenous Women’s Resource Center honors Deb Haaland, her achievements, and her voice in support of tribal sovereignty and to address climate

¹⁷ <https://bit.ly/3gpxiav>

¹⁸ *Id.*

¹⁹ <https://on.doi.gov/3tKNcjX>

change and the MMIW crisis.

While her confirmation as Interior Secretary symbolizes a significant milestone in the historic relationship between tribal nations and the federal government, we must remember that one person alone cannot change the fate or culture of a nation.

Collectively, we must stand with Deb Haaland in her efforts to protect Indigenous communities, tribal sovereignty, and our Earth Mother. These issues are organically intertwined and understanding the connection between these issues is the foundation of the movement for the safety of Native women.

“Deb Haaland’s difficult journey and the strength she has shown throughout it all is inspirational to Indigenous women around the world,” said Lucy Simpson, NIWRC Executive Director and a citizen of the Navajo Nation. “Native women can lead, and Haaland’s role within the Interior Department represents what it looks like to uphold the courage, bravery and knowledge of Indigenous women—a return to our Indigenous tradition of valuing women as sacred.”





The staff and board of the NIWRC at a retreat in Albuquerque, New Mexico, in November 2019. (Photo courtesy of NIWRC.)

NIWRC Receives Grant from Metabolic Studio

Contribution will support development of NIWRC's Tillie Black Bear Safety and Sovereignty Center and NativeLove Project

By Mallory Adamski, *Diné*, Managing Editor, *Restoration Magazine*

This spring, the National Indigenous Women's Resource Center (NIWRC) received a generous grant from Metabolic Studio to provide the seed funding for its Tillie Black Bear Safety and Sovereignty Center and the development of its NativeLove youth project.

"On behalf of the staff and board of directors of the National Indigenous Women's Resource Center, we are incredibly honored and grateful to Metabolic Studio and Annenberg Foundation for supporting our advocacy work," said Lucy Simpson, NIWRC Executive Director and a citizen of the Navajo Nation. "These funds will help initiate the foundation-building needed for our policy center, as well as help us build staff capacity in support of our NativeLove project goals."

The intention behind the Tillie Black Bear Safety and Sovereignty Policy Center is to strategically advance and support the grassroots movement for the safety of Native women through unity in action. The policy center would focus on research and deep analysis of federal policy that intersects with the safety of Native women and tribal sovereignty, the development of a tribal framework on the current foundational legal and policy barriers to safety, and the creation of comprehensive national grassroots educational campaigns highlighting the crisis of missing and murdered Indigenous women and girls.

NIWRC proposes a multi-year project to lay the foundation for the policy center to further advance

a strategy of increasing the safety of Native women through strengthening the sovereignty of Indian nations. A portion of the Metabolic Studio contribution will help initiate these first steps of development.

A portion of the grant will also help support the expansion of staff for NIWRC's vision for its NativeLove project. Current needs involve developing an advocacy curriculum for educating youth about healthy relationships and dating violence, virtual trainings on dating violence prevention and healthy relationships skills for Indian tribes and advocates working with Indigenous youth, and ongoing social media advocacy to reach Native youth.

The goal for NativeLove is to change the narrative that Native youth and teens should accept the realities of living with dating or domestic violence. Native youth deserve healthy relationships grounded in our shared Indigenous values of equality, kindness and respect.

METABOLIC STUDIO

Donate to NIWRC Online

To support the Tillie Black Bear Safety and Sovereignty Policy Center or the NativeLove project, make a contribution to NIWRC at niwrc.org/donate.

WELCOME TO THE 2021 WOMEN ARE SACRED CONFERENCE

“CARRYING OUR MEDICINE
AND STRENGTHENING OUR
VISION TO END THE VIOLENCE”

JUNE 8 - 10, 2021 | VIRTUAL EVENT



Artwork by Hillary Kempenich.

The Staff and Board of Directors of the National Indigenous Women's Resource Center Send a Warm Welcome to All Conference Speakers and Attendees

Greetings to our relatives who are joining us for the 2021 Women Are Sacred (WAS) Conference! This gathering takes place virtually June 8-10, 2021 to help keep our relatives safe and provide 37 unique sessions, while also accommodating participants from Hawaii and Alaska to the East Coast and everywhere in between. Thank you for registering for WAS! If you are not yet registered, there is still time to sign up for this exciting event online at niwrc.org/was.

Our 2021 Theme: "Carrying Our Medicine and Strengthening Our Vision to End the Violence"

Carrying our medicine is how we have survived and continue to survive as Indigenous people. It is how we heal our spirit, our body, and the land we walk on. It is using traditional knowledge, skills, and practices to enhance the health and well-being of ourselves, our families, our communities, and our nations. The Women Are Sacred Conference represents the strength and resilience of our people and the tools and knowledge we have to make a difference. It's about our shared vision for the future in ending the violence.

Each day, hear from established and emerging Indigenous advocates, leaders and experts on specialized topics such as transitional housing, racism and sexism, trafficking, cross-jurisdiction, tribal strengths and resilience, and much more. Our conference platform, Whova, offers attendees an opportunity to engage with grassroots advocates, survivors, tribal leaders, and allies to strengthen our networks and enhance our advocacy. As an added benefit, each WAS workshop will be recorded and available online on Whova for three months for all attendees.

Day 1 Highlight: Celebrating Grassroots Advocacy Through the WAS Tillie Black Bear Memorial Award

Our much beloved Wa Wokiya Win (Tillie Black Bear), Sicangu Lakota, known as the Grandmother of the Movement to End Violence Against Women, played a major leadership role in the work to restore safety for Native women. She believed in the teachings White Buffalo Calf Woman brought to the Lakota people including that “even in thought, women are to be respected.” Her work spanned almost four decades until her passing in 2014.

NIWRC honors Tillie's legacy through the Women Are Sacred Tillie Black Bear Memorial Award, recognizing an outstanding grassroots advocate. This year's award will be presented on Day 1 of the conference as part of the Opening Plenary.

Day 2 Highlight: Tribal Strengths & Resilience: Initiatives Ending Violence Against Indigenous Women in Our Communities

Native women survivors, their families and advocates have been on the frontlines advocating for an end to violence against women at the tribal, state, national and international levels. The Opening Plenary on Day 2 is an opportunity to listen to grassroots advocates Elsie Boudreau, Rose Harris and Malinda Limberhand Harris share how their lives and families have been impacted by violence, leading them to become strong advocates to end violence against Indigenous women and other relatives.

This plenary will be grounded in the understanding that this violence is connected to the colonization of Indian tribal governments and Indigenous peoples by other governments is key to de-colonizing solutions that prioritizes local, Native responses. Because of their leadership, we have seen changes in laws and policies and cultural shifts. We must continue to center and focus attention on their voices and the needs of sovereign Indigenous nations to protect Native women.

Day 3 Highlight: Women Are Sacred: Listen and Act

As part of the Closing Plenary on Day 3, hear from voices in the movement including Nicole Matthews, Jonel Beauvais, Marissa Cummings, and Natasha Kingbird as they discuss the instrumental role of Indigenous women in creating the movement to end violence against women. Just as Indigenous societies traditionally rely upon the strengths, expertise, voices and leadership of women, the foundation and heart of the movement to end violence rests upon the strengths, expertise, voices and leadership of Indigenous women survivors and grassroots advocates.

Advocacy is about proactive social change, reclaiming relationships as relatives and Indigenous values and life ways. This closing plenary serves as a call to think critically about how decisions and actions impact the safety and integrity of Indigenous women. It is a call to renew and recenter the leadership of survivors, advocates, Native women, and honor the sacredness of women in all aspects of our work and our lives.



Get Social With Us

If you're joining WAS virtually this year, please share where you're logging in from and what sessions you're watching on Facebook, Twitter or Instagram using #WAS2021! NIWRC will be posting throughout the conference, so make sure to tag @niwrc and we will reshare! Follow our conference hashtag and stay tuned to Whova for more opportunities to connect!

Stay Well with WAS Wellness Corner

All conference attendees are encouraged to visit our WAS Wellness Corner for self-care resources, including breathing exercises and other links. We also invite you to join us for a Virtual Morning Wellness Walk before Day 2 and 3 sessions begin. Share how you are staying well with NIWRC on social media using #WASWellness21 and #WAS2021! Log into the Whova conference platform to learn more.

Help Us Celebrate Tillie Black Bear Awardee

NIWRC honors the legacy of Wa Wokiya Win (Tillie Black Bear), Sicangu Lakota, through a bi-annual award presented during our Women Are Sacred Conference to recognize outstanding grassroots advocates and direct service providers. This year, we will announce the new Tillie Black Bear Award recipient virtually during Day 1 at our Opening General Session. During the Closing General Session, the new Awardee will have the opportunity to accept the award and speak with us about their work in the community in ending the violence.

Check out the WAS Film Festival

This year, NIWRC will provide links to several significant and timely films featuring issues of identity, child welfare, MMIW, jurisdictional issues, and violence that so many of our women and children experience. We offer these films to promote conversations and discussions with your family, co-workers and communities. Please check the Whova app for updates.

Honoring a Matriarch

Retired Navajo Nation Supreme Court Justice Lorene Ferguson leaves an inspirational legacy to follow



Retired Navajo Nation Supreme Court Justice Lorene B. Ferguson. (Photo courtesy of NIWRC.)

LoreneAnnBennettFerguson, wife, mother, grandmother, and matriarch for her family, age 77, passed away peacefully, with her daughters at her side, on Monday, March 1, 2021 at UNM Hospital in Albuquerque, NM. She was born on December 8, 1943 in Fort Defiance, Arizona into the Hashtl'ishnii (Mud clan) and born for Ta'neezahnii (Tangle clan). Her parents were Ralph Bennett, Sr. and Mabel (Smith) Bennett. Lorene was raised in her early years by her Grandmother Bah Tsosie in a traditional hogan in Sawmill, Arizona. As a child, she helped her Grandma in the cornfields and herding sheep. She spent many an hour entertaining herself by playing “teacher” and reading to her “students”— the sheep.

As the mother of National Indigenous Women’s Resource Center (NIWRC) Executive Director Lucy Simpson, and as a retired Navajo Nation Supreme Court Justice, our staff and board honors Justice Ferguson’s life and contributions to the tribal justice system. She was a mentor to countless law clerks and attorneys throughout her career, and a strong advocate for education and traditional law.

She graduated from Window Rock High School in 1961 and went on to attend Fort Lewis College in Durango, Colorado, graduating in 1965 with a major in English Literature and a minor in Psychology. Shortly thereafter she met her future husband Dr. Bruce Ferguson while he was working at the Fort Defiance Indian Hospital.

Together, they raised two daughters, Dawn and Lucy, and all the while, Lorene helped ingrain a love for family and learning in her children. In preparation for road trips, she often stayed up late into the night for weeks in advance to record herself reading books into a tape recorder to play for the kids while driving. (The Navajo original version of books on tape.) At the time, Dawn and Lucy often dreaded being forced to listen to the tapes, but as they matured, they know that their love of books and learning was a direct result of her efforts, and the knowledge from those books is still something they draw on in their lives to this day.

After graduating from Fort Lewis College, Lorene spent many years working in Navajo community development, welfare rights and as an educator. Not many people know that she was also an entrepreneur. In the 1970s, she owned and ran the Bison-Tentative, a coffee shop (before they were trendy) in the University District of Albuquerque, offering coffee, food and live music. In 1980, Lorene decided to go to law school and was accepted to the University of New Mexico School of Law, graduating in 1983. She went on to have an accomplished legal career, eventually becoming the first woman Associate Justice on the Navajo Nation Supreme Court, from which she retired in 2007.

Lorene and Bruce traveled all over with the girls, but their favorite family activities were camping in the Jemez Mountains, family river rafting, and trips to the

beach. As the girls grew older, Lorene jumped headfirst into the role of beloved “Auntie” to her nieces and nephews. In particular, she and Bruce opened up their home and especially their hearts to her younger brother Ben’s children, taking them on many of the same family adventures of earlier years.

Lorene had a special love for her three granddaughters and one grandson, as well as all the family babies, and

they in return adored her. All of her grandchildren and her many nieces and nephews, as well as their children, agree that she was an absolutely amazing Grandma and Auntie. Despite her trailblazing legal and professional accomplishments, she never stopped making up silly songs and games to play with the babies, and she was particularly proud of their many accomplishments as they grew up.

Navajo Nation Council Mourns Passing of Hon. Lorene B. Ferguson, Retired Supreme Court Associate Justice



Lorene B. Ferguson.
(Photo courtesy of NIWRC.)

Courtesy of the 24th Navajo Nation Council, Office of the Speaker

WINDOW ROCK, Ariz. — The Navajo Nation Council shared condolences on the passing of retired Navajo Nation Justice Lorene B. Ferguson, who passed Monday from post-COVID-19 complications.

Justice Ferguson served on the Supreme Court following her probationary confirmation by the Navajo Nation Council in 2001. The Council confirmed her permanent appointment in 2004. The same year, she served as acting Chief Justice until 2005. Justice Ferguson then served as Associate Justice until 2007.

“Justice Ferguson was the first Associate Justice of the Navajo Nation Supreme Court to be fully confirmed by the Navajo Nation Council. Her sacred role in pushing Navajo sovereignty forward through her service on the Supreme Court will be remembered for generations to come. Justice Ferguson’s mentorship positively affected the way Navajo clerks and attorneys consider the unique aspects of tradition and culture, and how Navajo law can come to embody equity in our developing government,” said Speaker Seth Damon.

Prior to her confirmation, Justice Ferguson garnered significant experience as part of the Navajo Nation Judicial Branch starting in 1992. Her assignments included sharing case loads at the Kayenta District Court, the Canoncito and Alamo Courts, and in other

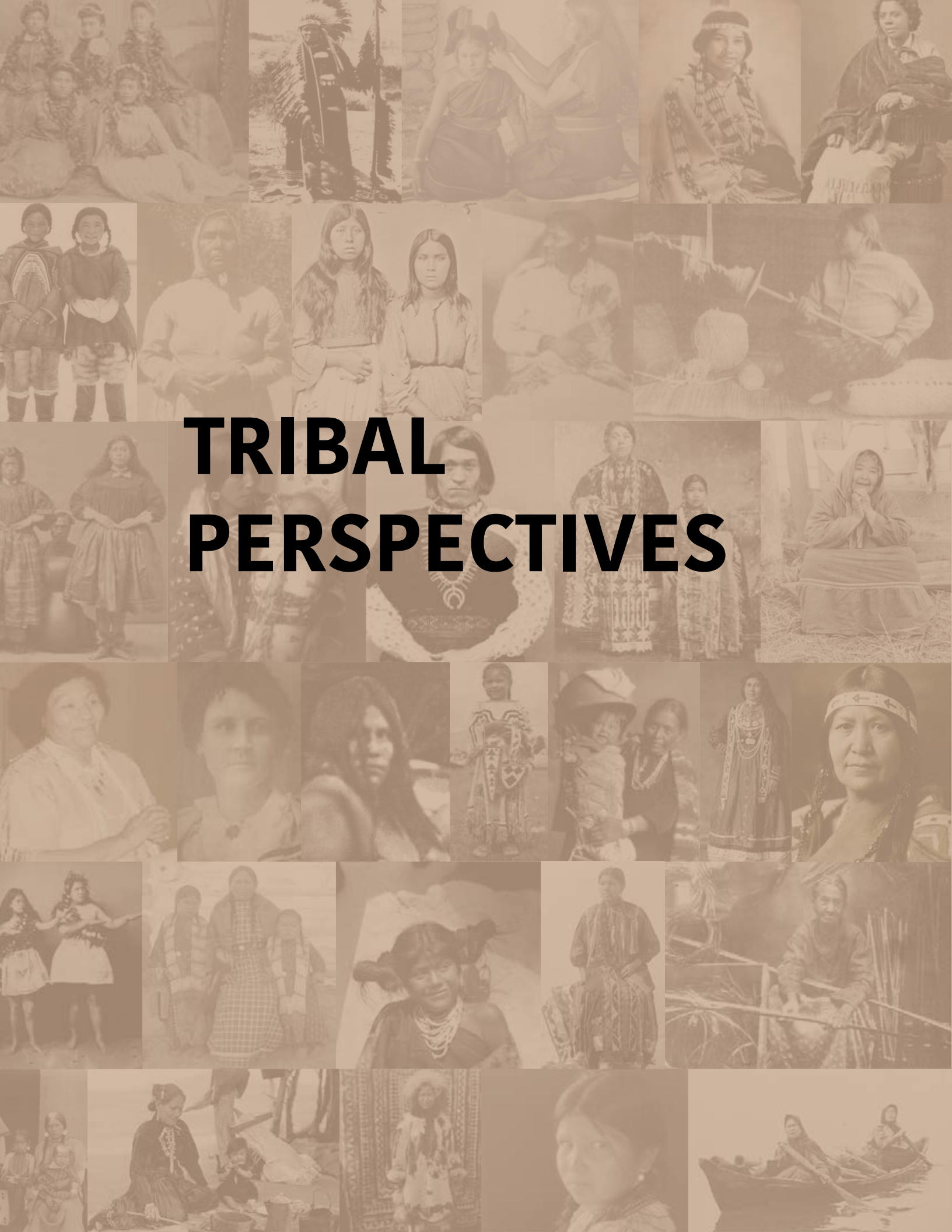
Judicial Districts across the Navajo Nation.

Justice Ferguson provided invaluable judiciary expertise for the Navajo Nation in cases involving domestic violence, drug-related issues and other family court matters. Though not yet appointed at the time, then-Judge Ferguson was called upon by the Supreme Court to sit on several significant cases, including *Means v Davis*, *Nez v Peabody Western Coal Co.* and *Thriftway v Burnside*.

“Support from the Navajo People and Tribal communities across the country has been encouraging,” said Council Delegate Mark Freeland, a relative to Justice Ferguson. “This is a sad moment for family and friends, but to see the light and inspiration follow from the life she led serving our People brings us hope. We will miss her and the leadership she provided.”

Justice Ferguson was from Fort Defiance, where she graduated from Window Rock High School in 1961. She earned her Juris Doctor from the University of New Mexico School of Law in 1983 after earning her B.A. from Fort Lewis College in 1965.

“We pray the family finds peace in knowing the Navajo People look up to the example she set before us,” said Speaker Damon.



TRIBAL PERSPECTIVES

A Native Hawaiian Call for Change

Using Native Hawaiian Culture to Address Violence Against Women

By Kelsey Turner, NIWRC *Restoration* Fellow, and
Edited by Paula Julian, NIWRC Senior Policy Specialist

Every morning when Rosemond “Loke” Pettigrew pulls out of her driveway, she calls out to her ancestors and to her land. “Malama pono, aloha aina!” Loke says in Native Hawaiian. She is acknowledging her ancestors and telling them to “take care” at home while she is gone.

Loke lives on the ocean side of a small valley in Molokai, Hawaii. This valley is her “kupuna aina”—the land where her kupuna (ancestors) have resided since ancient times, where they worked the aina (the land), and where they lived. “When the land tenure system changed and it went from common to private, my kupuna claimed that ‘ahu puna’, that land division,” Loke explained. “So it’s kupuna because it’s the land of my kupuna, the aina kupuna.”

Loke’s sister is her only neighbor in the valley. The two sisters live with their kupuna, who are buried there, and who are still there with them. “That’s very important, always acknowledging your kupuna and those who have gone before us, because they are the ones where we come from,” Loke said. “The aina is a part of us. Without the aina, then who are we?”

Welcoming the Pouhana ‘O Na Wahine to the National Movement

The Pouhana ‘O Na Wahine (Pillars of Women) is a grassroots collective of Native Hawaiian women advocating against domestic and sexual violence. Loke, as Board President of the organization, along with her fellow Pouhana ‘O Na Wahine sisters Dayna Schultz (Vice President), NaniFay Paglinawan, and Dolly Tatofi, use strategies based in Native culture, language, and worldview to increase the safety of Native Hawaiian women and children.

Central to Native Hawaiian culture is the relationship of everyone with one another through the land. “We’re connected through the aina because Hawaii is our home,” Loke said. But ever since the overthrow of the Hawaiian Kingdom in 1893 and annexation of the Hawaiian Islands

by the United States in 1898, the connection of Native Hawaiian people to their land has not been respected. Colonization led to the displacement of thousands of Hawaiians, resulting in increased vulnerability to trauma and oppression. Sacred land has been stolen and violated by colonizers who do not understand the importance of the kupuna aina to Native Hawaiian peoples.

