

# Covering Domestic Violence Against Native Women

9am, Grand Couteau-5<sup>th</sup> floor  
Sunday, September 18<sup>th</sup>, 2016  
Excellence in Journalism Conference



National Indigenous Women's Resource Center

# Introductions

- Princella RedCorn



- Suzette Brewer



- Mallory Black



# Definition of Domestic Violence

Domestic Violence has many legal definitions but generally is considered any:

- **verbal,**
- **emotional and mental,**
- **physical or sexual behavior that is controlling, threatening or violent, against a spouse, partner or family member.**



# Domestic Violence Impacts the Victim in Many Ways

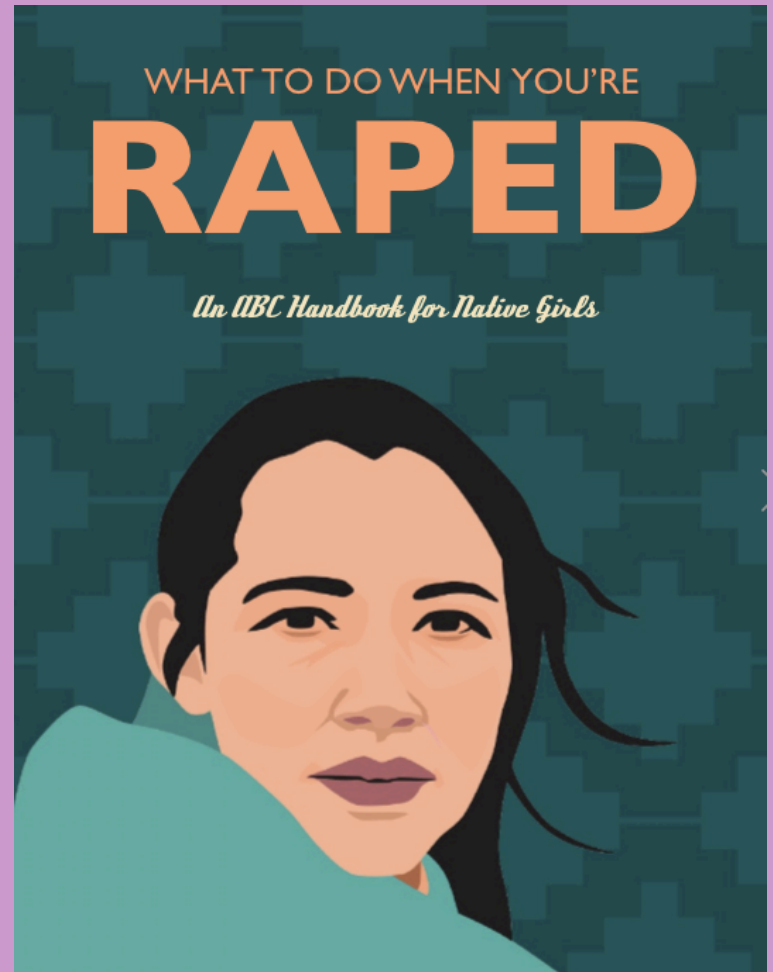
- Violence is about power – whether through words or actions, the abuse is meant to control or hurt another person.
- Its very common – chances are, someone you know has been a victim of domestic violence.
- These effects can be serious – they can be:
  - Physical (bruises or broken bones)
  - Emotional (depression, low self-esteem)
  - Or even deadly.

Victims may come to view abuse as a normal part of life,  
but abuse is **NEVER** normal!

# National Statistics

- 1 in 3 Native women will be raped in her lifetime
- 3 out of 5 Native women will be physically assaulted in their lifetime
- Native women are subjected to domestic violence at a rate 2.5 times higher than any other group in the US
- Murder is the third highest cause of death among American Indian women
- More than 40% of Native children experience two or more acts of violence by the age of 18
- 63% of Native women that report assault describe the perpetrator as non-Native

\*1999 Bureau of Justice report



# Building Context: Historical Violence Against Indigenous Women & Children

- Pre Columbian society vs. the incursion of the Spanish
- Effects of colonialism
- Boarding Schools
- Native American Adoption Projects
- Lasting Legacy of colonialism



# Challenges to Tribal Jurisdiction

- Public Law 280
- *Oliphant v. Suquamish Indian Tribe* (1978)
  - Tribe charges two non-Natives with minor crimes on reservation
  - SCOTUS: non-members are excluded from tribal laws
- *Duro v. Reina* (1990)
  - Tribe charges member of Torres-Martinez Desert Cahuilla Indians who shot 14-year-old Salt River Pima Maricopa member on reservation for illegal firing of gun
  - SCOTUS: tribes cannot prosecute non-members belonging other tribes
  - 1991 - Congress passed amendment to Indian Civil Rights Act to reaffirm tribal jurisdiction over all Indians who commit crimes on the reservation
- *Nevada v. Hicks* (2001)
  - Hicks files civil lawsuit in tribal court against Nevada state and tribal officials who issued search warrants for a crime committed off-reservation
  - SCOTUS: tribal courts have no civil jurisdiction to hear cases involving non-members

