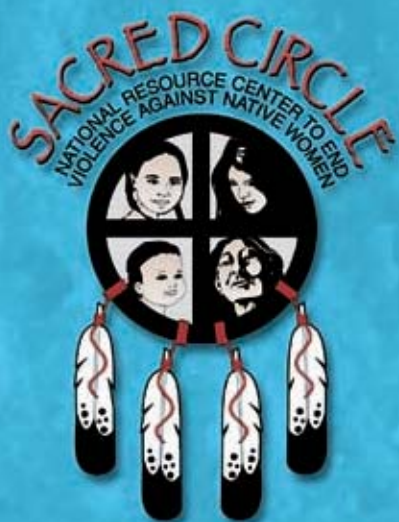


Invite

Restoration

OF NATIVE SOVEREIGNTY

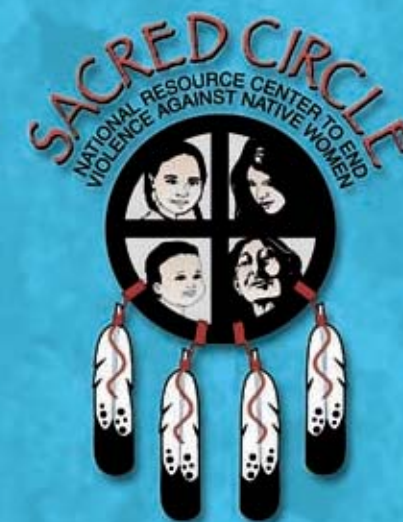
*Restoration of
Safety for
Native Women*



Rooted in the Plains, the mission of Sacred Circle, National Resource Center To End Violence Against Native Women, a project of Cangleska, Inc., is to change individual and institutional beliefs that justify the oppression of ALL Native women. The work to transform tribal families and communities into a circle of balance and harmony requires individual growth and systemic responsibility.

We are dedicated to actions that promote the sovereignty and safety of women.

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VIOLENCE AGAINST WOMEN
IS NOT TRADITIONAL

Warrior Women

THE HERSTORY

Grandmother, mother
Wailing your pain
Small pox delivered
And striking again

Genocide, massacres,
Killing and greed
Pain through the ages
Your death they decreed

Lassoed your children
Took them away
Heart wrenched with pain
as you prayed everyday

Forced to retreat
On small plots of land
Living in terror
A child on each hand

Grandmother, mother
Weeping your pain
Boarding schools, foster homes
They're striking again

Pain through the ages
You seek some relief
Heart ever aching you struggle with grief

Forced to question
Your own worth and pride
Hatred deep seeded
You know how they lied

Grief from the loss
Of your children so small
Of culture, traditions
They tried to take all

Grandmother, mother
Acceptance is slow

You've choked back your pain
So your children could grow

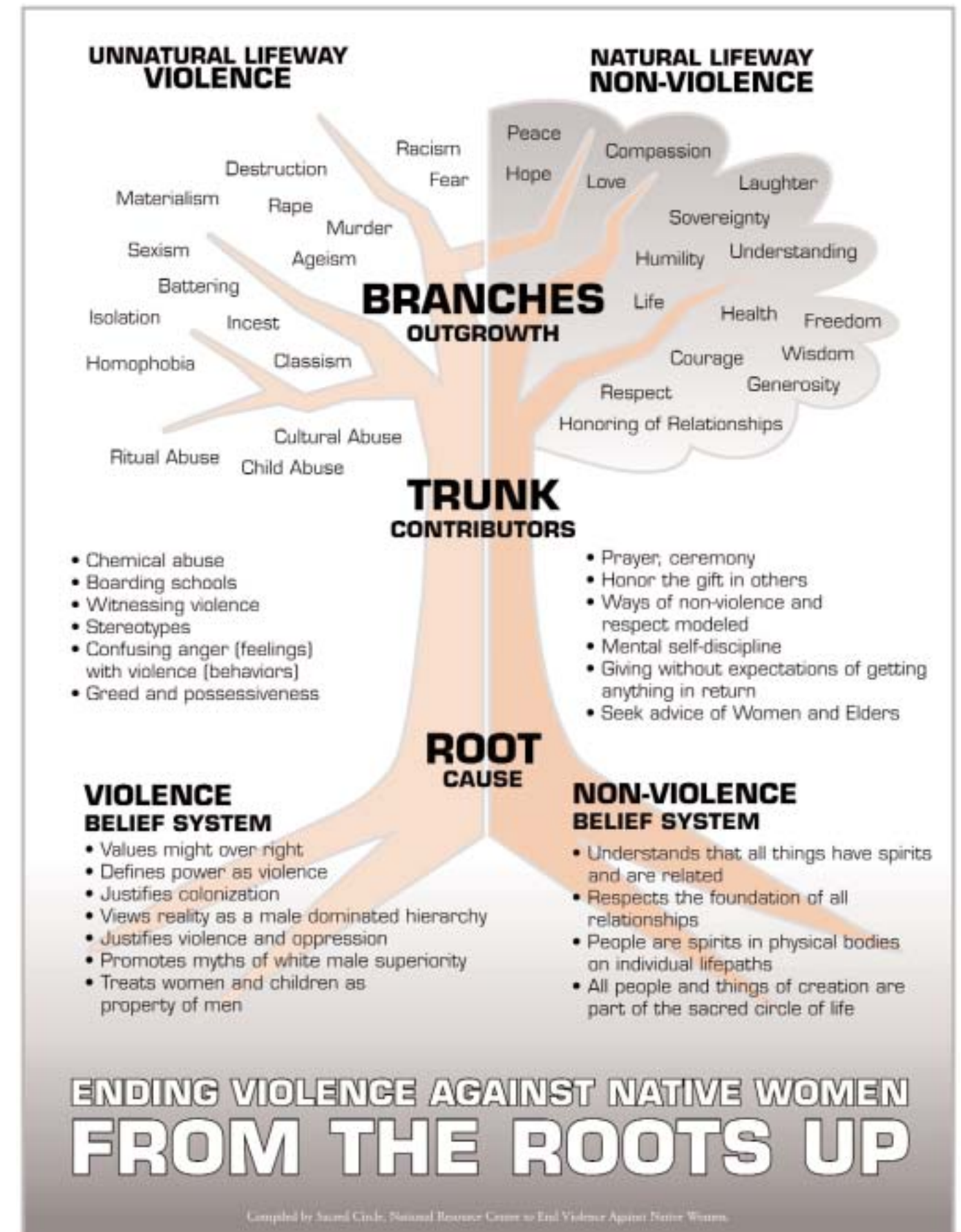
Warrior women
You've carried the weight
Survived all the torture
Transcended the hate