Native Hawaiian women, like their land, have been subjected to alarmingly high rates of violence, trauma, and assault since colonization and into the present day. According to a 2018 report by the Office of Hawaiian Affairs, 20.6% of Native Hawaiian women between the ages of 18 to 29 years have experienced IPV, compared with 13.3% of non-Hawaiian women, and 21% of Native Hawaiian women ages 45-59 years have experienced IPV—this rate is nearly twice as high as non-Hawaiian women (12.6%).¹

The Kahea: A Call for Unity and Change

Currently, federal programming for domestic violence, such as the Violence Against Women Act and the Family Violence Prevention and Services Act, takes place in a Western context that is applied generically to all victims of gender-based violence. But the Pouhana sisters understand that “relying on these non-Indigenous responses to domestic and sexual violence are short-term, temporary solutions which do not address the needs of Native Hawaiians.”²

To raise their voices in awareness of domestic violence against Indigenous women, Loke believes Native Hawaiian women can join together using an ancient Hawaiian tradition: the kahea.

“Kahea means to call. There are several meanings. But basically for hula, when you’re ready to start dancing, you’re going to let your teacher, or your kumu, know
¹ Office of Hawaiian Affairs. (2018). Haumea—Transforming the Health of Native Hawaiian Women and Empowering Wāhine Well-Being, <https://bit.ly/3nDkxep>
² <https://bit.ly/3xwhedq>

“If your people need healing and need to be taken care of, you have to take care of your land. If you don’t take care of your land, you can’t take care of your people.”

–Loke Pettigrew, Pouhana ‘O Na Wahine



you're ready, so you're going to start with a call. In addition to being used for the start of a hula dance, kaheas are also used when you arrive at someone else's home. You're asking for permission to be accepted. So there's also a return call by the other. It's calling even your ancestors to come and join you or to guide you."

Kaheas are used as a means to join forces and bring people together. By using it to address issues of domestic violence, sexual assault, and trafficking in Native Hawaiian communities, the kahea could unify Native women in a call for change.

"I believe that we can use the kahea to let survivors know to come join us," Loke said. "And to raise our voices of awareness for domestic violence in our Native Hawaiian communities."

One of the central demands of the Pouhana 'O Na Wahine, in coordination with the NIWRC's national movement addressing violence against Indigenous women, is federal funding for a dedicated Native Hawaiian Resource Center on Domestic Violence. Having such a resource center would enable Native Hawaiians to develop their analysis of the barriers victims face, recommendations for legal and policy reform and social change, and culturally relevant training and technical assistance to address domestic and sexual violence in their communities.

"We need to bring awareness that this is something needed, it's been needed for a long time," Loke said. "Statistics are really low for Native Hawaiians because they're lumped in with other races. We need better statistics for domestic violence, within the Native Hawaiian communities."

Loke believes the kahea can help the Pouhana 'O Na Wahine raise awareness about the importance of funding a Native Hawaiian Resource Center. "The kahea is a means to call everyone, our elected officials, communities, organizations, and bring everyone together to start really looking at this issue and how we can each make a difference in the lives of our women and children for the future benefit."

How to Heal

In essence, the Pouhana 'O Na Wahine exists for one crucial reason: to heal their communities from trauma caused by colonization and the related effects on domestic and sexual violence. And for Native Hawaiians,

healing is a process that is intimately tied to their kupuna aina, the land where they as a people have resided for generations.

"The life of the land is in its people," Loke said, quoting the Native Hawaiian writer Dana Naone Hall. "If your people need healing and need to be taken care of, you have to take care of your land. If you don't take care of your land, you can't take care of your people."

This process of healing is all part of the Native Hawaiian concept of ho'oponopono, which means to make things right. "The abuse has been carrying on through at least four generations, and it's going to take a lot of work. Because you have the next generation of 30 and 40-year-olds that are still oppressed, emotionally, maybe in other ways as well, with the violence in their families. And if it's there, then it's carrying on to the next generation."

"You need to regain who you are and where you come from to heal," she added. "Connecting and accepting who you are and where you came from is important for healing, because you're not only healing your present self, but you're healing your past self. You're healing your kupuna who have suffered as a result of just being Indigenous or Native Hawaiian, by government oppression, even oppression by your own people in some cases. It's a generational thing. So you have to go back to who you are, where you came from, and identify your family, and address it."

In this way, the Pouhana 'O Na Wahine are healing more than just the trauma of current-day survivors—they are healing the pain that Native Hawaiians have endured since the 1800s when colonization began. This healing process is uniquely Hawaiian, addressing domestic and sexual violence in a way that empowers survivors to reclaim their identities through Native Hawaiian culture.

The sisters of the Pouhana 'O Na Wahine understand that for Native Hawaiian women, true healing can only occur when a woman's identity—her family, land, ancestors, culture, and history—is fully embraced as part of herself. In Loke's words, "When you connect to your family, or your ohana, and you start to know who you are and what your place is as an Indigenous woman, then you can see that this is who I am, and this is who I'm proud to be."



Culture is our Best Protective Factor and Healing Practice

Safety for Alaska Native Women

By Tiana Teter, Program Specialist, *Huslia*, and Janelle Chapin, Program Specialist, *Kaltag*, Alaska Native Women's Resource Center



Elizabeth Jerue (left) and son Weston Jerue (right). (Photo courtesy of Tami Truett Jerue, AKNWRC).

When providing technical assistance to Alaska Native communities and tribes, the Alaska Native Women's Resource Center (AKNWRC) is a firm believer in tribal communities being their own most knowledgeable resource when creating their local victim services. They know their communities better than anyone from the outside ever will, and this is one reason why *Culture is Our Best Protective Factor and Healing Practice* has become a topic that is growing rapidly in AKNWRC's curriculum material. It follows the same belief that tribal communities should be in charge of their own healing and can do it more efficiently than an outside service provider who is not as familiar with their culture.

Culture is Our Best Protective Factor and Healing Practice is a belief system that addresses regionalized forms of communication that can become a barrier to accessing services, while also discussing culture as a whole as being a protective factor that assists in healing from trauma. Many areas of Alaska are lucky enough to have their Native language as their first language. This

gives them insight into their culture that a non-Native-language speaker lacks. Our languages and cultures are complex and have protected us for centuries. When we begin to look at them in this light, we can begin to use them as a healing practice with the resilience our ancestors instilled in us.

Alaska is home to 229 Alaska Native tribes spread across 6 large regions. Every region in Alaska hosts a different Alaska Native language, and within each region are different dialects of languages. For example, Athabaskans in Interior Alaska have different languages and cultural practices. While we belong to one language family, each language is very different. The same is true with all language groups throughout Alaska and our different regions. Within these language families, we have different communication styles that come from our cultural background. For example, within northern parts of Alaska, there are more non-verbal language cues such as raising your eyebrows to say "yes" or to agree, squinting or frowning to say "I don't know" or

“no,” pointing with your lips or forehead, and being comfortable with silence during conversation to have more thought-out responses.

Miscommunication can also occur due to regionalized language differences. For example, “my brother is bothering me” can either mean “my brother is annoying me” or “my brother is touching me inappropriately,” depending on what region you are in. It is important for service providers such as law enforcement or medical health professionals to understand regionalized terms to provide effective services to victims/survivors of domestic violence and/or sexual assault. Eye contact is a common miscommunication within the Western court system that has caused our people many issues. Many of our cultures believe it is disrespectful to make eye contact, while the Western world views it as hiding something or a sign of guilt.

These differences in communication have all proven to be barriers to Alaska Natives when they are trying to access services in regional (HUB) communities, through no fault of their own. Alaska Native communities are diverse, and their overall cultures are shaped by their physical environments. It is up to service providers to have a foundation of knowledge about each region and their history to best provide services to their communities and victims. However, in most cases, victims/survivors are sent out of their home communities to HUB communities to access victim services such as shelters, advocacy services, lawyers, state public assistance offices, and medical and behavioral health services.

This causes us to leave behind our strongest support and means of healing, our community and cultural practices. We are leaving behind a support system of family and friends, traditional comfort foods, oftentimes our first language, and going into spaces where we must speak English proficiently. When we are in a trauma situation, we are more likely to return to our first language and may struggle to translate within our context. These are some of the many reasons why the Alaska Native Women’s Resource Center strives to help tribal communities build their own local victim services. Through these programs, Alaska Natives can access not only quality victim services, but also continue to practice their cultural traditions in an effort to heal from trauma.

Cultural traditions are protective factors for Alaska Native people because it gives us a purpose, and a place where we belong. It allows people to find their support

system within the Alaska Native community. When we know where we belong, we find comfort, we find companionship with other family members and with our cultural group.

Cultural values also encourage building relationships and supporting each other. For example, when introducing myself traditionally, I say my name, where my family is from, who my parents are, and then my grandparents’ names. This allows people to connect to us through our families. If one Alaskan village is going through a difficult time, a neighboring village steps in to help them. Young men are taught to not only hunt for themselves and their families, but for single mothers and elders as well. Young women are taught to care for elders and children.

If there is one thing the Alaska Native community teaches, it is unity. We look out for the collective well-being rather than individual well-being. We know that we must take care of each other to survive in the harsh environments we live in. Today we may have many more comforts, but we are facing social issues and must rely on each other to heal and move forward as a community.

These cultural practices are skills, strengths, resources, supports, and coping strategies that can all help a person deal more effectively with stressful situations, and reduce and/or eliminate risks to individuals, families, and communities as a whole. What are seen as cultural barriers when accessing services in HUB communities can also be seen as protective factors in rural Alaska Native communities. We should not have to choose our homes based on access to services.

Connect with the Alaska Native Women's Resource Center

For more information on AKNWRC, visit aknwrc.org and sign up for their newsletter.

Follow AKNWRC on social media:

- Facebook: fb.com/aknwrc
- Instagram: [aknwrc](https://www.instagram.com/aknwrc)
- Twitter: [@aknwrc](https://twitter.com/aknwrc)

Stories are our Medicine

Reconnecting with Indigenous Teachings to Create Healing Spaces with and for Native 2SLGBTQ Survivors of Violence

By Paula Julian (Filipina), Senior Policy Specialist, NIWRC; Wendy Schlater (Payomkawichum), Vice Chairwoman, La Jolla Band of Luiseno Indians; Debra O’Gara (Tlingit & Yup’ik), Senior Policy Specialist, Alaska Native Women’s Resource Center; Colorado River; Olivia Gray and Olivia Ramirez (Wah-Zha-Zhi or Osage); and Pipe Creek River

Teachings across Indigenous cultures affirm that all individuals have a place in our societies and should not be abused, feared or excluded because of their gender identity or sexual orientation. Colonization challenged these teachings, imposing foreign norms that resulted in domestic and sexual violence and loss of life, and in thoughts and behaviors that isolate and intimidate. We remember and honor those who have lost their lives and dedicate these words in their names.

Please note: The content in this article may be triggering to some relatives. If you need assistance, contact StrongHearts Native Helpline at 1-844-762-8483 or via chat at strongheartshelpline.org.

A few months ago, in partnership with the La Jolla Band of Luiseno Indians Avellaka Program Rainbow of Truth Circle, the National LGBTQ Institute on Intimate Partner Violence, and the National Resource Center on Domestic Violence, NIWRC organized Conversations with the Field (CWTF) to develop a toolkit. The toolkit’s purpose is to help families and friends reconnect with Indigenous teachings and create healing spaces with and for 2SLGBTQ victims-survivors of domestic violence. Available resources fall short of meeting the needs of victims of domestic and sexual violence, as the StrongHearts Native Helpline found with the development of their resource database showing fewer than 300 Native resources and less than 60 Native shelters as compared to the National Domestic Violence Hotline’s 4,000 resources and 1,500 shelters. Resources for Indigenous 2SLGBTQ victims of domestic and sexual violence are even fewer, so helping families and friends support their 2SLGBTQ relatives and friends


who experience domestic and sexual violence is even more important.

An Advisory Committee of CWTF participants continued to develop the toolkit, expected to be released by early next year and agreed that it would be helpful to include stories in the toolkit. They share their experiences like different streams coming together as a river for healing. Together we are stronger, and we will carve out healing spaces just as water carves the land it flows through. These spaces replace the isolation, intimidation, oppression, and help heal the harm of domestic and sexual violence.

Wendy:

My name is Wendy Schlater, and I identify as weh-potaaxaw, which means to walk with both female and male spirit/body. It took me a long time to feel human, reclaim myself, feel grounded in my skin, and really love myself! Since third grade, I knew I was different from my cousins and friends. Growing up my relatives nicknamed me Wendell and Wendoe. Reflecting on my childhood, there were hints of being weh-potaaxaw, but never a teaching or rites of passage.

Fast forward to 1993 when I came out to my Mother at 23. I remember her silence, and then asking if I had ever slept with a man or thought of having a one-night stand to make sure. I said no and I had no desire to. I remember being shocked, screaming to myself in my head and being scared. Screaming because I was frustrated she couldn’t see me... scared because my Mother was encouraging me to have sex with a stranger to prove I wasn’t weh-potaaxaw. Scared because I thought my Mother might send someone to screw me to prove I was straight. The next week my Mother apologized and told me she

A photograph of Wendy Schlater, a woman with short grey hair, wearing a black blazer and a colorful beaded necklace. She is sitting on a large grey rock outdoors, smiling at the camera. The background shows more rocks and green foliage.

“The Elders used to say there is life and power in words. I sometimes daydream that our language is floating around us waiting for us to reclaim it, to feel its power and memory of our people’s love, respect, honor, truth, openness and courage.”

**-Wendy Schlater, Vice
Chairwoman, La Jolla
Band of Luiseno Indians**

loved me no matter what because I was her daughter. My Mother said she was afraid, because of how she witnessed others abused who identified as LGBTQ.

Debra:

I came out in 1978, and by the early '80s I was active in the lesbian gay movement in Seattle, and in the American Indian movement around fishing rights and police brutality. Back then, it was known as the gay movement. We fought for inclusion and recognition of our interconnected struggles as lesbians, feminists and people of color.

I was working closely with a Native Elder organizing a rally focused on a Native issue. We had lined up a variety of speakers to show the diverse support. I was speaking and the Elder was moderating. We had worked on several projects for 4-5 years. I had been to her home, knew her family, and looked up to her. We had a good collaborative political friendship.

It was a summer afternoon with several hundred attending. As the event organizers, the Elder and I had been working shoulder to shoulder since early morning. We were happy that the event was going really well. I spoke about the importance of all who were struggling to support one another. As we wrapped the event up, she mentioned that she was thirsty. I offered her my water that I had just taken a drink from. She did not take the



Debra O'Gara, Tlingit and Yup'ik, in her home in Petersburg, Alaska where she weaves, reads and studies Tlingit traditional knowledge before colonization. (Photo courtesy of AKNWRC).

bottle, and looked at me and said, "I won't get AIDS, will I?"

I felt like I had been hit in the stomach. I was speechless, but mostly I was devastated, hurt, and shocked. I walked away, not knowing what else to do. I tried to speak to her the next day to tell her that her question had felt like she was attempting to stuff me into a gay box. I learned later that she blamed me for feeling hurt. She never spoke to me again.

Unintentional micro-aggressions can have as significant an impact as intentional violence. Once the words are spoken, they cannot be unsaid or unheard. However, there can be discussion, dialogue, apology, forgiveness, understanding, and lessons learned. Without these, there can only be hurt, mistrust and more layers added to the protective walls around self. To this day, some 35 years later, I am cautious about coming out to colleagues or friends as my protective layers have grown thick. These layers of protection and isolation can be deadly for 2SLGBTQ victims of domestic and sexual violence when they, in fact, need to be surrounded with help and support, including from family and friends.

Colorado River:

Mioataaumwyot, ataaumHeeshatellaPaayomkawichum. Nosume Nopuuliala. (Water cloud is the ocean mist and are the tears of creator.) Since the early '50s, from the time I was eight to now that I am 69, I saw that our people knew that relationships between women or men to be their way and not different from anyone else. It was more natural for our people to respect LGBTQ relationships, even with changes out in the non-Indian world. It wasn't until I joined the American Indian Movement and left my family that I realized how much the western culture influenced Indian thinking and behaviors. What I saw at home with our beliefs respecting LGBTQ relationships was the opposite with non-Indians of disrespect for LGBTQ relationships. Violence was the norm between partners. Rape was real. I told my mom not to worry about me, even after surviving too many violent acts to count, including rapes. The influence of the outside world did more harm than good, and how we survive and thrive as peoples and as 2SLGBTBQ is remembering who we are as Native people. One day I will tell you more, for now I am finished.

Wendy:

These experiences would later pin me in an abusive relationship. I had to choose between death or running



Small waterfall along Pipe Creek River in Arizona. (Photo courtesy of Pipe Creek River.)

to my family for help. My abuser had strangled me. I pleaded with her not to burn my face with an iron as she clutched the back of my head by my hair. The thoughts that flashed through my mind were, do or can I run, or do I fight back? Do I die? Will my family help me? I am going to die. Then I no longer noticed the heat of the iron on my face and the back of my head was free from her pulling my hair. I noticed I was alone in the room. Without a second thought, I sprinted barefoot for the door wearing a torn shirt and shorts. I looked back at the house, surprised that I had made it out alive. Then I saw a stunned face looking out the window, a face looking for its victim, for me. My gut told me to run and I did. Where am I running to? My mind replayed micro aggressions from family members like, “She’s confused?” “They are just playing house. It’s not a real relationship.” “Grow up and get a real relationship.”

I found myself at my parents’ home. I took a deep breath and walked in as if I was just there to visit. I slept that night on their couch. Morning came with breakfast and still not a word as to why I was there. I sat on the couch in my same clothes, no shoes, going nowhere fast. My younger brother asked, “What’s wrong? Why did you spend the night?” I sat there dazed and staring at him. A thousand thoughts went through my mind, including lying to protect my abuser, and fearing I would be teased with, “I told you so” to “You made your bed, now lay in it.” My other brother asked me why my neck looked dirty or bruised. My neck was sore and my voice too hoarse to

lie that I had a sinus infection. I hesitated to tell the truth, not knowing how they would respond. Honestly, I was tired and drained and did not care. I was done, beaten, hurt, humiliated, embarrassed, and just wanted to move on. What happened next surprised me. My Mother and Father asked me what I wanted them to do. They offered me to stay as long as I wanted to. My brothers asked what they could do and told me it wasn’t my fault. They also offered jokingly to go beat her up...eeee...

Pipe Creek River:

I grew up on the reservation, participated in ceremonies, listened to grandmothers and many others speak our Native tongue, and I prided myself as a daughter who was a good student full of ambition. I graduated high school, moved to “the city” for college and the culture shock was overwhelming, but also exciting. I no longer had the “nosey aunts” and the “protective uncles” watching my every move. I felt finally free from judgement, the shame of acting “different” and free to act on my sexuality. I am still mostly in the closet, but my closest family and friends know that I am queer. I am not disclosing my identity due to other family members I have yet to tell.

My first queer relationship was equally incredible and devastating. She was my equal in every way—alluring, athletic, funny, smart, and amazingly witty and outgoing. As I peeled back the layers of my own shyness and insecurity, she became controlling, manipulative, and

ultimately abusive. All my life, I have seen and heard story after story of domestic violence. I saw how violence hurt families, including my own, and never did I think it could exist outside a cis-het relationship.

I thought the abuse was temporary. I thought all bisexual or queer relationships had problems and I simply had to gain a footing, build trust, and establish fidelity. I thought violence only occurred in heterosexual relationships, but here I was, going from being annoyed by jealousy to fearing for my life. I thought I had nowhere to go, no one to turn to who could understand my situation, and I was more fearful of my family turning me away because of my sexual orientation than fearing the purple bruised handprints on my neck.

I remember the scent of coconut as I scratched, kicked and struggled to pull her strong, beautiful hands from my neck. I remember her face, so angry, and all I could think of was my family. I remember panicking and praying, feeling and knowing this is my life leaving me. My vision blurred, and then nothing. I woke not long after, gasping for breath, and tried wailing a scream, not for help, but because I was alive and breathing and scared.

There I was, with a voice so hoarse I could barely talk, bruises on my neck, bloodshot eyes, and then the shame crept in. The shame and horror of thinking of how my family could've been told that my life could've been taken by my girlfriend. Me imagining an investigator asking my family, "You didn't know your daughter was bisexual?" and thinking of whispers at the funeral. I curled up and refused to seek help, especially from my family.

My girlfriend stalked me for months after I ended our relationship. Her desperation to keep me felt like I was in quicksand, and I received threats at work, home, by phone, text, and then finally she threatened to out me. I then called law enforcement. Advocates tried their best to assist me, but I could not relate to the programming, nor could they grasp my needs as an Indigenous queer woman.

18 years later, I understand how colonized our concepts of gender, sexual orientation, and thinking have become. Not only did residential schools and federal policies try to destroy our culture and nations, but they changed how we view our LGBTQIA2S relatives. Settler colonialism changed how we view ourselves. I used to be ashamed of my queer identity, and now I understand that we are

the diversity that our communities once celebrated and respected. I understand that my strength as an Indigenous woman doesn't lie in being "normal" like everyone else but in being unique and beautifully queer. Indigenizing our response to our LGBTQ relatives experiencing violence will move our communities in the direction to heal from trauma. It can also help us learn healthier and practical methods of prevention that are decolonizing and intersectional. Our LGBTQ relatives need to be at the front of this movement as leaders and partners in it.