# PBS NewsHour- “Prosecuting non-Natives for sexual assaults on reservations”





# Jurisdiction Issues in 2016

## U.S. v. Bryant

- Native man challenged reliability of Northern Cheyenne Tribal Court convictions in felony case
- Bryant considered habitual offender; carries stiffer federal penalties
- SCOTUS: tribal court convictions valid; does not violate Sixth Amendment

## Dollar General v. Mississippi Choctaw Indians

- U.S. Attorney's office in Jackson declined to press criminal charges
- Family sues in tribal court
- Company challenged tribal court's jurisdiction over non-Natives and competency in hearing civil case involving non-Native business
- SCOTUS: Choctaw tribal court had jurisdiction over case

# Violence Against Women Act (VAWA)

- 1994 The Violence Against Women Act funds services for victims of rape and domestic violence, allows women to seek civil rights remedies for gender-related crimes, provides training to increase police and court officials' sensitivity and a national 24-hour hotline for battered women.
- 2013 Reauthorization of the Violence Against Women Act. The new bill extends coverage to women of Native American tribal lands who are attacked by non-tribal residents, as well as lesbians and immigrants.
- Prior to 2013 no justice for Native women assaulted by non-Indian (*Sliver*)
- Preparing for VAWA 2018



# VAWA Tribal Provisions

- On March 7, 2013, President Obama signed the Violence Against Women Reauthorization Act of 2013 (VAWA 2013) into law.
- VAWA 2013 recognized and reaffirmed the inherent sovereign authority of Indian tribes to exercise criminal jurisdiction over certain non-Indians who violate protection orders or commit dating violence or domestic violence against Indian victims on tribal lands.
- 3 Known as Special Domestic Violence Criminal Jurisdiction (SDVCJ), this limited tribal criminal jurisdiction over non-Indians has fundamentally changed the landscape of tribal criminal jurisdiction in the modern era. Communities currently exercising SDVCJ have increased safety and justice for victims who had too often slipped through the cracks.
- All five of the pilot project tribes participated along with 40 other tribes in an Inter-Tribal Technical-Assistance Working Group on SDVCJ Intertribal Working Group (ITWG), which is composed of tribes who expressed preliminary interest in exploring implementation of SDVCJ to DOJ and agreed to work peer-to-peer to answer questions about implementation of SDVCJ and develop best practices.

# VAWA LIMITATIONS

- Implementing VAWA costs \$
- Murder not covered
- Establish Intimate Partner relationship
- Children/Youth not protected

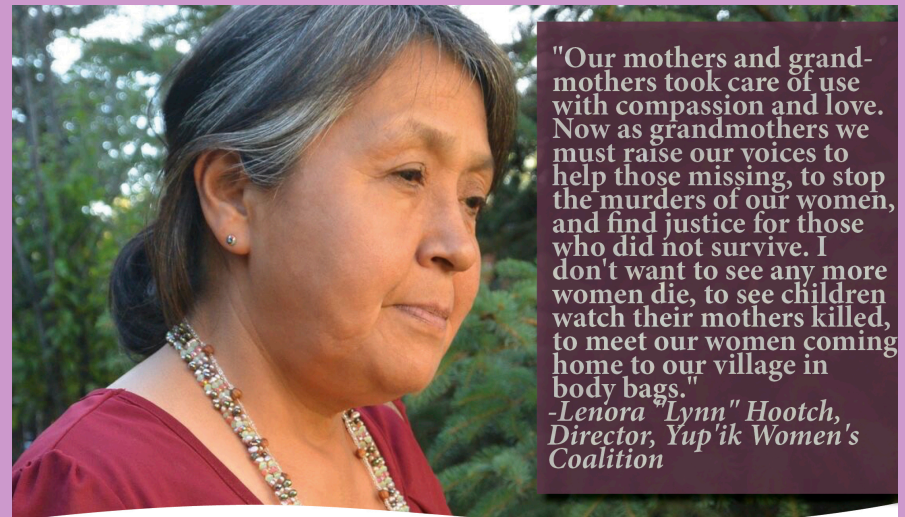
# Everything is related...



# Lack of Jurisdiction

## Missing & Murdered Native Women & Girls

- Missing-unresolved cases
- Native Women's Association of Canada (55:17)
- <http://www.niwrc.org/news/resources-key-parallel-event-un-commission-status-women-march-2016>
- NIWRC's petition to sign up for national day (<http://www.niwrc.org/news/call-action-your-support-needed-create-national-day-awareness-missing-and-murdered-native-women>)



"Our mothers and grandmothers took care of us with compassion and love. Now as grandmothers we must raise our voices to help those missing, to stop the murders of our women, and find justice for those who did not survive. I don't want to see any more women die, to see children watch their mothers killed, to meet our women coming home to our village in body bags."  
-Lenora "Lynn" Hootch,  
Director, Yup'ik Women's Coalition



Support a National Day of Awareness for Missing and Murdered Native Women and Girls. Add your organization's name at: <http://bit.ly/2bjDfa1>

# Common Challenges

- Locating stories
- Finding sources (sex trafficking, sexual assault, tribal communities)
- Abusers going free

# Why this violence against Native women should matter to media at large...

- Non-Natives commit majority of these crimes
- Due diligence-investigating and reporting jurisdictional maze
- Holding governments accountable finding women
- Prosecuting the crimes (Allowing offenders to side step the system)
- SPJ-Give voice to the voiceless!
- Others?