Olivia Gray and Olivia Ramirez:

I have consent from my daughter, Olivia Ramirez, to share her story in which I play a part. You can cause harm to your Two-spirit relatives in more ways than you realize, so we hope by sharing our stories to help you to avoid that. This is difficult, because just like all human beings, all 2 spirit people have their own needs, traumas, and personalities that must be navigated to avoid harm. At the end of the day, we must remember we are relatives because when we remember, then we love and care for one another.

In 2015 when my daughter was a Senior in high school, she came out to me. It was a surprise. It was not a surprise because I believed her to be straight, but rather because



Olivia Ramirez (left) and her mother, Olivia Gray (right), at the Tulsa Pow-wow in 2019. (Photo courtesy of Olivia Ramirez and Olivia Gray.).

she was my baby and I did not think of her in terms of sexuality. In my ignorance, I also did not think of her in terms of any gender other than that which had been assigned to her at birth. I certainly did not understand gender fluidity.

We had returned to the house after dropping off one of her friends, and before I could get out of the car she said, “Hey, mom, I need to tell you something. I think you already know.” I remember being too much in my own head, thinking don’t say anything that will come out wrong like, “I love you anyway” because that implies that there is something wrong. I had all of these thoughts trying to do the right thing that I underreacted, which caused my child harm.

She told me later, “I just told you the most earth shattering thing in my life and you did not react other than to say that you needed a minute.” In my worry to do the right thing, I made it all about me and my feelings and that hurt my kid. Not my proudest moment for sure.

Her father’s reaction was quite different but no less harmful. She had been outed to her dad. She feared his reaction and the guilt that would be laid on her. His reaction sent my child walking in the dark in tears. While her sisters and I drove around looking for her, her dad called to explain that he didn’t want anyone to hurt her and I replied, “I don’t want her to hurt herself.” Since that conversation, everything has been fine.

At the end of the day, she is our child and all that matters is that she is healthy, happy, and successful (her definition of success, not ours). That is all that should ever matter with any child.



Olivia Ramirez at the 2017 Women’s March in Washington, D.C. being smudged off by Casey Camp. (Photo courtesy of Olivia Ramirez and Olivia Gray.)

Years later, she found herself in an abusive relationship with a woman. She had talked to us about wanting to break up, but since they had moved in together, that made the breakup so much harder. My ex-husband and I devised a plan and presented it to our daughter. It worked. It was loud and ugly, but she had our love and support, and some very intimidating sisters, so she remained safe.

My ex-husband and I realized that our child was hurting and we self-corrected. We did not expect her to do that for us. It was our work to do. I believe this is why she did not stay in an abusive relationship. She knew she had her family and that we would not tolerate anyone abusing her.

Wendy:

I stayed with my parents for three weeks. My parents told my abuser she could stay in my home for three weeks, then find another place to live, not to visit any of our family homes, and not to ask for me. My family never made fun of me. They did ask why I didn’t come to them earlier. I told them I didn’t feel safe because of the way they would tease me about my relationship. They stood there in silence. Over time, we had heart-to-heart discussions.

In 2015, as Director for my tribe’s Safety for Native Women Avellaka Program which responds to violence against women, we developed our Rainbow of Truth Circle Project. We learned our language and developed material reconnecting us with our teachings defining our respectful relations with each other. These teachings are reflective of how we governed ourselves maintaining law and order and promoting healthy living long before the United States. I remember my Cousin calling me in excitement as he looked over Harrington’s notes. John Harrington was a linguist and an ethnologist who came through our people’s area documenting us in the 1930s and ‘40s. My Cousin said, “Look, this is a reference for two spirit, Weh-Potaaxaw–Weh meaning two and Po meaning he she them. Taaxaw meaning body.”

After reclaiming my people’s term, I felt grounded, visible, valued and safe, as if I had come home from living in some foreign land. The Elders used to say there is life and power in words. I sometimes daydream that our language is floating around us waiting for us to reclaim it, to feel its power and memory of our people’s love, respect, honor, truth, openness and courage. *Po’eeek!* (That is all!)



Oak Flat | Chi'chil Bıldagoteel

The Spiritual Connection of Indigenous Women to the Land and its Crucial Role in the Apache's Battle for Sovereignty

By Zinaida Carroll, IT and Communications Assistant, NIWRC

"We are sitting on a female mountain."¹ –Wendsler Nosie Sr., Apache, Leader of Apache Stronghold

"In order to protect our women, we protect Mother Earth because She gives life to us, just as we give life to our children." –Vanessa Nosie, Apache, Leader of Apache Stronghold

Chi'chil Bıldagoteel is a life-giver. Acorn trees provide sustenance, streams flow through her valleys, and songbirds, fox, deer and other wildlife feast on her abundance. Apaches have lived, worshiped and cared for these lands since time immemorial. Their identity, their sovereignty, is tied to maintaining this connection with Mother Earth, *Nahagosan*. Chi'chil Bıldagoteel remains a center of identity and culture for many Native Tribes, including the San Carlos Apache, Tonto Apache, White Mountain Apache, Yavapai Apache, Yavapai Prescott Indian Tribe, the Gila River Indian Community, the Saltwater Pima Maricopa Indian Community, Pueblo of Zuni, Hopi Tribe, and more.

It is a place where *Ga'an*, "messengers," reside to connect the Creator, *Usen*, with people in the physical world. Only here can prayers reach the Creator directly.² Because of this sacred connection, Chi'chil Bıldagoteel is the place where many ceremonies must take place, such as the Sunrise Ceremony, Holy Ground ceremonies, and sweat lodge ceremonies. It is also on this land that Apache people gather sacred medicine plants, minerals, and wildlife for these ceremonies. The "sacred spring waters that flow from the earth with healing powers," and many of the plants, cannot be found elsewhere.³

Over a century ago, Apache people were exiled from their ancestral lands within the abundant land of Chi'chil Bıldagoteel—now known as Oak Flat, part of the Tonto National Forest in Arizona—and forcibly held within the boundaries of the San Carlos Reservation.

Since then, the Federal government and private businesses have been attempting to keep the San Carlos Apache from their homeland indefinitely by mining this sacred site. For the past decade, San Carlos Apache

² <https://bit.ly/3t6Wlwo>

³ <https://bit.ly/3t6Wlwo>

¹ <https://bit.ly/3xDmXOv>



Naelyn Pike (Chiricahua Apache) at Oak Flat in the Tonto National Forest in Arizona. (Photo courtesy of Caitlin O'Hara / Juntos Photo.)

advocates, other Native tribes, and non-Indian allies have been protesting the most recent attempt: the construction of a copper mine that would turn Oak Flat into a 1.8-mile wide, 950-foot-deep sinkhole.⁴

In written testimony to Congress in March of 2020 to call for the protection of Chi'chil Biłdagoteel, Naelyn Pike (Chiricahua Apache) shared the details of her Sunrise Ceremony—her transition into womanhood. In doing so, she called on the world to understand this crucial connection between Indigenous identity and land. In preparation for her ceremony, she gathered acorns and other plants from the sacred land to prepare a meal for her godparents. On the first day, she went to build a *wikkiup*, where she would stay for several nights, waking up with the sun. She danced with her relatives. She danced to the sun, the Creator. She hit her cane to the ground to awaken the Ga'ans from the mountains, bringing them back to life. She danced with the Ga'ans, tears flowing down her face.⁵

⁴ <https://bit.ly/3nERLdk> (p. 13)
⁵ <https://bit.ly/3u3KIgu>

On the fourth day, Naelyn became “the white-painted woman.”⁶ Her godfather and the Ga'ans painted her face with *glesh*, white clay from the ground, representing her entrance into a new life. This special clay molded the prayers of the ceremony into her. Her godmother wiped her eyes, and as she opened them, she “looked upon the world not as a little girl, but a changed woman.” She cried together with her family. On the final day, her grandmother took her to a stream, where she could rinse away the *glesh*.

Destroying Oak Flat would be an act of violence against Native women. It would strip young women of their Sunrise Ceremony, the sacred ritual which connects them to the land and helps build their identity as Apache women. As described by Brenda Hill (Siksika), Director of Training & Technical Assistance, NIWRC, “Our people are the land. Our women are the land.” Building this mine at Oak Flat would finalize this centuries-long cultural genocide of the Apache people by completely destroying their ancestral lands beyond repair.

⁶ *Ibid.*

"My family was able to give her that ceremony—to place her roots there and directly tie her to Oak Flat. So as a mother, if it gets destroyed, and we know that that ceremony paves the way of their life for the rest of their life, now my worry is: what's going to happen to my daughter? Because we believe strongly in that ceremony. Will that make her life harder? Will it bring some kind of devastation in her life? [...] When her and her sisters have children, are they going to be able to take their children there and ground them and root them?"
–Vanessa Nosie (Apache), Leader of Apache Stronghold



Vanessa Nosie (Apache). (Photo Courtesy of Vanessa Nosie.)

Apache Stronghold: Protecting Oak Flat Through Spirituality

Naelyn Pike, at age 13, was the youngest person to testify in Congress to defend Oak Flat. She is now 21. Since then, she has continuously testified before Congress, calling upon the world to respect her ancestors and her relatives' connection to Oak Flat and ensure her "culture is protected for [her] children and [her] children's children."⁷

Through the organization Apache Stronghold, Naelyn joins her grandfather, Wendsler Nosie, former Chairman of the San Carlos Apache Tribe, mother Vanessa Nosie, and other relatives in fighting for Oak Flat. Apache Stronghold is at the center of the fight to protect Oak Flat: through organizing runs and protests, submitting letters to Congress, filing lawsuits, and most importantly, by returning to Chi'chil Biłdagoteel for prayer and ceremony. Apache Stronghold has been advocating for the protection of Oak Flat for over a decade, and for the past seven years they have organized a 45-mile sacred run from Old San Carlos to Oak Flat.

For Naelyn, Wendsler, Vanessa, and the rest of the Apache Stronghold, "It's not a movement, it's a way of life."⁸ In November 2019, Wendsler Nosie took a sacred run to Oak Flat, and has lived there ever since. He vows not to leave until it is protected.⁹

⁷ *Ibid.*

⁸ Interview with Vanessa Nosie, April 16, 2021.

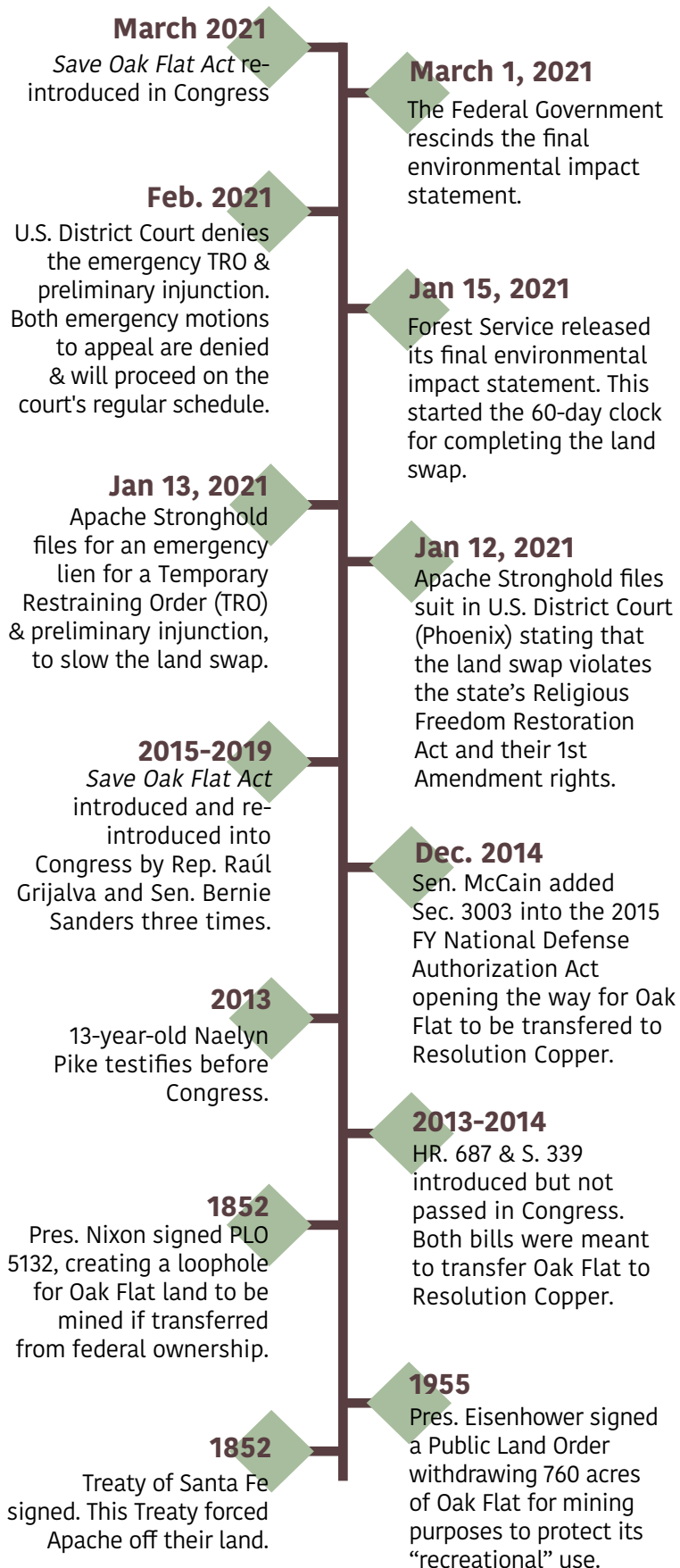
⁹ <https://bit.ly/3u6QWfy>

When Mr. Nosie moved back to his ancestral lands permanently, he described to his daughter Vanessa that he felt shackled—shackled to unfulfilled treaties and trust responsibilities with the U.S. government. When she left her father at Oak Flat, Vanessa began to feel the shackles herself. She decided then to take on organizing the sacred run to make sure what her father had started did not die.

Before her first run, Vanessa described to her supervisor that she felt like she was in an abusive relationship and she "was waiting for that hour for him to go to sleep" where she could take off and run. In running back along that same route her ancestors walked in exile from Chi'chil Biłdagoteel to Old San Carlos, Vanessa began her process of healing—began to feel the weight of the shackles loosen.

Vanessa believes that in order for true healing to occur, there must be acknowledgement of the deceit of Indigenous people upon which the United States was built. "We are still living it today. Our religion and our identity are still being ripped from us," she said. Apache Stronghold is fighting for this recognition, so that lasting protections will be brought into law to protect Native sovereignty.

Oak Flat's Legal and Legislative Battle



Plans to mine Oak Flat were specifically denied by Eisenhower, and dozens of attempts failed in Congress.¹⁰ In 2016, Oak Flat was added to the National Register of historic places. However, in 2014, the late Senator John McCain slipped a section transferring land from the Forest Service to Resolution Copper, a joint venture of foreign mining giants Rio Tinto and BHP, into a must-pass defense spending act.¹¹

Under this resolution, the Forest service gives Resolution Copper over 2,000 acres of Federal land in exchange for more than 5,000 acres currently owned by the company across Arizona. Before this is final, the Forest Service must approve an Environmental Impact Statement. This was set to happen in early March. However, the Federal government rescinded this environmental impact on March 1st, delaying the process for a few months .

In January, before the release of the final environmental impact statement, Apache Stronghold filed a lawsuit and an emergency injunction to block the land swap, citing violations of the 1852 Treaty of Santa Fe and violations of their freedom of religion. The treaty specifically states that the United States government will pass laws governing the Apache territory "conducive to the prosperity and happiness of said Indians."¹²

Regardless of the trust responsibility of the Federal government to protect Oak Flat laid out in the treaty, U.S. District Judge Steven P. Logan blocked the suit, citing that Apache Stronghold does not constitute a Tribe. He stated that even if the 1852 Treaty did form the trust relationship between the Federal government and the Apache people, the U.S. government still has the power to ultimately decide Indian affairs. In addition, McCain's "midnight-rider" bill purportedly wiped out any legal claim the Apaches had to Oak Flat.¹³

¹⁰ <https://bit.ly/3uAPAKo>

¹¹ Section 3003 of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 <https://bit.ly/3y3gjBh>

¹² <https://bit.ly/3gOjl6t>

¹³ <https://bit.ly/3e6OaS7>

“How will the future Apache girls and boys know what it is to be Apache, to know our home when it is gone?”

–Naelyn Pike, *Chiricahua Apache*. March 2020, written testimony to Congress



Wendsler Nosie Sr. (Apache) speaks to elders and other supporters of the Apache Stronghold at Oak Flat, January 2021. (Photo courtesy of Ash Ponders / Juntos Photo Coop.)

Logan also denied the 1st Amendment claim. Using previous court rulings in which claims of violations of Native religious rights were denied, the Federal judge stated that only if the government was withholding benefits to a Tribe—like unemployment—or if they were *coerced* into violating a religious belief would the federal government be able to step in.¹⁴

After the Apache’s lawsuit was denied, a non-profit law firm for cases regarding freedom of religion, Becket Law, stepped in to file an appeal with the 9th Circuit of Appeals.¹⁵ It is no coincidence that the Federal government rescinded the Final Environmental Impact less than *six hours* before they were due to respond to this appeal. In doing so, the Federal government effectively avoided having to reckon with this blatant denial of its trust relationship with Indian tribes.

On March 1st, the Appeals court stated that providing an emergency stay on the land swap would be “premature.”¹⁶ This means Apache Stronghold’s case to prevent the destruction of Oak Flat is still up for appeal in the 9th circuit and will proceed on the court’s original published schedule.¹⁷

Implications

Wendlsler Nosie, in his past two years living at Oak Flat, has already begun to notice devastating changes to the wildlife. The sacred streams where young women traditionally would bathe can no longer be used because

the water is contaminated. The oak trees that produce acorns—a process that takes centuries—which provided sustenance for Apache people and are still used in coming of age ceremonies, now look discolored, their branches weak and breaking.¹⁸

In May 2020, the same company who is attempting to destroy Oak Flat, Rio Tinto, blew up an Aboriginal sacred site in Australia, Juukan Gorge, prompting the CEO to resign.¹⁹ This site originally belonged to the Puutu Kunti Kurrama and Pinikura (PKKP) and was over 46,000 years old—one of the oldest Aboriginal sites left standing in Australia.²⁰

The destruction of this site was a devastating blow to what remained of Aboriginal history and culture in Australia. Rio Tinto has attempted to extinguish some of its fires, by discussions of appointing Indigenous board members, having an Indigenous advisory group, and replacing their CEO. However, Rio Tinto is expected to destroy 124 more Aboriginal sites.²¹ And, Rio Tinto is still pushing through mining Oak Flat. Their empty promises of ‘creating relationships’ and ‘never again’ are not enough.²²

The implications of destroying Oak Flat cannot be genuinely understood without looking at the context, history, and relationships of Indigenous people to the land. Similarly, collaborating with a company like Rio

18 Interview with Vanessa Nosie, April 16, 2021.

19 <https://bbc.in/3eK3sLx>

20 <https://ab.co/3nARmbC>

21 <https://bit.ly/3t7CjHE>

22 <https://ab.co/3ue51YU>



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Carroll, IT and
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Tinto cannot be understood without recognizing their very destructive history and relationship with Native peoples.

In the Apache Stronghold’s court case (*Apache Stronghold v. United States of America*), the District Court of Arizona had the potential to define whether Indigenous sacred sites meet the “substantial burden” requirements of the 1993 Religious Freedom Restoration Act, which Judge Logan denied. Now that the case is up for appeal, the implications of the decision become even greater. The U.S. government could be standing at a crucial turning point in how it chooses to respect Indian Religious Freedoms²³ and Indigenous sovereignty.

Since 2009, the National Congress of American Indians (NCAI) has passed *seven* resolutions in opposition to legislation attempting the transfer of Oak Flat to Resolution Copper. NCAI President, Fawn Sharp (Quinault Nation) made clear the trust responsibility of the U.S. government to respect Apache’s calls to protect Oak Flat during her testimony on April 13, 2021 at the House Natural Resources subcommittee’s hearing on *H.R. 1884, Save Oak Flat*.²⁴

23 <https://bit.ly/3vASajp>
24 <https://bit.ly/335mUx4>



The Apache Stronghold marchers who crossed the U.S. from Arizona rally at the The Capitol in Washington, D.C., July 22, 2015. (Photo courtesy of © Robert Meyers/Greenpeace).

In a powerful statement, Sharp responded to a question about whether negotiations about Oak Flat would be possible between the Apache and Resolution Copper: “If we can monetize our spiritual health, if we can monetize that which the Creator gifted to us, if we can monetize our very identity ... that would create a path where all Indigenous people risk even surviving another generation.”

Lasting Protection for Oak Flat

The government must create lasting protections for this sacred land. They must recognize the consequences of leaving Oak Flat in the hands of Resolution Copper, not only environmentally and spiritually for the Apache people, but also for Indigenous religious freedoms, the federal trust responsibility, and Native sovereignty on a larger scale.

Rep. Raúl M. Grijalva (D–AZ) re-introduced the Save Oak Flat (H.R. 1884) bill into the House of Representatives on March 15, 2021. This bill aims to repeal the section that Senator McCain slipped into the must-pass defense spending act. On March 23, 2021, Senator Bernie Sanders (I–VT) re-introduced the Senate Companion Bill (S.915).

Through *Save Oak Flat*, Rep. Grijalva and Senator Sanders urge Congress to grant lasting protection of Oak Flat, respect Native sovereignty, and protect Indigenous beliefs the same way it does other religious liberties.

It is crucial we urge our members of Congress to co-sponsor the bill and pass it into law.

Take Action Now

- Ask your members of Congress to co-sponsor the Save Oak Flat Act: bit.ly/2OSGFnu
- Check out Apache Stronghold’s website for an updated list of actions to support Oak Flat: bit.ly/3sslxma

Increased Services for Native Women Can Save Lives



On May 10, 2012, Cherrah Giles—a citizen and a former elected tribal council member of the Muscogee (Creek) Nation—spoke at a briefing sponsored by the Congressional Native American Caucus in support of the tribal VAWA jurisdictional amendments that became law in 2013. (Photo courtesy of NIWRC).

Why FVPSA Tribal Funding Must Increase

By Kelsey Turner, NIWRC Restoration Fellow

On October 25th, 2008, Cherrah Giles attended her Muscogee (Creek) Nation tribal council meeting with finger and handprints on her neck. She sat with her head down and hair pulled forward to hide the marks from her fellow council members. These marks were a testament to Giles' life at home, where three hours earlier, her partner had beaten and choked her.

Today, Giles is the Board Chairwoman of the National Indigenous Women's Resource Center. She has organized at the tribal, regional and national levels to reform laws and remove barriers to the safety of Native women since 2012. For Giles, as for so many other Native women, this history of abuse was not a single occurrence—it was a part of everyday life.

“What I experienced was a pattern of day-to-day incidents of physical and emotional abuse known as domestic violence,” Giles said in her 2012 testimony to the House of Representatives. “I want to stress that the repeated acts of violence constituted a pattern of on-going terror in my life.”

She was just fifteen when the boy she was dating began abusing her.

“At a time when I should have experienced the joys of high school and becoming a woman, I experienced violence from being hit, kicked, and punched. I endured humiliating acts from being spit upon, having my hair pulled, a knife pulled on me, cigarettes put out on my face, to full beer cans thrown at my head. I have had the experience of going to high school with bruises and a black eye.”

Yet despite her dire need for domestic violence services, Giles had nowhere to turn for help.

“At the time, there were no tribal programs for teens and young women being abused as a result of teen dating violence.”

So she continued to suffer in silence.

At sixteen, Giles became pregnant with this same boy. She became a teen mom while having to endure continued abuse. “Again, there were no tribal dating violence services for teen pregnant women like me,” she noted.

At twenty-four, Giles became the youngest female elected to the Muscogee (Creek) Nation National Council. She lived a very public life, attending tribal council meetings, traveling for her Nation, and speaking

“If tribal services geared towards domestic abuse and violence had not been available, I’m certain I would not be speaking today. I’m certain I would have remained in the cycle of abuse with an attitude of ‘no way out’ and accepting of a life of violence put upon me.”

–Cherrah Giles, Muscogee (Creek),
NIWRC Board Chairwoman

at hundreds of public events. And through it all, the abuse continued.

“On numerous occasions, I conducted my professional duties with bruises on my body. I kept these bruises hidden by my clothing, as I feared a stigma of weakness from being a victim.”

But in 2008, as Giles sat in that tribal council meeting with handprints on her neck, she suddenly knew she had to take action.

“It was after that meeting I had my moment of change and I realized it had to stop. I had to get out of this cycle of abuse.”

Soon after this meeting, Giles sought help through the Muscogee (Creek) Family Violence Prevention Program (FVPP), which had been created a few years earlier. It was not until her Nation launched this program that Giles even realized she was a victim of domestic violence.

By providing advocacy and supportive services to victims of domestic violence, sexual assault, dating violence, and stalking, FVPP offers critical services to Native survivors like Giles. FVPP also works with different communities to bring together key players in law enforcement, criminal justice, and other community systems to develop strategies focusing on domestic/sexual violence and practices related to victims and offenders.¹

¹ <https://bit.ly/3vdu12b>

“I am so grateful that this program was available and that it existed. It helped me to stop the violence in my life, as I now knew the experience of seeking help,” Giles said.

In essence, the Family Violence Prevention Program saved her life.

“If tribal services geared towards domestic abuse and violence had not been available, I’m certain I would not be speaking today,” Giles stated. “I’m certain I would have remained in the cycle of abuse with an attitude of ‘no way out’ and accepting of a life of violence put upon me. My life is now in a better place, free of abuse thanks to the aid and assistance from these tribal services.”

These tribal services that allowed Giles to escape her abusive situation are funded through the Family Violence Prevention and Services Act (FVPSA). FVPSA is the primary federal funding stream dedicated to the support of emergency shelter and related assistance for victims of domestic violence and their children.²

As a young girl, Giles did not have access to programs like FVPP. Because there were no federal funding systems for tribal domestic violence programs at the time, these programs simply did not exist. But FVPSA provided the life-saving resources that Giles needed to escape her fifteen-year-long situation of violence.

Yet, although FVPSA funding has enabled tribal programs to save the lives of hundreds of sexual and

² <https://bit.ly/2RVciOU>



An outreach table set up for the Muscogee (Creek) Nation Family Violence Prevention Program in Okmulgee, Okla., in October 2020. (Photo courtesy of Muscogee (Creek) Nation FVPP Facebook page).

domestic violence victims, Native women continue to suffer incredibly high rates of violence.

FVPSA’s Support of Indigenous Services Is Essential

FVPSA has done so much for Native women since its passage in 1984. But Cherrah Giles’ testimony speaks to the reality that there is still so much more to do. More than four in five AI/AN women (84.3%) have experienced violence in their lifetime. 56.1% of AI/AN women have experienced sexual violence, and 55.5% have experienced physical violence by an intimate partner.³

To fully protect Indigenous women, FVPSA funding for tribal programs must increase. Increased FVPSA funding will enable more tribes to develop programs like the Muscogee (Creek) Nation Family Violence Prevention Program that empowered Giles to escape her abusive relationship. It will also help strengthen existing programs’ capacities to aid victims of sexual and domestic violence.

The cultures of Indigenous peoples are centered on beliefs of respect and spirituality. As Indigenous women, the process of restoring well-being and balance following domestic abuse is also centered in the respective beliefs

of their peoples and nations. Tribal specific programs are centered on the cultural relations Indigenous peoples share as relatives, that are distinct and are found in state agencies and programs.

Indigenous services for Indigenous women are specific to and centered by Indigenous peoples. The increased funding to Indian tribes under FVPSA 2021 Reauthorization is essential and urgently needed. Only by allocating increased funds to tribes themselves can tribal members develop programs that truly address the needs of Native victims of domestic and sexual violence.

Support FVPSA Reauthorization

Call on your Senators to understand why they must support a FVPSA bill with tribal provisions contained in S. 1275. These provisions meet the needs of Indian tribes and increase shelters and services for Native women and survivors. Find your senator: bit.ly/3aZEaYC

³ <https://bit.ly/2QN3vhv>

The Story of a Survivor

How an Alaska Native Woman Survived an Abusive Marriage

By Kelsey Turner, NIWRC Restoration Fellow

In her hometown of Yakutat, Alaska, Violet Sensmeier (Tlingit and Central Koyukon Athabascan) lives surrounded by family and friends. Her younger sister, who lives right next door, has children the same ages as her own children. Her parents live across the street. Her older sister lives just a couple of houses away, and her older brother lives in the next neighborhood over. “My kids can run out the door, go across the street, and they just have family everywhere they go,” Violet commented. In Yakutat, Violet and her children are loved, they are supported, and they are safe.

But it wasn’t always like this. Violet survived and ended an abusive marriage. After enduring years of abuse, she truly believed her husband would try to kill her if she left. Through advocacy services funded under the Family Violence Prevention and Services Act, Violet finally received the support she needed to break free from her abuser and become a survivor.

Living in an Abusive Marriage

Two years ago, Violet lived in rural Missoula, Montana with her three kids and her (now ex) husband. As Violet described him, her husband, a non-Native, was charming, he was handsome, he was a smooth talker, and he was abusive – emotionally, physically, verbally, and financially.

“Any decision I had to make, what was going through my head is, what is he going to say?” Violet recalled. Any time she had plans with her girlfriends, she would be drilled with questions when she got home. “Where were you? What did you do? Who did you see?” But if she stayed home, she would be isolated, stuck inside the house with her abuser. As an expressive outlet, Violet turned to photography and jewelry-making, an Indigenous craft she learned from her grandmother as a young girl in Galena, Alaska. Her husband, however,



Violet Sensmeier, Tlingit and Central Koyukon Athabascan. (Photo courtesy of Violet Sensmeier).

saw Violet’s artistic endeavors as a waste of time. “You could have been home getting things done, being productive,” he would say. “You’re not getting paid to do photography. It’s not benefitting us.”

Despite her husband’s doubts, Violet’s jewelry-making did become profitable. With this small income, she became less economically dependent on her husband. “It actually turned into me making enough money to pay for my daughter’s gymnastics classes, because that was very expensive,” Violet said. “Since she was not my husband’s biological daughter, there was always this thing of, ‘well, that costs money.’”

Her husband was not only abusive toward Violet, but toward her daughter as well. In one instance, her daughter was on crutches after breaking her leg in gymnastics. “She wasn’t moving fast enough to the car to make it to the bus stop, and she slipped and fell on ice,” Violet recalled. “He picked her up by her backpack and caught her hair to hurry her into the truck so they wouldn’t miss the bus. He threw her crutches in the back of the truck,

and he was cursing the whole way down about how they were going to miss the bus.”

“Why Don’t You Just Leave?” The Obstacles to Ending an Abusive Relationship

Although Violet was concerned for her own safety, she was more afraid of how the toxic relationship was affecting her teenage daughter and her two sons, who were just toddlers at the time. So in July 2018, she decided to take action.

She considered filing a protective order against her husband. Protective orders can legally prohibit an abuser from entering the victim’s premises, communicating, or having contact with the victim, and can allow the victim a temporary order of custody of minor children.¹

However, as Violet went to file the paperwork, she talked herself out of it. “I took it all back,” Violet said. “I was like, no, no, everything’s good now, I can fix this, things are getting better.”

In the fall of 2018, feeling isolated at home with two young children and no one to help raise them, Violet tried to talk with her husband about spending more time with family and friends in Alaska. Her husband looked at her and responded simply, “If you ever try to leave me and take the boys, I will put a bullet through your head.”

Violet did not know how to respond. She walked away, leaving the conversation there, extremely worried about how she would ever be able to get away safely.

In April 2019, her husband began threatening her life again. “I could tell by the way he was coming up the road that he was upset,” Violet remembered. “I could hear him screaming in the driveway and into the house, ‘You are so f... dead! You are so f... dead!’ Earlier that day, I’d paid some bills and didn’t run it by him first. That was when I knew it was time to leave. I couldn’t wait anymore.”

Fearing for herself and her children, Violet knew she had to do whatever it took to get out. “I waited until he left the house, and I went to the domestic violence advocate, and I filed a protective order.”

Her husband, however, found out about the protective order and immediately went to a lawyer to start the divorce process. He also closed their bank accounts and

¹ <https://bit.ly/3tXusgY>

took her name off of all their credit cards. Violet was forced to rely on her domestic violence advocate, Jessie, to give her vouchers for groceries and gas.

Meanwhile, Violet was enduring a period of delay between filing the protective order and waiting for a judge to implement it. During this time, her connection to Jessie and other domestic violence services proved indispensable. “Jessie was very worried about me and my safety,” Violet said. “She was constantly checking in with me and texting me to make sure that I was okay or that I was at least responding to her texts.”

Jessie had good reason to worry for Violet’s safety. According to the National Institute of Justice, about 75% of homicide victims in domestic violence situations are women who left or tried to leave their abuser within the past year.² Although protective orders do generally help to increase women’s safety, “Getting a protective order can sometimes make a bad situation worse by actually triggering a violent reaction by the abuser, especially if he’s surprised by the request.”³

Violet was able to find shelter through AWARE, Inc., a national domestic violence agency funded through the Family Violence Prevention and Services Act. “Before having to use one, I just thought, that has to be a scary place. Or, it’s got to be really bad if you have to go there,” Violet commented about the shelter. “But it ended up that those people have the biggest hearts.”

He Said, She Said: When a Survivor is Not Believed

While waiting for her protective order to be served, Violet and her husband were racing against one another to file the divorce papers first. “He knew that I was leaving him because of domestic violence, but yet he wanted the courts to see it as him leaving me,” she explained.

“I had spent three days in the self-help center, dragging my kids all over that place, trying to figure out how to fill out these forms because I couldn’t afford a lawyer,” she continued. “I had gotten everything spelled out, and I brought it to the clerk of court, and she knew I had spent days there trying to figure this all out. And when I went to give it to her, she said, ‘He just filed a half hour before you did.’”

In court, Violet’s abuser lied about everything occurring

² <https://bit.ly/3u2IgHg>

³ <https://bit.ly/2S8uYLc>

at home. “My ex-husband denied ever threatening to put a bullet through my head if I ever left,” Violet said. “And the judge believed him.”

The judge, a white man like Violet’s husband, also did not honor her protective order. He enacted a no-contact order instead. “A no-contact order is basically nothing,” Violet noted. “All it’s doing is saying, you can’t call her, you can’t text her.”

Without the protective order, Violet knew she had to get herself and her kids out of Missoula and back to Yakutat. “I put in a petition to move, and we had to go to court, because he didn’t want the kids to leave the state.”

The hearing was supposed to last a day, but ended up lasting an entire week. Fortunately, her family was able to fly down to support her. “Throughout the whole summer, since the judge did not keep the protective order in place, I always had family there, staying with me and taking turns,” she said. “Literally, we kept the doors barricaded, and...it was scary to go anywhere.”

Violet knew she had strong evidence for her case – she had the forethought to take audio recordings of her husband’s outbursts, providing undeniable proof of his verbal abuse. Her ex-husband’s lawyers argued that because she had recorded without his consent, the recordings could not be played in court. “My defense was that it was for my own safety,” Violet said. “And the judge did finally allow us to play a few recordings. And honestly, once you heard those, that was ultimately a big factor.”

Finally, in October 2019, the judge ruled to allow Violet to bring her kids with her to Alaska. She moved back to Yakutat, where she and her children now live surrounded by the love and support of their family.

Escaping Abuse: The Importance of Domestic Violence Services

Violet’s ex-husband still lives in Montana, far away from Violet and her family in Alaska. She only communicates with him over text, and only if it has to do with their children. Her two sons, now five and seven years old, usually spend the summer months with their father and the rest of the year with Violet.

Since returning to Yakutat, Violet has been connected to strong support systems through the Yakutat Tlingit



(Top) Violet’s sons watch the snowfall together. (Bottom) Violet and her two sons in Missoula, Montana. (Photos courtesy of Violet Sensmeier).

Tribe’s Domestic Violence Program and the Alaska Native Women’s Resource Center. “Here in Yakutat, they have funding for counseling if you don’t have insurance, so they can help with that,” Violet said. “There are also different ways funding can help people – whether or not they need to go to court, whether you need a safe place to stay.”

Now, Violet helps other survivors connect with the Tlingit Tribe’s Domestic Violence Program. “I got a pretty good foundation, especially in my community, of getting the word out there and letting the men and women know, if you are experiencing domestic violence, we have a wonderful program that will help you. And in fact, it’s still continuing to help me.”

Violet began sharing small bits of her story on social media as well. Many women reached out in

encouragement, and to share their own stories of abuse. “I was really surprised, once I shared a good part of my story, the people that were coming out, messaging me, emailing me—these women are doctors, teachers,” Violet said. “Domestic violence, it can happen to anybody. That was what really opened my eyes. All these women seemed like they had everything, and they could be and do anything, and yet they were in the same boat as me.”

The Need to Strengthen Federally-Funded Domestic Violence Programs

Inspired by how profoundly her domestic violence advocate, Jessie, touched her life, Violet decided to work for the Tlingit Tribe as tribal court administrator and later as a domestic violence advocate. “When I was working there, we secured funding to provide a safehouse for people, because in most rural communities, especially during a pandemic, housing is limited, and you’re often stuck with your abuser with nowhere to go. So we got funding to get a safe shelter for those people.”

Funding for domestic violence programs is extremely crucial now during the COVID-19 crisis. Stay-at-home orders in 2020 led to an increase in intimate partner violence (IPV) as well as a decrease in women’s access to services, causing IPV to be called a “pandemic within a pandemic.”⁴

“I had women messaging me who were in the state of Washington stuck with abusers,” Violet said. “They were asking, ‘what can I do, where can I go?’ And I’m trying to get them to different resources and get them help when they were too scared to even make a phone call.”

“The stigma of domestic violence still needs to be broken down,” Violet continued. “There is nothing wrong with you. You are not broken, you are not everything that your abuser tells you you are. You are capable of doing anything and everything you want, and you deserve all good things.”

Incorporating Indigenous Culture into Domestic Violence Awareness

Violet now has a new job at the Yakutat Community Health Center, where she’s training to be a Behavioral Health Aid. “My goal is to go all the way and get my Bachelor’s in social work, eventually my Master’s. And be able to really help my community.”

4 <https://bit.ly/3ex176C>

In addition to her job at the Community Health Center, Violet also coaches a group called Boys on the Run, an after-school program for 3rd-5th grade boys and girls of running, discussion, and cultural activities that honor Southeast Alaska’s languages and traditional values. The program, developed in partnership between AWARE, Sitkans Against Family Violence, and the Central Council Tlingit & Haida, helps young boys build healthy relationships and create a community of respect for themselves and others.⁵

“Our motto is I toowú klatseen, and that means ‘to strengthen your spirit,’” Violet explained. “It’s all culturally relevant in knowing who you are and where you come from. It’s so much a part of our identity. This is one of the exact reasons I wanted to get back to my hometown with my kids, so that they could be a part of things like this, and incorporate all of our cultural values, who we are, and create really strong bonds and connections with one another.”

Violet also continues to make jewelry as her grandmother taught her. “It has been an art with Indigenous people for so long, and it feels so good to be connected to it,” she said. “And because of that, my grandma still has an impact in my life, even though she’s been gone.”

These connections with her Indigenous culture, with her family and friends, and domestic violence support systems both within and outside of her tribe have given Violet the strength to live a healthy, fulfilling life. “I found my purpose through everything that happened. It’s healing and it’s rewarding, and feeling like, ok it all happens for a reason. And I’m going to try to help other people now.”

As Violet continues sharing her story on social media and advocating for change, she has come to know that she is not alone. “I’ve been meeting so many other women, some of them are older, and they’re starting over,” she said. “And the one thing we all think is, we’re so thankful. We’re so thankful. We never thought life could be this good.”

That, in essence, is the message Violet wants other domestic violence victims to understand—you are not alone, you are supported, and you deserve to be treated with love.

5 <https://bit.ly/2QZMi4q>

StrongHearts Native Helpline Looks Back at 2020

StrongHearts Continues to Expand to Meet the Needs of Native Victim-Survivors

By CC Hovie, *Sault Ste. Marie Tribe of Chippewa Indians*, Communications Manager, StrongHearts Native Helpline

Over the past year, the pandemic destabilized the work environment just as StrongHearts Native Helpline advocates began to gear up and increase advocacy. The pandemic created an urgency to meet the needs of Native Americans and Alaska Natives who already suffer the highest rates of domestic, dating and sexual violence in the United States.

“Not only did we meet our goals and deadlines, but we also navigated through the pandemic by transitioning into a fully remote operation,” said StrongHearts Director Lori Jump (Sault Ste. Marie Tribe of Chippewa Indians). “The team at StrongHearts demonstrated an unwavering commitment to provide culturally-appropriate advocacy to victim-survivors across the nation.”