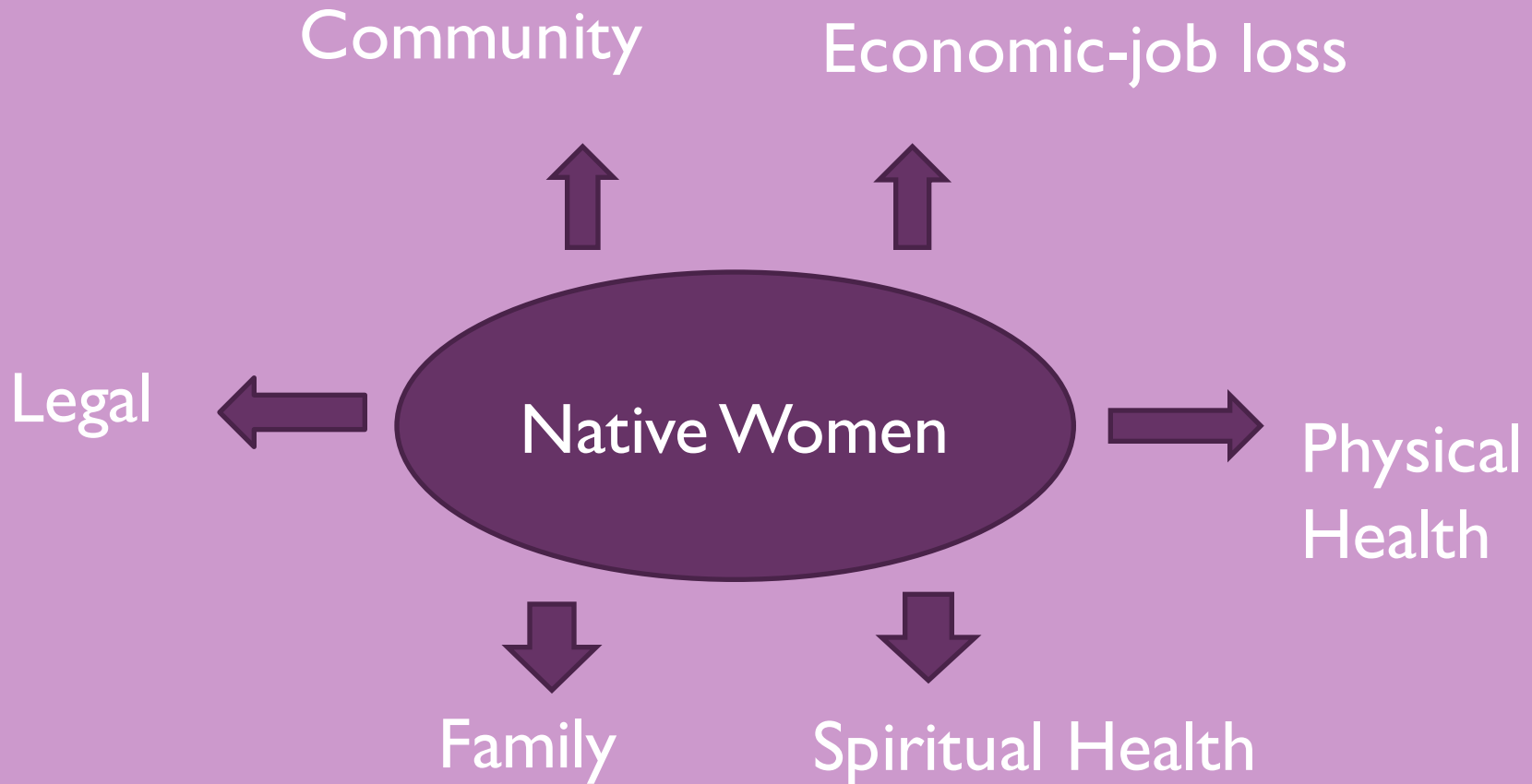


# Resources

## [www.niwrc.org/resources/covering-domestic-violence-eijl6-session](http://www.niwrc.org/resources/covering-domestic-violence-eijl6-session)

- Printed material in back
- Restoration mag (digital & hard copy subscription)
- E-newsletters Advocate Beyond the Shelter Doors
- Sign up for email list serve
- Social media: share native & violence against women with
- January 4<sup>th</sup>, 2017 StrongHearts Native Helpline live
- NIWRC website- Congressional Briefings: introduce tribal dv needs with published surveys, tribal panels, etc-press release, photos & video

# Domestic Violence is not traditional to any Native culture



# Q & A

Please ask any question  
or offer any comment!

## Connect with us on Twitter

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- Mallory Black [@mblack47](https://twitter.com/mblack47)