First Quarter

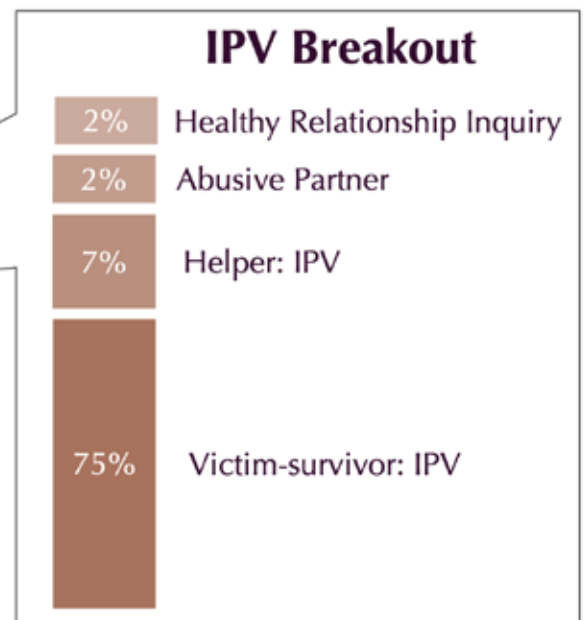
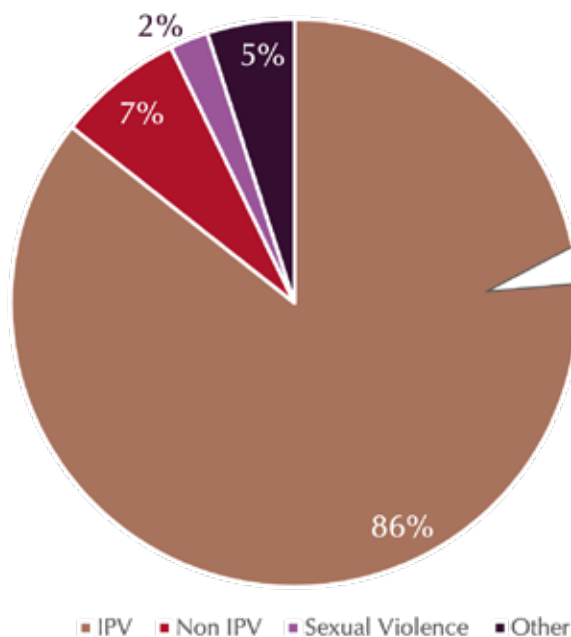
In February 2020, the first round of new hires brought

in eight additional positions when the StrongHearts administrators stepped up advocate training to include and enable online chat advocacy.

Advocates successfully implemented chat advocacy in May of 2020. This new method of contact resulted in increased accessibility for individuals who may be hearing impaired and/or those who are uncomfortable with calling the helpline or unable to vocalize a call for support.

In the first quarter of 2020, when the pandemic was taking hold of the American public, StrongHearts saw a drop in the number of callers. However, StrongHearts’ online presence continued to grow, demonstrated by an increase in the number of people navigating the website and social media impressions.

Contacts Impacted by Covid-19



“We suspect that the increased need was still there, but the pandemic created yet another obstacle to safety by requiring victims to shelter-in-place with their abuser,” said StrongHearts Communications Manager CC Hovie (Sault Ste. Marie Tribe of Chippewa Indians). “Instead, we’ve seen a noticeable increase in online activities as Native American victim-survivors continued to seek support.”

Second and Third Quarter

During the second and third quarter of 2020, StrongHearts initiated a mass marketing campaign to increase awareness and create a greater presence in Native communities. Meanwhile, the number of contacts continued to grow when administrators again amped up their training modules in August 2020 to include sexual violence advocacy.

Sexual violence advocacy is a component that addresses the horrific rates of sexual violence in Native communities. In fact, Native Americans suffer the highest rates of sexual violence among all ethnicities, genders and age groups.¹ Sadly, the vast majority of perpetrators are non-Native, which lends support to the belief that sexual violence is an extension of colonization that began with European contact.

Fourth Quarter

In November of 2020, StrongHearts received its 10,000th call. December saw nine additional staff members that included more advocates and a chief financial officer. These new employees were hired to gear up for around-the-clock hours of operation.

“The most ambitious year to date was navigated without a stumble. We kept up with our benchmarks and met our deadlines,” concluded Jump. “We will continue to strive to meet the needs of our people and all who reach out to us for help.”

By The Numbers

In 2020, StrongHearts advocates answered 3,074 calls and 406 chats. The types of abuse disclosed by Native intimate partner violence (IPV) victims are broken down into six categories and listed in order of prevalence:

- 87% Emotional Abuse
- 78% Physical Abuse
- 31% Financial Abuse
- 19% Digital Abuse

¹ André B. Rosay, "Violence Against American Indian and Alaska Native Women and Men," June 1, 2016, nij.ojp.gov: <https://bit.ly/3afUi7Z>



(Left) CC Hovie, StrongHearts Communications Manager. (Right) Lori Jump, StrongHearts Director. (Photos courtesy of StrongHearts Native Helpline.)

- 19% Sexual Abuse
- 10% Cultural Abuse

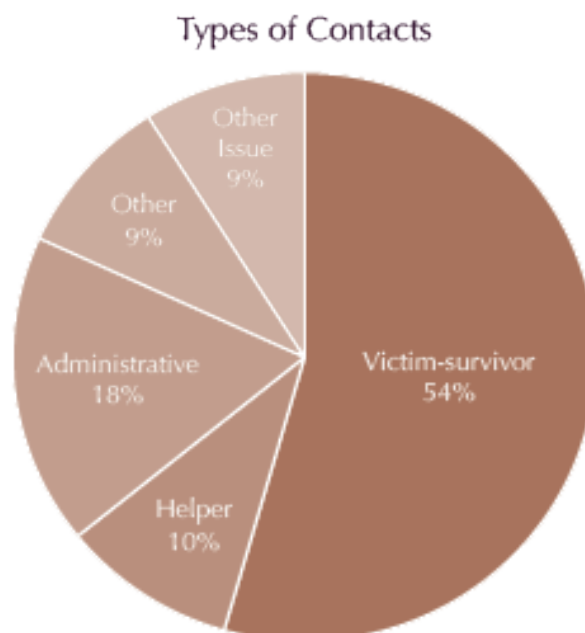
Prevalent Issues

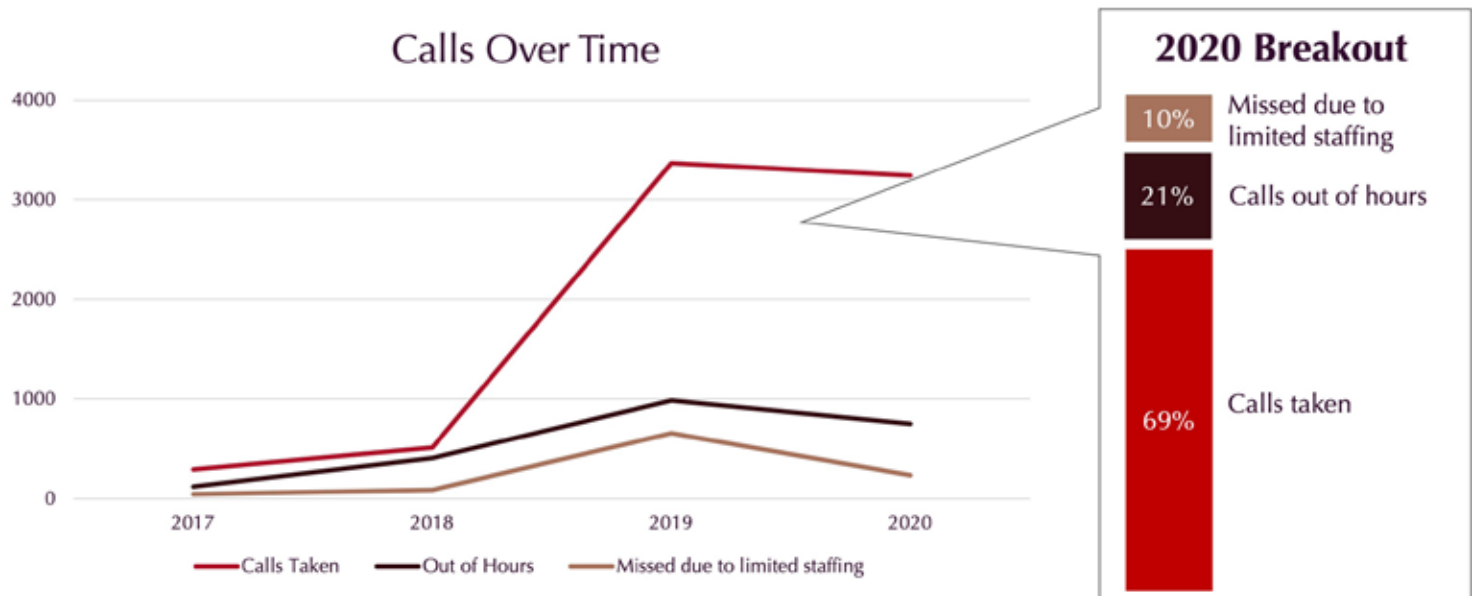
Native IPV victims are facing many hardships that further complicate domestic, dating and sexual violence. In order of prevalence, victims identified having the following issues:

- 54% experience abuse at the hands of a non-Native partner
- 39% disclosed they or their abusive partner have child dependents
- 12% of Native victim-survivors have been strangled by their abusive partner
- 12% disclosed being stalked
- 11% disclosed experiencing cultural abuse
- 7% of Native victim-survivors say their abuser has access to a firearm

Disparities in Shelters and Provider Services

The truth is that Native peoples have long been ignored and have suffered unimaginable abuse without remedy.





The disparities in the number of Native vs. non-Native shelters and service providers demonstrate the shortfall of Native specific resources.

Compared to the 1,544 non-Native shelters² across the nation, there are only 56 specifically for Native peoples.³ There are 3,643 non-Native service providers across the nation, compared to only 257 that provide services specifically for Native peoples.

While Native peoples suffer some of the highest rates of domestic and sexual violence, the lack of Native-centered resources continues to be a major hurdle. At StrongHearts, we know that finding a culturally-specific resource can be hard, which is why we exist.

2021 New Service Launches

To address inequities and better serve Native Americans and Alaska Natives, StrongHearts continues to expand services. On February 19, 2021, StrongHearts expanded operations by offering advocacy services seven days a week, 24 hours a day. Text advocacy launched on April 1, 2021.

Like online chat advocacy, text advocacy increases accessibility for individuals who may be hearing impaired and those who may be uncomfortable or unable to vocalize a call for support. As the pandemic continues and victim-survivors in abusive relationships are forced to shelter-in-place with their abusive partners, it becomes even more vital to offer multiple communication options

so victim-survivors can decide what is a safe and appropriate option for them.

“We are eager to expand our services to reach every Native victim-survivor who needs it,” said Jump. “StrongHearts will continue our work until all of our relatives have the resources they need and are safe from violence.”

As American Indian and Alaska Native communities continue to navigate the isolating effects of COVID-19, 24/7 expanded operations and text advocacy will allow those experiencing domestic and sexual violence to connect with a highly trained advocate whenever they need free, anonymous and confidential support. Call or text 1-844-762-8483 or for 24/7 one-on-one chat advocacy visit strongheartshelpline.org.

StrongHearts Has a New Website

Launched on March 12, 2021, the new site is dynamic and engaging and reflects a diverse Native population. With the new design, the end-user experience has been greatly improved and is more secure than ever, in addition to adding more safety features that protect victim-survivors. Visit the new website at strongheartshelpline.org.

² National Domestic Violence Hotline database <https://bit.ly/3dvVITH>

³ StrongHearts Native Helpline database <https://strongheartshelpline.org/>

ORGANIZING FOR CHANGE

A Recap of 2021 National Week of Action for Missing and Murdered Indigenous Women and Girls



National
Congress of
American
Indians



President Biden @POTUS
United States government official

This Missing and Murdered Indigenous Persons Day, we honor the memory of the Indigenous people who we have lost to murder and those who remain missing. My Administration is committed to working with Tribal Nations to ensure swift and effective action.



A Proclamation on Missing and Murdered Indigenous Persons Awareness... Today, thousands of unsolved cases of missing and murdered Native Americans continue to cry out for justice and healing. On Missing and ...
whitehouse.gov

6:03 PM · May 5, 2021 · The White House

2,153 Retweets 145 Quote Tweets 10.6K Likes



Sen. Lisa Murkowski @lisamurkowski

Today is the beginning of the National Week of Action for Missing and Murdered Indigenous Women and Girls. I encourage everyone to find your own way to take action, raise awareness, and help turn the tide of this crisis.
#MMIWG



2:30 PM · Apr 29, 2021 · Twitter · Web App

23 Retweets 3 Quote Tweets 52 Likes



IlumiNative @_IlumiNatives

Today on National Day of Awareness for Missing & Murdered Indigenous Women & Girls we wear red to honor and remember #MMIP relatives. We wear red to bring awareness to this ongoing crisis and we ask that you amplify the need for #MMIWGActionNow.



9:09 AM · May 5, 2021 · Twitter Web App



BY THE NUMBERS:

2021 National Week of Action for MMIWG

7 VIRTUAL EVENTS

APRIL 29-MAY 5, 2021



Malinda Limberhand,
Northern Cheyenne Nation



- ▶ A National Day of Awareness for Missing and Murdered Native Women and Girls
- ▶ May 29th is the birthday of my daughter Rainna Warts who went missing on July 4, 2013 and was murdered.
- ▶ Organize for changes needed at the tribal, state, and national level
- ▶ Increase public awareness, wear red, post your efforts on social media
- ▶ Honor our Native women and girls

2,225 ATTENDEES/VIEWS

OF VIRTUAL EVENTS

49,478 WEBSITE VIEWS

OF NIWRC.ORG/MMIWGNATLWEEK21



45.9 MILLION PEOPLE REACHED

BY #MMIWGACTIONNOW



Ku'ulei Jakubczak



Lucy R Simpson



You Retweeted
National Congress of American Indians @NCAI1944

NCAI appreciates @POTUS's proclamation declaring May 5, 2021, Missing and Murdered Indigenous Persons Day. Tribal Nations now call on Congress to protect Native women by passing #VAWA21 with strong tribal provisions. #MMIWGActionNow

View the proclamation: bit.ly/2QNKQm9



National Indigenous Women's Resource Center
Published by Sprout Social · May 5 at 3:00 PM ·

Our team is wearing RED for the National Day of Awareness for the Missing and Murdered Indigenous Women and Girls. We are honored to host the last webinar during our 2021 National Week of Action, "Uplifting the Voices of MMIW Families." Please join us today at 1 p.m. MDT: <http://bit.ly/3s1M62e> #MMIWGActionNow



Elizabeth Warren @SenWarren

Every year, thousands of Native American women & girls go missing or are murdered. Let's all remember them today, the National Day of Awareness for Missing and Murdered Indigenous Women and Girls. The #MMIWG epidemic is a crisis. The federal government must take #MMIWGActionNow.



Urban Indian Health Institute @TheUIHI · May 6

Yesterday, our team wore red in honor of the National Day of Action for Missing and Murdered Indigenous People.

Today and every day, the work for justice continues. Thank you to @niwrc for all you do to support Native people.

#MMIWGActionNow #MMIWG #MMIP #NoMoreStolenSisters



Paula Julian @mahalp07 · May 5
Historic San Diego County Proclamation recognizing May 5 as Day of Awareness for MMIWG with 5 of the County's Tribes in Action - La Jolla, Jamul, Barona, Viejas and San Pasqual #MMIWGActionNow #VAWA2021 #FVPSA2021



Rep. Terri A. Sewell @RepTerriSewell

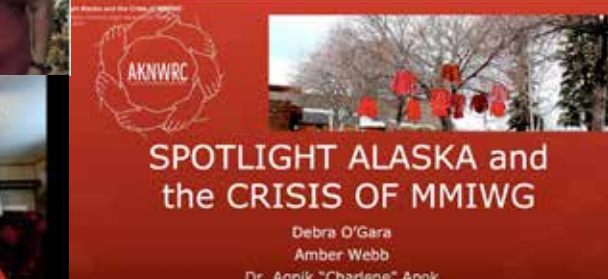
The violence Native women endure in this Nation is a crisis we cannot afford to be silent about. The Senate must pass the #VAWA act to better protect Indigenous Women and Girls. #MMIWGActionNow

8:59 PM · May 5, 2021 · Twitter for iPhone
Eighth Generation @811gen

We honor the many Missing and Murdered Indigenous Women and Girls (MMIWG) and work to uplift the voices of surviving family members. ❤️

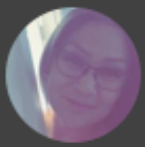
TAKE ACTION at @niwrc's site: niwrc.org/mmiwgnatweek2...

#InspiredNatives #MMIWG2S #EnoughIsEnough #TakeAction



Debra O'Gara
Amber Webb
Dr. Appik "Charlene" Apok





dayofmaria0402



Controlling the Narrative

Instagram Erasure of MMIWG Stories Leaves a Mark, But Indigenous Advocates Rise Up

By Kerri Colfer, *Tlingit*, NIWRC Senior Native Affairs Advisor

As we reflect on our 2021 National Week of Action for Missing and Murdered Indigenous Women and Girls (MMIWG), we want to thank everyone who shared their stories, their time, and their work with us. We heard from the families of MMIWG, grassroots advocates, tribal leaders, members of Congress, survivors, and allies who are working toward systemic change to end violence against Native women.

On May 5, we advocated for MMIWG across our Facebook, Instagram, and Twitter pages and invited partner organizations and the public to help raise awareness alongside us. The following day, we heard from members of our community who noticed that some of their May 5th Day of Awareness Instagram Stories were deleted from their Instagram feeds. NIWRC immediately crowd-sourced for evidence of the removed posts and contacted Facebook, which owns Instagram, to share these reports and address this issue. The company shared that they were experiencing a global technical issue with uploading and viewing posts that was not specific to any topic or movement.

There is no doubt, whether intentional or unintentional, that this erasure on social media was

triggering and traumatic for many advocates and families who worked to raise awareness for such a personal and painful issue. Native people experience erasure in many forms—in data, in the media, in the way American history is taught, and in the way cases of missing Native people are investigated and reported.

"White supremacy deliberately attempts to erase Native peoples from the past and make them invisible today. Regardless of how it happens—Native experts not hired speak about today's news, the ways in which social media platforms are built and managed, or non-Native people writing Native characters in film and TV—it impacts the health and well-being of our people, and it impedes progress. The way to end this erasure is

straightforward: Native people must author and control our own narrative and be included in all decisions that impact our lives," said Crystal Echo Hawk (Pawnee), founder and CEO of IllumiNative.

The connection between the erasure and invisibility of Native voices was a common theme covered in the events of our National Week of Action. Yet to see it play out in front of us with the deletion of May 5 Day of Awareness social media posts left many of us feeling very raw.

"May 5th was a day of mourning (especially publicly) for so many of the families and advocates. It was the one day out of the year that Native peoples have visibility for and because of the social platforms that be, decided that it was to erase that heart work, silence our Native women, silence their families, silence our advocates, and silence our allies. May 6th should have been a day to decompress, heal and regain some strength to keep moving ahead in this work. And the families and advocates were re-traumatized to raise awareness all over again and to speak out about the erasure we all experienced," said Jordan Marie Brings Three White Horses Daniel (Lower Brule Sioux Tribe), CEO of Rising Hearts.

This story is no longer available

The silencing of Native voices not only contributes to the continued violence perpetrated against Native people, but also results in a lack of accountability on the part of the federal government. To be able to address the crisis of missing and murdered Native women, it must first be acknowledged. Silencing Native advocates and allies seeking to bring about change to current federal policies by raising awareness for MMIWG is therefore a form of violence. We must continue to bring attention to the crisis of violence against Native women, which includes addressing all of the systemic disparities and root causes of this violence. Companies and media must acknowledge the power they hold to either silence or amplify the thousands of voices of Indigenous people calling for systemic and social change.

6-Point Action Plan to Reform Current Systemic Barriers and Restore Safety of Indigenous Women

By the National Indigenous Women's Resource Center, Indian Law Resource Center, Pouhana O Na Wahine, Alaska Native Women's Resource Center, and the Alliance of Tribal Coalitions to End Violence

Traditionally, Indigenous women were respected and held sacred within their nations. Colonization eroded this status and dehumanized Indigenous women, destroying original protections within their nations. The current spectrum of violence against Indigenous women is intertwined with systemic barriers embedded within the U.S. federal government. These barriers developed as the U.S. seized the homelands and natural resources of Indigenous peoples, forcibly removed and relocated Indigenous people, and created living conditions where women are vulnerable to violence. To fully address the current crisis of violence against Indigenous women, these systemic barriers must be removed and the sacred status of women restored. To that end, we urge the U.S. government to reaffirm and support Indigenous protective systems by:

- Restoring the full authority of American Indian and Alaska Native Nations to protect Indigenous women, including through the support of VAWA 2021's expansion of Special Domestic Violence Criminal Jurisdiction for Indian nations.
- Recognizing and respecting Indigenous responses of Native Hawaiian communities and organizations to protect Indigenous women, including through the support of a Native Hawaiian Resource Center on Domestic Violence.
- Ensuring adequate resources for advocacy and services for Indigenous women, including by support of FVPSA 2021 tribal funding increases and establishment of a permanent, dedicated funding stream for tribes in the Victims of Crime Act (VOCA).
- Removing the systemic barriers facing families of MMIW including by supporting implementation of Savanna's Act and Not Invisible Act and the development and adoption of additional MMIW legislation in consultation with Alaska Native and American Indian Nations and Native Hawaiians.
- Implementing a thorough federal response to MMIW by requiring every federal department to develop action plans with meaningful consultation with American Indian Nations and Native Hawaiians to address MMIW.
- Recognizing that both land and Indigenous women are sacred and connected, and that both require legislative and policy actions to protect them from extractive industries and corporate interests, such as the passage of the *Save Oak Flat*, HR 1884/S.915.





LEGISLATIVE UPDATES

Addressing the National Crisis of Missing and Murdered Indigenous Women

National Legislative Reforms to Strengthen Sovereignty Are Essential

By Kerri Colfer, *Tlingit*, NIWRC Senior Native Affairs Advisor



Kerri Colfer, Tlingit, NIWRC Senior Native Advisor. (Photo courtesy of NIWRC.)

At NIWRC, we work to address violence against Indigenous women by lifting the voices of grassroots advocates, offering culturally-grounded resources, and providing technical assistance and training to Indian tribes and Native Hawaiians. We also work at a policy level to find and develop solutions for tribes in addressing gender-based violence. NIWRC has organized to raise awareness of missing and murdered Indigenous women (MMIW) on a national scale for the past decade.

The first MMIW case that we actively supported was Hanna Harris' case, which was the catalyst for the May 5 Day of Awareness for Missing and Murdered Indigenous Women and Girls (MMIWG). For those of you that are not familiar with her story, in 2013, 21-year-old Hanna disappeared from her home in Lame Deer, Montana, which is also the home of NIWRC. Her body was found several days later by a volunteer search party after police failed to take the case seriously. Her case then went unsolved for nine months.

Hanna's story is reflective of thousands of cases of missing and murdered Native women and children where insufficient resources, confusion over jurisdiction, and lack of police presence or response hampered efforts to recover victims quickly. These barriers reflect systemic disparities denying Indigenous women safety and justice, generation after generation.

The response to these systemic barriers requires a multi-level approach, rooted in tribal sovereignty. The NIWRC's approach to MMIW is to strengthen the authority of and resources provided to Indian tribes and Native Hawaiian communities to protect the lives of Indigenous women. We, therefore, advocate for:

- restoring jurisdiction to handle cases at the local, tribal level through the reauthorization of the Violence Against Women Act (VAWA);
- providing adequate resources for tribal victim services through the Family Violence Prevention and Services Act (FVPSA) and the Victims of Crime Act; and,
- removal of systemic barriers, such as improving access to federal criminal databases and establishing a standard protocol to respond to MMIW cases through the implementation of Savanna's Act and the Not Invisible Act in consultation with tribes, advocates, survivors, and families.

The federal government has a trust responsibility to Indian nations, which includes assisting tribal governments in safeguarding the lives of Indian women, as it was affirmed in Title 9 of the 2005 VAWA reauthorization. NIWRC and our partner advocates and organizations have been involved in previous VAWA bills, and with each reauthorization, steps have been made to strengthen the tribal response to violence in Native communities. In the 2013 reauthorization, Congress reaffirmed

The federal government has a trust responsibility to Indian nations, which includes assisting tribal governments in safeguarding the lives of Indian women, as it was affirmed in Title 9 of the 2005 VAWA reauthorization.

inherent tribal authority over non-Native perpetrators of domestic violence, dating violence, and criminal violations of protection orders. This left significant gaps, with crimes involving child abuse, sexual assault, stalking, and sex trafficking remaining under state or federal jurisdiction, with an extremely high likelihood of those courts declining to prosecute such cases. These loopholes have been consistently taken advantage of by abusers, leaving tribes and Native women to suffer the consequences.

As in Hanna Harris' case, the initial police response to a missing person case is crucial, and questions of jurisdiction—who can respond, search, investigate—can mean the difference between life or death. And as in Hanna's case, families and tribal communities are often left leading the search parties due to lack of law enforcement presence or response.

Our work is centered around ensuring tribes not only have the authority and the resources to properly respond to cases of missing and murdered Indigenous women, but also to prevent them from happening in the first place.

The statistics among Native populations show the ongoing effect that colonization has had on Native people and nations. Previous VAWA amendments to federal law have highlighted an increasing awareness of the need to address violence against Native women and the critically important role of Tribal Nations in the implementation of VAWA.

The fact is, tribes across the country are impacted by targeted violence against Native people, yet have very little ability to address it. Because we work on a

national level to end gender-based violence in tribal communities, our approach is always from a sovereignty framework—we know that tribes are in the best position to determine how to protect their citizens, and tribal and Native-centered resources, though currently scarce, are essential to healing for Native victims of violence and their families.

Native victims must confront and navigate a complex legal system and face extreme obstacles in terms of jurisdiction, law enforcement, resources, services, shelters, and rape crisis centers. In this context, while much remains to be done, we know that when tribal sovereignty and self-determination are respected, and the federal trust relationship is upheld, those barriers to safety can be mitigated.

To be more responsive to meet Native survivor needs, Tribal Nations must be able to develop, implement and sustain culturally appropriate resources and services. The NIWRC will continue to raise awareness and work toward systemic change to remove obstacles preventing Tribal Nations from protecting their citizens and ensuring Native victims and their families have access to resources tailored to their needs.

With the current crisis of violence committed against Indigenous women, members of Congress must meet their obligation to increase and support Tribal sovereignty. Only through such systemic reforms will the national crisis of missing and murdered Indigenous women and girls end.

Gunalchéesh, thank you.

Pending Legislation Impacting the Safety of Native Women

Legal Reforms and Increased Resources can Remove Barriers to Safety and Justice

By Kerri Colfer, *Tlingit*, NIWRC Senior Native Advisor



Image by Ne-Dah-Ness Greene.

Violence Against Women Act (VAWA)

On March 17, the House voted 244 to 172 to pass the Violence Against Women Reauthorization Act of 2021 (H.R. 1620).¹ The bill, which was last reauthorized in 2013 and expired in 2018, was reintroduced on March 8 by Representatives Sheila Jackson Lee (D-TX), Brian Fitzpatrick (R-PA), and Jerrold Nadler (D-NY). Similar to the VAWA reauthorization bill that passed the House in April 2019 (H.R. 1585)² and the Senate companion bill introduced by Senator Dianne Feinstein (D-CA) in November 2019 (S.2843),³ this bill would build on the progress of the 2013 VAWA reauthorization by reaffirming the inherent sovereign authority of Tribal Nations to hold non-Indian perpetrators accountable in cases involving child abuse, sexual assault, stalking, and trafficking. The bill, which was developed in partnership with national and tribal advocacy organizations, also includes critical resources for tribes to implement VAWA.

Family Violence Prevention and Service Act (FVPSA)

On March 23, Representatives Lucy McBath (D-GA-06), Gwen Moore (D-WI-04), Don Young (R-AK-At Large), and John Katko (R-NY-24) introduced the Family Violence Prevention and Services Improvement Act (H.R. 2119).⁴ Authorization for the Family Violence

1 <https://bit.ly/3x8jcR6>

2 <https://bit.ly/3uXqO6M>

3 <https://bit.ly/3twna3L>

4 <https://bit.ly/3xa3S6g>

Prevention and Services Act (FVPSA) expired in 2015. This FVPSA reauthorization bill provides critical support for shelters, coalitions, training and technical assistance centers, children's services, emergency response hotlines, and prevention initiatives. FVPSA is also the only federal grant program solely dedicated to domestic violence shelter and supportive services and is the primary source of funding for these services for Indian tribes.

Similar to S. 2259 and H.R. 5041, which were introduced in the last Congress, this newly reintroduced FVPSA bill would expand grant programs and make many needed improvements so that more survivors have access to support and safety, including:

- Increasing the overall funding authorization level to address very low per-program funding levels and provide access to FVPSA funds for more tribes and programs not currently funded.
- Authorizing recognition and meaningful funding for tribal coalitions to provide Indian tribes and tribal organizations with technical assistance and training on developing responses to domestic violence.
- Authorizing recognition and permanent funding for the currently funded Alaska Native Women's Resource Center.
- Authorizing recognition and permanent funding for the currently funded StrongHearts Native Helpline to serve as the national Indian domestic violence hotline.

The Risk Firearms Pose to Indigenous Women

VAWA 2021 Firearm Amendments

By Kelsey Turner, NIWRC Restoration Fellow

A bill for the 2021 reauthorization of the 1994 Violence Against Women Act (VAWA) passed the House of Representatives on March 17.

H.R. 1620, also known as the Violence Against Women Reauthorization Act of 2021, contains critical amendments to the current legislation affecting Native peoples. It builds upon VAWA 2013 to further restore jurisdiction to Indian nations to prosecute non-tribal members for sex trafficking, sexual violence, child abuse, elder abuse, assault against law enforcement, and stalking. This would improve accountability for acts of violence perpetrated on tribal lands. The bill also includes additional funding for culturally specific services for communities of color, as well as increased funding to the Rape Prevention & Education Program.¹

But now the legislation is struggling to gain bipartisan support in the Senate. To pass the Senate, the bill needs 10 Republican votes in addition to all 50 Democratic votes to reach the 60-vote threshold. But these 10 votes may be hard to achieve, as Senate Republicans are largely opposed to the legislation. A key reason for partisan division on VAWA reauthorization comes down to one key issue—firearms.

Closing the Boyfriend Loophole

H.R. 1620 contains provisions that restrict convicted

¹ <https://bit.ly/3tSI5y9>

abusers' access to firearms. VAWA's current definition of intimate partner violence includes current or former spouses, current or former cohabitants, and people who share a child in common. This definition excludes dating partners, meaning that people convicted of abusing, assaulting, or stalking a dating partner are still legally allowed to purchase a gun.² The 2021 Violence Against Women Reauthorization Act intends to close this “boyfriend loophole” by extending existing gun restrictions to include dating partners convicted of abuse or stalking.



According to the National Coalition Against Domestic Violence, “approximately half of intimate partner homicides are committed against dating partners, and that percentage is expected to rise as relationship patterns change and people cohabit at a later age, marry at a later age, and have children at a later age.”³ A reauthorization that closes this loophole is therefore crucial in order to strengthen VAWA and protect victims of dating violence.

The Deadly Link Between Domestic Violence and Firearms

Abusers' access to firearms poses a huge threat to women in situations of domestic violence. About half of all

² <https://bit.ly/3w6q3ZL>

³ <https://bit.ly/3eSalvP>



The Violence Against Women Reauthorization Act of 2021 passed the House on March 17. (Photo courtesy of NPR.)

female homicides are committed by intimate partners. Most of these homicides are carried out with a firearm. According to the National Coalition Against Domestic Violence, a male abuser’s access to a firearm increases the risk of intimate partner femicide at least five-fold. Domestic violence incidents involving firearms are twelve times more likely to result in death than incidents involving other weapons or bodily force.⁴

THE PRESENCE OF A GUN

in a domestic violence situation increases the risk of homicide by

500%

National Coalition Against Domestic Violence. Domestic violence national statistics. Retrieved from www.ncadv.org

These tragic and needless deaths have only increased during the pandemic, as lockdowns further confined women to their homes and firearm sales reached a record high in 2020. In a recent survey of domestic violence programs, 50% reported that firearm-involved domestic violence had increased in their communities during the pandemic, and one-third reported that intimate partner homicides in their communities had increased.⁵

As shown by these statistics, the link between firearms and death by intimate partners is undeniable.

The Threat of Firearms to Native Women

Serious gaps in federal domestic violence and gun legislation place Native women at heightened risk of firearm death. A 2017 CDC report found that 55.4% of homicide cases involving American Indians and Alaska Natives were at the hands of an intimate partner. 38.8% of American Indian and Alaska Native women who were murdered by an intimate partner were killed by firearm.⁶ Native women face continuous challenges in the removal of weapons from abusers, despite these abusers being prohibited by federal law from owning or having a gun.⁷ This is due in part to tribes’ unreliable access to

4 <https://bit.ly/2SLPC3T>
 5 <https://bit.ly/2SQTxN3>
 6 <https://bit.ly/2SUZxVb>
 7 <https://bit.ly/3tLBGny>

federal criminal databases, such as the National Crime Information Center (NCIC), which store information about individuals who are prohibited from purchasing firearms. “Historically access to this information has been frustrated in tribal communities, which has implications in both tribal and urban settings,” reported Caroline LaPorte, former Senior Native Affairs Advisor at the NIWRC, in her 2019 article “MMIW and the Need for Preventative Reform.”⁸

To address tribes’ inability to access these databases, the Department of Justice launched the Tribal Access Program (TAP) in 2015. TAP helps protect tribal members by ensuring the exchange of data across national crime information systems to selected federally-recognized tribes. Tribes with access to NCIC through TAP⁹ have successfully prevented hundreds of instances of unlawful purchase of firearms.



However, LaPorte pointed out that “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.”¹⁰ Additionally, current VAWA legislation fails to fully recognize the sovereign authority of Indian tribes to convict non-Indians within tribal justice systems. Tribal court convictions only qualify under VAWA if they meet the federal statutory requirements of a “misdemeanor crime of domestic violence” under the Gun Control Act of 1968.¹¹

Because the intersection of tribal-state-federal laws creates everyday challenges for Native women to access

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 9 <https://bit.ly/3flgBuY>
 10 <https://bit.ly/3eN4pns>
 11 <https://bit.ly/3tN38kS>

the justice system, domestic violence offenders often continue to purchase and possess weapons that threaten the lives of Native women.¹²

To truly protect Native women from domestic abuse and sexual assault, VAWA must be reauthorized in 2021. Reauthorization must include provisions that restrict abusers from accessing firearms and restore tribal criminal jurisdiction over non-Indians regarding all domestic violence crimes.

Correcting Misconceptions: Second Amendment Rights Are Not At Risk

Because the Violence Against Women Reauthorization Act of 2021 contains provisions restricting abusers' access to firearms, the National Rifle Association (NRA) has come out in opposition to the bill. Consequently, many Republican Congresspeople have claimed that citizens' Second Amendment rights are under attack.

It is in large part due to the NRA's pushback that the previous VAWA reauthorization bill, H.R. 1585, failed to pass the Senate in 2019.¹³ Two years ago, the NRA wrote a letter to Congress opposing H.R. 1585 for the same firearms provisions that are now under debate in the 2021 reauthorization act.

The notion that VAWA reauthorization contradicts Second Amendment rights, however, is misguided. "The statements in the NRA's letter mischaracterize the law and belittle the safety of survivors of domestic violence, dating violence, and stalking," the National Task Force to End Sexual & Domestic Violence said in response to the letter.¹⁴

For example, the NRA stated that H.R. 1585 would require any person convicted of any misdemeanor to permanently lose their right to possess or purchase firearms. This is not true. In reality, federal firearm prohibition is narrowly tailored to apply only to people who have been convicted of specific domestic violence crimes. VAWA reauthorization would simply extend this prohibition to people convicted of dating violence and stalking. Additionally, this prohibition is not permanent—most people can have their records expunged under state law if they have not committed additional crimes of domestic violence in subsequent years.¹⁵

12 <https://bit.ly/33HsC8H>

13 <https://nyti.ms/33Jevj3>

14 <http://www.4vawa.org/>

15 <http://www.4vawa.org/>

Protecting citizens' right to own guns and protecting victims of domestic and sexual violence are two separate issues, and they are not incompatible. For example, Indigenous peoples, particularly in Alaska, rely on hunting rifles for survival. The Alaska Department of Fish and Game website states that "Subsistence hunting occurs throughout Alaska all year long and is central to the customs and traditions of many cultural groups in Alaska. For most rural Alaska Residents, subsistence hunting is critical to their nutrition, food security, and economic stability."¹⁶

Access to firearms, therefore, is a crucial part of life in Alaskan communities. But apart from the state's reliance on firearms for hunting, it is important to note that Alaska also has the highest rate of gun deaths in the country.¹⁷ In Alaska, 11.9% of gun homicide victims are American Indian/Alaska Natives, compared to 4.1% white victims. Between 2015 and 2019, 16 women were fatally shot by an intimate partner, and 46% of female intimate partner homicide victims were killed with a gun.¹⁸

Given Alaska's high rates of gun homicides, reauthorization of VAWA is vitally necessary to better protect Alaska Native women in situations of violence. So long as hunters do not commit acts of domestic violence, their access to hunting rifles is in no way impacted by VAWA's proposed firearms provisions. The purpose of reauthorizing VAWA in 2021 is not to take guns out of the hands of tribal people practicing subsistence activities who need guns for their survival. Rather, it is meant to prevent people with a proven record of abuse from accessing firearms.

Take Action Now

Federal legislation has come a long way in protecting Native women from domestic and sexual violence. But there is still a long way to go. The Violence Against Women Reauthorization Act of 2021, if enacted, would represent a significant advancement by better preventing abusers from threatening and killing their intimate partners with firearms. For many Native women across the country, the passage of this legislation is literally a matter of life or death. You can support reauthorization by educating your Representatives to vote YES on the bipartisan Violence Against Women Reauthorization Act of 2021 (H.R. 1620) introduced in the U.S. House of Representatives on March 8, 2021.

16 <https://bit.ly/2QhqFMS>

17 <https://bit.ly/3uQVVBBr>

18 <https://bit.ly/3wcN2md>

Essential Shelter and Services for Native Women

2021 Consultation on the Family Violence Prevention and Services Act

By Paula Julian, NIWRC Senior Policy Specialist, and Kelsey Turner, Restoration Fellow

Debbie Powell, Acting Associate Commissioner with the Administration for Children and Families, Family and Youth Services Bureau (FYSB) announced April 1, 2021 that FYSB will hold a consultation on the Family Violence Prevention and Services Act (FVPSA) sometime during summer 2021. This consultation will give Health and Human Services (HHS) the opportunity to meet with Indian tribes and discuss a change to the allocation formula FYSB uses to distribute tribal grants.

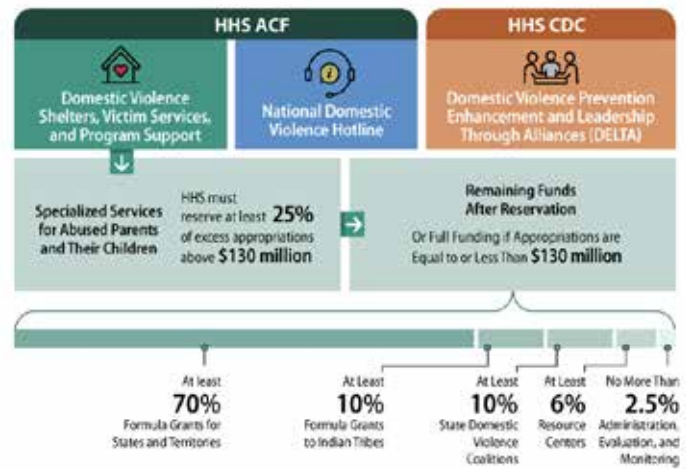
FVPSA is the primary federal funding stream for emergency shelter and supportive services for victims of domestic violence, including their children.¹ First enacted in 1984, it provides tribes with lifesaving grants for shelter and supportive services for those experiencing domestic violence. It also funds essential technical assistance and training for tribal programs, including the National Indigenous Women’s Resource Center, the Alaska Native Women’s Resource Center, and StrongHearts Native Helpline, the national Indian domestic violence hotline.

FVPSA’s authorization, however, expired in 2015. As advocates push for its reauthorization, tribal communities must ensure that funds for domestic violence victims and survivors are more equitably distributed among tribes.

Currently, American Indian tribes, including Alaska Native villages and tribal organizations, are authorized to receive 10% of FVPSA funds through formula grants. All federally recognized tribes are eligible to apply for funds. Tribes use these funds to support local domestic

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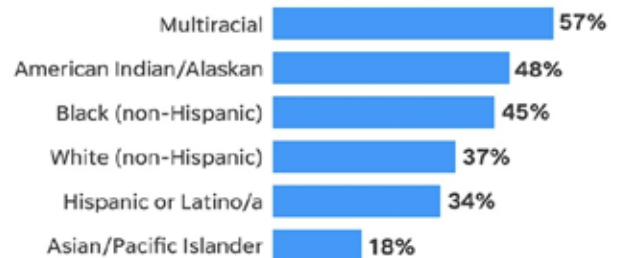
violence programs and provide shelter, supportive services, and advocacy for victims of domestic or dating violence and their children, as well as prevention and training.²



Summary of FVPSA Activities and the Funding Allocation Formula for Shelter, Services, and Supports. (Image by Congressional Research Service, 2021.)

Given that 48% of American Indian/Alaska Native women experience some form of intimate partner violence in their lifetimes—a higher rate than nearly all other ethnicities³—a 10% allocation to Indian Tribes fails to meet the needs of Native victims. For FVPSA to truly support domestic violence victims, including children, we urge Congress to increase overall tribal funding to 12.5% and the FVPSA office to consult with tribes to increase the base amount beyond what small tribes have received.⁴

Some women of color are more likely to experience a form of violence from their partners over their lifetimes



NOTE Includes physical violence, sexual violence, stalking and psychological aggression by a current or former intimate partner, in person or electronically
SOURCE Center for Disease Control and Prevention’s National Intimate Partner and Sexual Violence Survey, 2017
George Petras/USA TODAY

2 <https://bit.ly/3du0483>
3 <https://bit.ly/3ee3aMJ>
4 <https://bit.ly/3du0483>

How Are FVPSA Funds Allocated to Indian Tribes?

FVPSA funds are allocated to Indian tribes through a formula grant, which is a noncompetitive grant that distributes funding based on a predetermined formula. In the case of FVPSA, base allocations to tribes are determined by a tribe's population and a funds allocation schedule. Indian tribes with larger populations receive more funding, while those with smaller populations receive less.

According to the HHS, "Tribes with populations between 1 and 50,000 people receive a \$2,500 base allocation for the first 1,500 people. For each additional 1,000 people above the 1,500 person minimum, a Tribe's base allocation is increased to \$1,000." Tribes with populations of 100,001 to 150,000 receive a base allocation of \$175,000.

The overall amount of FVPSA funds is inadequate, so this population-based formula leaves smaller tribes with severely inadequate funding. Despite the 10% tribal set-aside, fewer than half of all federally recognized tribes receive FVPSA funding. There are less than 60 Native shelters operating across the country, compared to more than 1,500 non-Native shelters. The HHS notes that the largest number of tribes are typically funded in Alaska and California (between 45 to 70 tribes), followed by Nevada, Oklahoma, and Washington (13 to 23 tribes). All other states have fewer than ten tribes funded through FVPSA.⁵

⁵ <https://bit.ly/3aoi7e2>



(Left) Paula Julian is a Senior Policy Specialist for NIWRC.
(Right) Kelsey Turner is a NIWRC Restoration Fellow.
(Photos courtesy of NIWRC.)

In addition to underfunding small tribes, the current formula is outdated. The 10% allocation to Indian Tribes was established before Alaska tribes were restored to the Department of Interior's list of federally recognized tribes in 1993. This recognition of Alaska Native Villages caused more than 220 tribes to become eligible for FVPSA funding, nearly doubling the eligible tribes. Yet, FVPSA funding available to tribes was not increased.⁶

It is therefore crucial for Congress to authorize the increase to the overall percentage of FVPSA funds allocated to Indian tribes. Native women and their tribal nations throughout the country rely on FVPSA, as it is the federal government's only dedicated funding source supporting domestic violence shelter and supportive services.

Upcoming HHS Consultation

The upcoming tribal consultation with the HHS provides an opportunity for tribes to voice their concerns and recommendations for increased FVPSA funding and other enhancements.

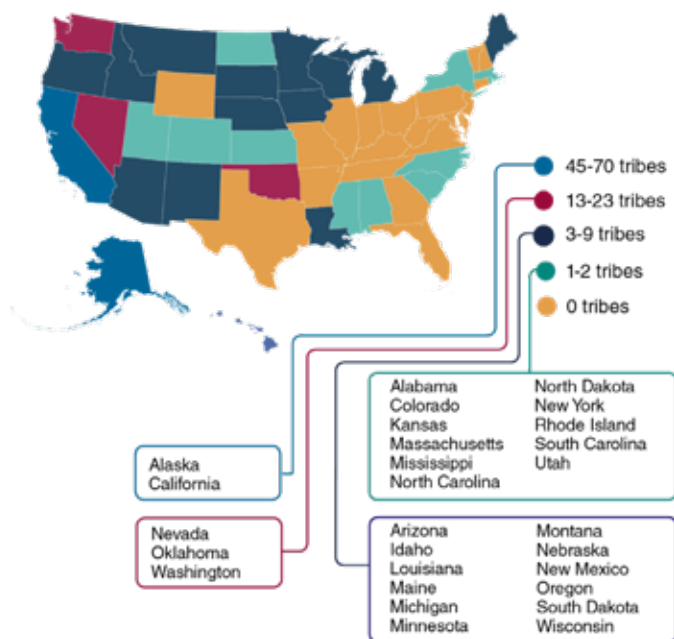
Executive departments and agencies are federally mandated to hold consultations with Indian tribes. A consultation, as defined by the 2000 Executive Order on Tribal Consultation, requires collaboration with tribal officials regarding the development of policies that have tribal implications.⁷ Consultations are meant to strengthen the government-to-government relationship between the United States and Indian tribes and reduce the historically devastating results of federal policy on Native peoples.

The HHS, through its Office of the Administration for Children & Families, is responsible for administering all FVPSA programs. The HHS is federally mandated to

⁶ <https://bit.ly/2RR4Zrj>

⁷ <https://bit.ly/32raY8e>

Number of Tribes Funded by States in 2017



Tribes Funded by FVPSA by State in 2017 (Image by Family Violence and Prevention Services, HHS.)

hold consultations for the development of all policy that will significantly affect Indian Tribes.⁸

FVPSA 2021 Reauthorization: Proposed Changes

On April 21, 2021, Senators Bob Casey (D-PA) and Lisa Murkowski (R-AK) introduced Bill S. 1275, known as the Family Violence Prevention, Services and Improvement Act of 2021. This updated version of FVPSA would expand programs to give more survivors access to support and safety.

The proposed 2021 FVPSA reauthorization includes adjustments to the current FVPSA formula that would increase funding to tribes from 10% to 12.5% off the top. These formula changes would strengthen tribes' sovereign authority to respond to domestic violence in their communities. The reauthorization would also authorize funding for tribal coalitions, which provide vital support to tribes and tribal domestic violence programs, but are not currently authorized to receive FVPSA funding. Lastly, the bill would authorize funding for the StrongHearts Native Helpline and authorize required funding for an Alaska Native Tribal Resource Center on Domestic Violence to reduce tribal disparities, a role fulfilled by the Alaska Native Women's Resource Center,⁹ and authorize funding for a Native Hawaiian Resource Center on Domestic Violence.

"FVPSA reauthorization with all of the enhancements will ensure the door to life-saving shelter and supportive services for all victims of domestic violence remains open," testified Wendy Schlater, Vice Chairwoman of the La Jolla Band of Luiseno Indians, at the House Subcommittee on Civil Rights & Human Services hearing on March 22.¹⁰

Prior to FY 2018, the La Jolla Band of Luiseno Indians, a small tribe, received \$17,454 and beginning in FY 2018 this increased to \$46,380. House and Senate appropriators recognized the need for tribal resources and increased the 10% tribal funding with additional amounts starting in FY 2018. House and Senate authorizers must now match this recognition by changing authorizations to reflect this need.

The La Jolla Band of Luiseno Indians is in rural San Diego, where public transportation is not available to and from the community. "For a victim to flee from abuse, she must have her own car or someone she can

8 <https://bit.ly/3x8Koir>

9 <https://bit.ly/3e9Nf20>

10 <https://bit.ly/3n0NArH>

call for help to get away," Schlater said. Since 2009, Schlater has been Director for the Safety for Native Women Avellaka Program, a FVPSA-funded program that gives victims the option to access 24/7 help from Native advocates locally on their reservation.

One day, Schlater's office got a call from a victim who was married to one of their tribal members. "The woman had gotten kicked out of shelter because her abuser had stalked her with a tracking device in her car, which he used to track her to the shelter," Schlater recalled. "He had threatened her and their children with a gun. She had nowhere to run to after being forced out of the shelter, except to her sister's home on our Reservation. We knew she would not be safe for long. We assisted with a restraining order, food, a safety plan, and most importantly a one way airline ticket to family out of state. This woman now lives violence free and has gotten the healing help her and her children needed. This may have ended in homicide if we didn't have FVPSA funding to buy her one-way ticket back home."

FVPSA funding is essential to the La Jolla Band of Luiseno Indians. But every year, she must stretch limited funds so that the program does not run out of money before the year is over.

"Our FVPSA funding fills in the gaps that victims would otherwise fall through," Schlater continued. "One of those gaps is the justice system, which often fails victims. For these victims all they have are FVPSA-funded advocacy, shelter and supportive services. FVPSA-funded resources may be all that's standing between a victim and going missing or being murdered."

Tribal Priorities for the HHS FVPSA Consultation to Increase Safety for Native Women

The current crisis of missing and murdered Indigenous women (MMIW) is part of a spectrum of violence Native women endure within the United States due to systemic barriers. Responding to the MMIW crisis must be multifaceted, including safe shelter and services for victims of domestic violence. In this area of need, FVPSA funding to Indian tribes plays an essential role.

In her testimony, Vice Chairwoman Schlater urged the House Committee on Education & Labor and Senate Committee on Health, Education, Labor and Pensions to reauthorize FVPSA with all the proposed enhancements. Schlater specifically called upon the Committees to:

- Increase overall authorizations above \$185 million

to ensure greater access to shelter and supportive services;

- Increase the funding for tribes to 12.5% off the top;
- Dedicated authorization for tribal coalitions to provide culturally appropriate technical assistance to tribes;
- Dedicated authorization for a national Indian domestic violence hotline; and
- Dedicated authorizations for an Alaska Tribal Resource Center and a Native Hawaiian Resource Center on Domestic Violence to reduce disparities facing Native victims.

At the upcoming consultation, tribal leaders must make HHS officials aware of the inadequate FVPSA funding provided by current population-based formula grants. We cannot leave our smaller tribes behind. Through open government-to-government dialogue, tribes can work together with the HHS to ensure that reauthorization of FVPSA provides all Native victims of domestic violence access to the help and support they need.

Take Action Now

- Meet with and/or write your members of Congress:
bit.ly/3y6fA2n
- Write a letter to the editor of your local paper
- View NIWRC fact sheet:
bit.ly/3oasFDf
- View NCAI Resolution on FVPSA Reauthorization:
bit.ly/3y6PxZ2

SCOTUS UPDATE

Defending Sovereignty and Reforms Essential to the Safety of Native Women—VAWA Sovereignty Initiative

By Mary Kathryn Nagle (Cherokee Nation), Pipestem & Nagle Law, Counsel to NIWRC, and Julie Combs, (Cherokee Nation), Intern, Pipestem & Nagle Law

In 2015, as part of a concerted effort to defend the constitutionality and functionality of all Violence Against Women Act (VAWA) tribal provisions, NIWRC launched the VAWA Sovereignty Initiative. In partnership with Pipestem and Nagle Law, the initiative is aimed at defending the restoration of jurisdiction in VAWA through the monitoring of federal court cases which might affect tribal sovereignty over violence against Native women and children. Since the start of the Initiative, NIWRC has filed eight amicus (“friend of the court”) briefs in the U.S. Supreme Court and federal appeals courts in support of tribal sovereignty and tribal jurisdiction over domestic violence, sexual assault, homicide, trafficking, and other violent crimes against Native women and children on tribal lands.

NIWRC’s briefs have been discussed during oral arguments, cited in opinions, and ultimately, have educated judges in federal courts on the critical connections between sovereignty and safety for

Native women. In a country where most law students (and therefore the majority of federal court judges) receive no education on tribal sovereignty, federal Indian law, or the role that treaties with Tribal Nations played in creating the United States, the work the NIWRC has done pursuant to the VAWA Sovereignty Initiative has been critical and essential.

Dollar General Corp., et. al. v. Mississippi Band of Choctaw Indians (2016)

As its first undertaking of the VAWA Sovereignty Initiative, NIWRC filed an amicus brief in *Dollar General Corporation, et. al., v. Mississippi Band of Choctaw Indians* in the U.S. Supreme Court in 2015. The Supreme Court was asked to consider the Fifth Circuit’s decision that the Mississippi Band of Choctaw Indians could exercise its inherent civil jurisdiction over tort claims filed in tribal court against Dollar General (a non-Indian corporation) whose employee supervisor allegedly sexually assaulted a young Choctaw citizen working in a Dollar General leased from the tribe on tribal trust lands. NIWRC’s brief, co-signed by 104 tribal organizations, called on the Court to uphold the authority of Tribal Nations, including the Mississippi Band of Choctaw Indians, to exercise civil jurisdiction over non-Indians who sexually assault and abuse Native women and children on tribal lands. In December 2015, on the day of oral arguments in the case, hundreds of Native citizens and allies stood outside the Supreme Court for the Quilt Walk for Justice in support of the Mississippi Band of Choctaw Indians and tribal sovereignty.

Six months later, the Supreme Court released a deadlocked 4-4 opinion in the case on June 23, 2016, meaning no majority of the Court could agree. Therefore, the Fifth Circuit decision upholding tribal jurisdiction over the non-Indian corporation stood. This was an incredible victory for Indian Country. A private corporation had asked the Supreme Court to apply *Oliphant* to civil jurisdiction and declare tribal jurisdiction—both civil and criminal—unconstitutional. Although it was by a narrow margin, Dollar General lost. And the NIWRC’s brief provided the Justices with an important perspective on the consequences their decision would have on the lives and welfare of Native women and children.

Voisine v. United States (2016)

On January 25, 2016, the NIWRC filed an amicus brief in support of the U.S. Department of Justice asking the Supreme Court to affirm the First Circuit Court of Appeals’ decision in *Voisine v. United States* that the

federal firearms prohibition found in 18 U.S.C. § 922(g)(9) prohibits an individual convicted of a misdemeanor crime of domestic violence from possessing a firearm, irrespective of whether the underlying crime was committed with the mental state of knowing, intentional, or reckless intent. NIWRC’s brief urged the Court to uphold the application of the statute to individuals who are convicted of domestic violence against Native women and noted that many Tribal Nations define domestic violence as a crime which may be committed with “reckless intent,” just as many state laws do. Five Tribal Nations who have implemented the special domestic violence criminal jurisdiction restoration provisions of VAWA 2013 joined the brief in support of the inherent tribal authority to prosecute non-Indians who commit domestic violence against tribal citizens on tribal lands.

In June 2016, the Court affirmed that the federal firearms prohibition extends to underlying domestic violence misdemeanors with reckless intent, and as a result, Tribal Nations with criminal codes that include reckless intent within their crimes of domestic violence do not have to rewrite their codes to ensure that 18 U.S.C. § 922(g)(9) will still apply to their tribal court convictions. “This decision is important for Indian country,” said Woodrow Star, Board of Trustees member and Chair of the CTUIR Law and Order Committee, a signatory of the NIWRC amicus brief. “It better ensures that DV perpetrators in Indian country who have been convicted of tribal crimes are covered by federal firearms restrictions.”

“The Tulalip Tribes stands with Indian Country to celebrate this decision,” said Tulalip Tribes Chairman Mel Sheldon Jr., a signatory to the NIWRC amicus brief. “As one of three initial pilot tribes to implement Special Domestic Violence Criminal Jurisdiction (SDVCJ), a provision of VAWA 2013, we are well aware of the challenges of holding all who would perpetrate against our population accountable for their crimes. Today’s decision continues the quest for parity and justice for which so many in our communities have been fighting.”

United States v. Bryant (2016)

NIWRC filed its third amicus brief as part of the VAWA Sovereignty Initiative in the Supreme Court on February 1, 2016, in support of the United States’ position in *U.S. v. Bryant*. In *Bryant*, the Court granted cert to review a Ninth Circuit decision which held tribal court domestic violence criminal convictions could be used in federal court prosecutions for the purposes of VAWA’s “Habitual Offender Provision” (18 U.S.C. § 117) only if the tribal

court guarantees the defendant a right to counsel. The lower court concluded it was unconstitutional to use uncounseled tribal court convictions to establish an element of the offense in a subsequent federal prosecution brought by the U.S. Attorney's Office.

The issues in *Bryant* went to the heart of sovereignty and safety for Native women. Section 117(a) was added in the 2005-06 reauthorization of VAWA. "The protections in the Habitual Offender Provision are critical to ensuring the safety of Native women," explains Carmen O'Leary (Cheyenne River Sioux), NIWRC Board Member and Executive Director of the Native Women's Society of the Great Plains. "Our women are battered and abused by their intimate partners at rates higher than any other population in the United States." Prior to the passage of § 117(a), many Native women survivors existed in a legal loophole, where, as a result of federal law, no sovereign government had the authority to sentence a perpetrator to a term of more than one year for his repeated acts of violence against a Native woman. The NIWRC's amicus brief argued that the absence of indigent counsel in Bryant's preceding tribal court convictions in no way constitutionally precludes the federal government from subsequently exercising criminal jurisdiction over him for his latest, and hopefully his last, violent assaults perpetrated against Native women. The NIWRC, therefore, urged the Supreme Court to uphold the constitutionality of the application of the Habitual Offender Provision to Bryant and, accordingly, overturn the decision of the Ninth Circuit.

On June 13, 2016, the Supreme Court issued a unanimous decision reversing the Ninth Circuit decision and holding that use of misdemeanor tribal court convictions in which the defendant did not have a right to counsel did not violate the U.S. Constitution. The Court's opinion specifically noted Bryant's (the defendant's) record of over 100 tribal court domestic violence convictions and the difficulties Native women suffer due to limitations in the current legal system. In fact, Justice Ginsburg's majority opinion incorporated, in some places, language and citations from the NIWRC's amicus brief.

Gamble v. United States (2018)

In November 2018, the NIWRC was joined by the National Congress of American Indians (NCAI) in the filing of an amicus brief to the Supreme Court in *Gamble v. United States*. Gamble had been convicted by both the State of Alabama and the United States for violating similar firearm laws. He challenged his federal

conviction in the Supreme Court, arguing his federal conviction (which followed a state conviction) violated the Double Jeopardy Clause of the U.S. Constitution. The case offered a chance for the Court to review its "separate sovereign" doctrine which applies to duplicate state and federal prosecutions, as well as duplicate tribal and state/federal prosecutions, which, up until *Gamble*, had always meant that duplicative violations for the same crime do not violate the Double Jeopardy clause. The NIWRC and NCAI authored a brief in support of the United States' position that the "separate sovereign" doctrine should not be overturned in its entirety, specifically because the ability of Tribal Nations to prosecute as a separate sovereign is vital due to sentencing limitations placed on tribal courts and existing deficiencies in the federal system for Indian Country crimes. Without the doctrine, Tribes would be forced to decide whether to pursue tribal court prosecution before a U.S. Attorney has had sufficient time to perform the necessary investigation to determine whether they will prosecute in federal court.

In a June 2019 opinion, the Supreme Court affirmed the lower court's ruling that there was not sufficient cause for overturning the dual sovereignty doctrine. During oral argument, Justice Breyer specifically mentioned the NIWRC's amicus brief, telling Gamble's attorney to "think of the brief here with the Indian tribes. We're saying that we need this kind of thing for abuse of women." The NIWRC brief was also mentioned by the United States during its argument and garnered questions from Justice Ginsburg. It is clear that the NIWRC's amicus brief played a significant role in the maintenance of the dual sovereignty doctrine in *Gamble*.

Sharp v. Murphy (2019) and McGirt v. Oklahoma (2020)

In 2017, the Tenth Circuit Court of Appeals determined in *Murphy v. Royal* that the State of Oklahoma did not have authority to prosecute a Creek Nation citizen, Patrick Murphy, because Congress had never expressly disestablished the Creek Nation Reservation in Oklahoma, and Mr. Murphy's crimes had been committed within the borders of that Reservation. The State appealed, and in 2019 the NIWRC filed an amicus brief in *Sharp v. Murphy* in favor of the Creek Nation's position that the reservation boundaries remained intact, and the Court could not judicially disestablish the reservation. The Court declined to issue a decision in *Murphy* during its 2019 term, and instead granted review to another case, *McGirt v. Oklahoma*, with the same legal question. In *McGirt* and *Murphy*, the State of Oklahoma

"As we fight for the further restoration of tribal jurisdiction and sovereignty in the 2021 reauthorization of VAWA, we know there is more work to do."

–Mary Kathryn Nagle, Cherokee Nation,
Pipestem & Nagle Law, Counsel to NIWRC



argued that the Supreme Court should overlook decades of its precedent to judicially declare the Creek Nation Reservation disestablished despite the lack of any law from Congress doing so. The NIWRC argued that if the Court were to declare the Creek Nation's Reservation "disestablished," the Creek Nation's ability to prosecute a non-Indian committing domestic violence within its territorial jurisdiction would be severely truncated under VAWA 2013 because VAWA is tethered to the definition of "Indian country" under 18 U.S.C. § 1151.

On July 9, 2020, the NIWRC joined the Muscogee (Creek) Nation in celebrating the Court's 5-4 *McGirt* decision confirming that the reservation boundaries of the Creek Nation were never disestablished by Congress. Once again, the NIWRC's amicus brief was mentioned during oral argument, and there is no doubt that NIWRC's VAWA Sovereignty Initiative once again contributed to a major victory for Indian Country.

Standing Rock Sioux Tribe, et. al., v. U.S. Army Corps of Engineers (2017, 2020)

The NIWRC filed an amicus brief in the U.S. District Court for the District of D.C. in February of 2017 in support of the Standing Rock Sioux Tribe's motion for summary judgment challenging the Army Corps of Engineers' decision to proceed with permitting the Dakota Access Pipeline without preparing a full environmental impact statement. The NIWRC's brief, joined by 118 additional organizations and Tribal Nations, emphasized the risks that the Corps did not adequately consider given the levels of violence against Native women and children in the Bakken Region due to the proven human effects of the influx of migrant workers and the setup of man camps near tribal lands. In March of 2020, Judge Boasberg, the District of D.C. judge assigned to the case, ordered the case be remanded back to the Corps to prepare a full environmental impact statement to address the health, safety, and treaty concerns of the Dakota Access Pipeline. The opinion specifically noted that the "pipeline's effects on the quality of the human environment are likely to be highly controversial."

The Corps and Dakota Access, LLC, appealed to the D.C. Circuit Court of Appeals and in September of 2020, the NIWRC filed an amicus brief in support of the Tribal Nations in the D.C. Circuit, again emphasizing that the MMIW crisis in the Bakken region demands the Corps conduct a full environmental impact statement on the pipeline. On January 26, 2021, the D.C. Circuit Court of Appeals (Judges Tatel, Millett, and Sentelle)

issued a per curiam order stating that Judge Boasberg's order vacating the Dakota Access Pipeline's easement and directing the Army Corps of Engineers to prepare an Environmental Impact Statement is affirmed, except that the portion of the court's order directing that the pipeline be shut down and emptied of oil be reversed, for the reasons in the accompanying opinion. The case is once again back before the District Court.

United States v. Cooley (2021)

On January 15, 2021, the NIWRC filed an amicus brief, joined by 11 Tribal Nations that have implemented VAWA 2013's restored tribal criminal jurisdiction and 44 non-profit organizations, in *United States v. Cooley*. The case, which is currently pending before the Court, concerns whether the U.S. District Court for the District of Montana erred in suppressing evidence on the theory that a Crow Tribal Police Officer lacked authority to temporarily detain and search James Cooley, a non-Indian, on a public right-of-way within the Crow Reservation based on a potential violation of state or federal law. The Ninth Circuit Court of Appeals, in a controversial decision which threatens to undermine principles of tribal sovereignty, concluded that tribal law enforcement can only detain a non-Indian suspected of committing a crime within the borders of a Reservation if it is "apparent" or "obvious" that the non-Indian is committing a crime. The NIWRC's brief argued that eliminating the authority of tribal law enforcement to conduct a reasonable suspicion "Terry" stop on a non-Indian traveling through reservation borders will greatly impede the ability of tribal law enforcement to fully enforce VAWA 2013 provisions, and will only further erode protections for Native women and children.

The Supreme Court heard oral arguments in the case on March 23, 2021 and an opinion is expected by the end of June 2021.

The work of the NIWRC's VAWA Sovereignty Initiative continues. Thank you to all who have supported this critical Initiative. As we fight for the further restoration of tribal jurisdiction and sovereignty in the 2021 reauthorization of VAWA, we know there is more work to do. There will be more challenges to the inherent right of our Tribal Nations to protect their women and children, but now, thanks to the NIWRC's VAWA Sovereignty Initiative, we are prepared to face them.



*United Nations,
Office at Geneva,
in Switzerland.
(Photo courtesy
of Indian Law
Resource Center.)*



INTERNATIONAL UPDATE

Strengthening the International Movement to End Violence Against Indigenous Women

By Jana L. Walker, *Cherokee, Loyal Shawnee, and Delaware*, and Christopher Foley, *Cherokee*, Attorneys, Indian Law Resource Center

Indigenous women face terribly high rates of violence and discrimination not only in the United States, but in countries around the world. International advocacy allows us to connect with our relatives in other nations and to share information about our work and the solutions Indigenous peoples are developing in their own communities to end all forms of gender-based violence. Although the specific barriers to safety that Indigenous women in different countries face are unique, the struggle to undo the dangerous legacies of colonization is shared, and our national movements have much to learn from each other.

UN Commission on the Status of Women, 65th Session

To contribute to this international movement, the Indian Law Resource Center, along with Alaska Native Women's Resource Center, Coordination of the Indigenous Organizations of the Brazilian Amazon, International Mayan League, National Congress of American Indians, National Indigenous Women's Resource Center, and the Native Women's Society of

the Great Plains, co-sponsored a virtual meeting on March 22, 2021 to discuss the grassroots movements to restore Indigenous protections and to advance Indigenous women's rights, including their human right to be free of violence and discrimination. The parallel event, Violations of Indigenous Women's Rights: Brazil, Guatemala, and the United States, was part of the NGO-CSW65 Virtual Forum taking place alongside the 65th session of the UN Commission on the Status of Women in New York City. The video of the event is available at: <https://bit.ly/32urgNY>.

"Indigenous women's rights intersect with a wide range of issues: development and land rights, environmental and health rights, civil and political rights and human rights," said Chris Foley (Cherokee), senior attorney at the Indian Law Resource Center. "But it is Indigenous peoples' collective rights, especially our right to self-determination and our land rights, that are central to the work to restore safety to Indigenous women."



United Nations Headquarters, New York City, New York. / Photo courtesy of Indian Law Resource Center.

The panelists each spoke about their experiences working to improve and reform their governments' responses to violence against Indigenous women and to bring their countries' laws closer to the international standards in the Beijing Declaration, the UN and American Declarations on the Rights of Indigenous Peoples, and other human rights instruments.

Situation of Indigenous Women in Brazil

Judite Guajajara and Cristiane Baré, both Indigenous lawyers, spoke as representatives of the Coordination of the Indigenous Organizations of the Brazilian Amazon, a large Indigenous organization in Brazil mobilizing some 160 distinct Indigenous peoples.

“Indigenous women are at the frontline of the work to defend our collective rights,” Guajajara said. “Many rights violations are specific to our intersectional identity, both as women and Indigenous peoples.” Examples of this are violations of Indigenous territories, which, in addition to affecting the entire community, affect Indigenous women with specific violence. Sometimes it can take a week for a survivor to reach a police station

because of the geographical distances, and then they face more difficulties in reporting perpetrators due to language barriers.

Cristiane Baré described some of the impacts of COVID-19 on Indigenous women and communities and how the pandemic has contributed to an increase in violence. “Often, the pandemic forces Indigenous women who are survivors of rape to remain close to their aggressors, in some cases because they need their financial support, given that they are the providers of the house or because the women lack access to the places where they could make complaints.” Furthermore, in recent years, “Indigenous peoples in Brazil have also experienced increased invasions, fires and deforestation of their lands, and consequently seen an increase in violence against Indigenous women,” Baré said. Baré also emphasized that “violence is not part of our culture or of our territories, but is one of the consequences of European colonization and the invasion of the country.”

Situation of Indigenous Women in Guatemala

“The colonizing system that has been going on for more than 500 years imposed a very different model—a dominating approach—on Indigenous peoples,” said María Eliza Orozco Pérez, who is part of the Guatemalan Integral Association of Indigenous Mam Women (AIGMIM). “We had a historical legacy as the children of our ancestors and our way of living with Mother Earth, but all that was ignored.” Indigenous women have suffered violence since colonization, and Orozco Pérez described how “these women are becoming invisible; many women are disappearing, and migration is increasing.”

Juanita Cabrera Lopez, Executive Director of the International Mayan League, spoke about human rights violations against Indigenous women, children, and families in Guatemala and at the U.S./Mexico border, and their impact on mobility, migration, and migration routes. Cabrera Lopez said there is an epidemic of femicide in Guatemala, citing findings that in just the first 25 days of 2021, 28 women and girls were killed. This violence is one driver of migration to the United States. She urged the recognition of Indigenous identities and language at the border, the documentation of human rights violations of Indigenous women in migration, and an investigative report on the five deaths of Indigenous Mayan children and the murder of Claudia Patricia Gómez González at the U.S. Southern Border.

Situation of Indigenous Women in the United States

“Native women in Alaska suffer the highest rate of forcible sexual assault in the United States. Alaska Natives are 16% of the state population, yet we make up 28% of the murder victims in the state,” said Tami Truett Jerue, Director of the Alaska Native Women’s Resource Center. “This problem is based on policies of colonization and laws that create barriers to the implementation of local solutions. We are demanding more resources, but we also need state and federal policy and law changes to create a legal framework that will let Alaska Native villages implement the changes that we need.”

Carmen O’Leary, Director of Native Women’s Society of the Great Plains, discussed efforts to secure improvements in U.S. law that could strengthen protections for Indigenous women such as broadening the criminal authority of tribes under VAWA, and addressing the protection of Indigenous women and communities from so-called “man camps,” incarceration, pipelines on or near tribal lands, and other issues associated with extractive industries on or near tribal lands.

In conclusion, Paula Julian, Senior Policy Specialist with the National Indigenous Women’s Resource Center, observed that the panelists made clear that government-sanctioned violence and lack of government accountability are the source of the extreme rates of violence that Indigenous women experience throughout the Americas.

United States Universal Periodic Review

The Universal Periodic Review (UPR) is a process by which each UN member state’s human rights record is reviewed. Established in 2006, the UPR reviews each of the 193 UN member states every three to four years. After the United States’ latest review in November

"It is Indigenous peoples' collective rights, especially our right to self-determination and our land rights, that are central to the work to restore safety to Indigenous women."

—Christopher T. Foley, Senior Attorney,
Indian Law Resource Center

2020, the Human Rights Council on March 17, 2021 adopted the third report of the United States. The report included some 347 recommendations for actions to bring U.S. law and policy into compliance with international human rights norms and standards. Many of these recommendations affect Indigenous peoples’ rights, including recommendation 26.144, which calls on the United States to “Implement deliberate strategies to reduce the gap between African-Americans and the rest of the population, as well as between Indigenous and non-Indigenous populations, and hence reduce structural and institutional discrimination.” The United States agreed to support this recommendation, as well as some 280 others. The documents from this UPR cycle are available at <https://bit.ly/3gs4yxZ>.

Upcoming International Events

20th Session of the UN Permanent Forum on Indigenous Issues

Established by the UN Economic and Social Council (ECOSOC) in 2000, the Permanent Forum on Indigenous Issues is a high-level advisory body that deals solely with Indigenous issues. The Forum is composed of 16 independent expert members serving three-year terms, half of whom are nominated by states and half of whom are nominated by Indigenous organizations in their regions. The Forum is mandated to discuss economic and social development, culture, the environment, education, health and human rights. The theme of this year’s session is “Peace, justice and strong institutions: the role of Indigenous peoples in implementing Sustainable Development Goal 16.” Official documents and other information about the Session are available at <https://bit.ly/3go0JKf>.

47th and 48th Sessions of the UN Human Rights Council

The Human Rights Council is an inter-governmental body within the United Nations system responsible for strengthening the promotion and protection of human rights around the globe and for addressing situations of human rights violations and making recommendations on them.

The 47th Session will take place June 21-July 9 and will include the Council’s annual full-day discussion of women’s rights. The 48th Session, from September 13-October 1, will include the Council’s annual half-day discussion of Indigenous rights. When available, details and documents about these sessions will be available at <https://bit.ly/3x9JeDu>.



The National Baseline Study

NBS Tribal Engagement Strategies

By Ada Pecos Melton, NBS Project Director, Pueblo of Jemez, American Indian Development Associates, LLC

(Left to right) NBS project staff Cheryl Shendo-Toya, Jemez Pueblo; DeeJay Chino, Navajo; Rita Martinez, Laguna/Jemez Pueblo; Ada Pecos Melton, Jemez Pueblo. (Photo courtesy of American Indian Development Associates, LLC.)

American Indian (AI) and Alaska Native (AN) tribes have a rich understanding of studying the world around them and applying global, national, and regional knowledge to local tribal concerns. Tribes are regularly involved in self-initiated studies or participate with other entities. Study types include research, evaluation, assessments, testing, observations, and more.

Tribes frequently participate in national and regional studies. Due to past research abuses, many tribes now regulate studies through laws and policies. Many have research permits, research review boards (RRB), and institutional review boards (IRB) to approve studies in their communities. Most tribes, even those without written review processes, now require formal approvals defined by each tribe.

The Violence Against Women and Department of Justice Reauthorization Act of 2005 (VAWA 2005) authorized a National Baseline Study (NBS) involving AI and AN tribes. The NBS is one of many studies resulting from directives outlined in VAWA 2005. The law allows the National Institute of Justice (NIJ), in consultation with the Office on Violence Against Women, to examine violence against AI/AN women living in tribal communities.

Government-to-government principles guide the NBS tribal engagement protocols for contacting and working

with tribes to gain their study approvals and participation. The NBS employs the below participatory elements to engage tribes throughout the study.

Tribal Engagement

The NBS is the result of grassroots efforts by AI and AN women concerned about the health and safety of women in their communities and who urged their tribal leaders to “do something about it.” Many Tribal leaders, grassroots Native women, and activists worked with U.S. Congressional leaders to include mandates in the VAWA 2005 and 2013 legislation to address violence against AI and AN women.

The NBS returns full circle to these grassroots efforts to implement the study with tribes. It explicitly gives voice to AI and AN women living in tribal communities.

Tribal Contact

Random selection of tribes occurred in Phase 1 and will continue throughout the project as needed. In February and March 2021, tribes started receiving introductory letters from NIJ informing them of the NBS and inviting their participation in the study. These letters launch the official recruitment and fieldwork as it involves direct contact with tribes. The NBS Research Contractor (NBSRC) American Indian Development Associates, LLC conducts these and all data collection activities.

From Grassroots Efforts



Outreach and Awareness

The tribal outreach activities focus on recruiting tribes for the NBS. Field Operations Managers (FOM) follow contact protocols and standardized materials to ensure consistency in conveying essential NBS information during calls or presentations with tribal leaders, authorities, and program staff. The FOMs reach out to tribes within five days following the NIJ introductory letter. They establish personal contact, provide additional information, and set up NBS presentations with tribal leadership and program staff. Through follow-up calls, emails, and virtual presentations, the FOMs work to increase each tribe's awareness and understanding of the study. During calls and presentations, tribal representatives can ask questions or clarify the tribe's roles and expectations about study participation.

Recruitment and Study Approvals

NIJ requires adherence to government-to-government principles. This high-level tribal participatory aspect involves the NBSRC working closely with the selected tribes to obtain formal tribal government approval to participate in the study. Approval documents may include resolutions, executive orders, or memorandum of understanding or agreement that authorize study

participation. During the approval stage, the NBSRC requests that tribes provide tribal address lists to develop the community household sample. The household sample is the primary source for recruiting adult AI and AN females as study participants. The study team also requests the designation of a primary tribal point of contact to guide and advise the study team during onsite and offsite data collection. Tribal approval allows the following outreach and awareness activities and onsite preparations to occur.

Community Involvement

Community-level participatory aspects enlist tribal communities' support for the study through local news articles and other available media outlets. Keeping communities informed may occur through local newsletters, community meetings (post-COVID-19 restrictions), or council updates. The NBSRC works with the tribal point of contact to involve other tribal stakeholders, such as tribal programs or entities. Together they help inform the community, review and comment on informational materials, suggest strategies for recruiting field staff, and identify local resources. These community involvement activities help to maintain community awareness about the NBS.



Image by Sam English. (Photo courtesy of American Indian Development Associates, LLC.)

Local Resources

The FOMs, the tribal point of contact, and the site coordinator work closely with each tribe to identify community-based crisis support and other services available in the community. It includes national and local resource information to share with AI and AN adult females participating in the NBS.

Field Staff Recruitment

Community involvement also involves recruiting local AI and AN women for field staff positions. The NBSRC will hire, train, and certify field staff from the local communities to fill positions for Site Coordinators, Field Interviewers, and Interpreters. The training and certifications include human subject protections, computer and equipment use, and study implementation requirements. The trained local field staff retain their human subject certifications for three years. They can assist their communities with other data collection activities that tribal programs need.

COVID-19 Protocols

The COVID-19 pandemic continues to impact tribal government operations. Research involving in-person interaction is still risky and on hold until further guidance

from tribes and NIJ. During tribal outreach, recruitment, and obtaining approvals, the NBSRC uses contact protocols to convey essential NBS information by telephone, videoconferences, and virtual presentations. The FOMs regularly update each participating tribe's COVID-19 restriction status by checking each tribe's emergency-related orders posted on their public websites and news outlets to learn about tribal government and community re-opening protocols and employees' return to work status. When public information is not available, the study team calls tribal administration offices to obtain information on re-opening protocols for the government, community, and employee work status.

During emergencies like the COVID-19 pandemic, selected tribes issue stay-at-home or shelter-in-place orders, including tribal-wide closures. Some tribes are placing employees on telework status, staggered work schedules, or on furlough. Furthermore, tribes have varying strategies for lifting these orders, transitioning employees back to work, and re-opening business with outside entities like researchers. These situations require more phone calls, faxes, and emails to tribes to establish initial contact and maintain communications.

Summary

The NBS has several moving parts. Tribal engagement is an essential and crucial NBS phase that is in play throughout the study. The primary purpose is to obtain tribal participation confirmed through formal tribal approvals, including tribal RRB, IRB, or research permits. The approvals enable onsite activities for community awareness, community involvement, and hiring and training local field staff. Most significantly, it allows onsite data collection to prepare the household sample necessary to recruit AI and AN women volunteers for the study. These are the two most critical NBS aspects.

The NBS is a grassroots-driven study that can only be successful with participation by AI and AN tribes and Native women. We encourage all supporters and activists to urge their tribal leaders to approve the NBS when it comes to your tribe!

For more information about the NBS, see <https://bit.ly/3eLkrhK>.

16th Annual Government-to-Government Violence Against Women Tribal Virtual Consultation—August 17-20, 2021

Statements and Recommendations By Tribal Governments are Essential

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

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

The annual consultation mandated by VAWA between the United States and Indian nations as governments is, on the highest level, a discussion of the legal, policy, and administrative issues essential to safeguard the lives

of Indian women and the successful implementation of VAWA as governments. This nation-to-nation interaction provides an avenue for tribal governments and the United States to discuss matters that at the broadest level impact the safety of Indian women. It provides an opportunity to examine and address important issues that impact all Indian nations in providing safety for women.

Based on the various concerns identified from the consultations (2006-2012), Congress strengthened the consultation mandate when it reauthorized VAWA in 2013. These amendments addressed concerns from tribal leaders about the consultation process, allowing for mutual dialogue as governments regarding the legal and policy roadblocks to the safety of Native women.

The VAWA 2013 amendment to the consultation provision mandated the Department of Interior to attend and the Attorney General to submit to Congress a report detailing the tribal recommendations made during the consultation

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

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

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

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

VAWA 2013 Amendments to the VAWA 2005 Consultation Mandate Require:

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

and the progress made in addressing tribal concerns. A copy of the 2020 Government-to-Government Violence Against Women Tribal Consultation Annual Report and past reports are available on the website of the Department of Justice's Office on Violence Against Women (OVW) at www.justice.gov/ovw/tribal-consultation.

Tribal Preparation: the Essential Link for Annual Consultation on Violence Against Women

In preparation for each of the annual consultations, the NCAI Task Force has assisted Indian tribes in preparing for the consultation. The Task Force organizes a national webinar to summarize key national concerns and emerging issues for tribal leaders to consider in their preparation. During the webinar, tribal leaders and representatives receive a briefing of priority issues, specific tribal concerns and recommendations for the consultation. The webinar is scheduled for July 21, 2021.

SAVE THE DATE – July 21, 2021 **Webinar: Tribal Consultation on Violence Against Indian Women (VAWA 2013, Section 903)**



Presenters:

- Juana Majel Dixon, NCAI Violence Against Women Task Force, Co-Chair (invited)
- Kelbie Kennedy, NCAI Policy Counsel, NCAI (invited)
- Kerri Colfer, NIWRC Senior Native Affairs Advisor

This webinar is made possible by Grant Number 90EV0452 from the Administration of Children, Youth and Families, Family and Youth Services Bureau, U.S. Department of Health and Human Services.



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**OF NATIVE
SOVEREIGNTY AND
SAFETY FOR NATIVE
WOMEN**

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**“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 their weapons.”
-Cheyenne proverb**



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