You survived many battles
Tho trembling with fear
Your heart is the drum
It is this that we hear

Your strength through the ages
Steadfast and true
Grandmother, mother
Our thanks is to you

Dedicated to every Native woman
who has died from a broken heart, and
to every woman who is still trying to attain
peace and happiness for her children.

~by Sandy Davidson,
Annishinabe, White Earth



Sacred Circle is funded by, and this Institute is sponsored by the Administration for Children and Families, Office of Community Services, U.S. Department of Health and Human Services

The information distributed in this activity by Sacred Circle as a project of Cangleska, Inc. is provided as part of our effort to provide training and technical assistance to Native American communities and organizations seeking to end violence against Native women. Points of view expressed and materials distributed do not necessarily reflect the opinions of Sacred Circle, Cangleska, Inc., or the Department of Health and Human Services.

Resources

for Additional Information

STATISTICS

Descriptive Analysis of Sexual Assaults in Anchorage, Alaska

October 2003, André Rosay and Robert Langworthy
<http://www.uaa.alaska.edu/just/publications/pdf/0107sexualassaults.pdf>

Violent Victimization and Race

NCJ 176354, March 2001, Callie Rennison
<http://www.ojp.usdoj.gov/bjs/abstract/vvr98.htm>

Full Report of the Prevalence, Incidence, and Consequences of Violence Against Women: Findings From the National Violence Against Women Survey

NCJ 183781, November 2000, Research Report, Nancy Thoennes and Patricia Tjaden
<http://www.ojp.usdoj.gov/nij/pubs-sum/183781.htm>

Extent, Nature, and Consequences of Intimate Partner Violence: Findings From the National Violence Against Women Survey

NCJ 181867, July 2000, Patricia Tjaden and Nancy Thoennes
<http://www.ojp.usdoj.gov/nij/pubs-sum/181867.htm>

American Indians and Crime

NCJ 173386, February 1999, Lawrence A. Greenfeld and Steven K. Smith
<http://www.ojp.usdoj.gov/bjs/abstract/aic.htm>

Federal Justice Statistics Resource Center

<http://fjsrc.urban.org/index.cfm>

LEGAL MATERIALS

Office on Violence Against Women – Federal Legislation and Regulations

<http://www.ojp.usdoj.gov/vawo/regulations.htm>

Domestic Violence and Tribal Protection of Indigenous Women in the United States

Gloria Valencia-Weber and Christine P. Zuni
<http://www.law-lib.utoronto.ca/Diana/fulltext/zuni.htm>

Tribal Court Clearinghouse – Domestic Violence Resources

<http://www.tribal-institute.org/lists/domestic.htm>

Tribal Court Clearinghouse – Sexual Assault Resources

<http://www.tribal-institute.org/lists/assault.htm>

Acknowledgements

Sacred Circle would like to thank the following people and organizations for their contribution to this publication. Some of you contributed through your writing abilities, your time, advice or suggestions. This publication is a result of “one heart, one mind.” Individuals and organizations coming together, collectively, to offer knowledge, thoughts and energy will restore safety for Native women. We admire and appreciate your commitment.

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Management Team Director, Cangleska, Inc./Sacred Circle

Lonnie Jeffries

Jeffries Design & Graphics

We also want to acknowledge the thousands of Native women who are battered and have experienced sexual assault. These women are mothers, grandmothers, aunties, sisters, daughters, granddaughters, nieces, and cousins. It is the collective voice of Native women that is represented in this publication.

We dedicate this publication to our relatives, the seen and unseen. Our grandmothers and grandfathers suffered and died so that we might live. We feel the spirits of our ancestors every day and are thankful for the strength and fortitude they bring to this call for action.

Sponsors

We wish to acknowledge the following co-host and sponsors of the 2005 Restore Safety and Dignity to Native Women Initiative.

All Nations Lifeways Village

Clan Star, Inc.

Ho-Chunk Nation

National Congress of American Indians

National Indian Gaming Association

Prairie Band Potawatomi Nation

Sacred Circle

Winnebago Tribe of Nebraska

Thank you for your support.

WOMEN SPEAK OUT

- “I had to go back. The lease was in his name. I didn’t have money for deposits for another house...somebody reported me to child protection. They threatened to take my children because I wasn’t providing them a decent home...”
- “He owned everything. We lived out of my car for a month, before the shelter had room. They gave me 30 days ...I don’t know what I’ll do. How can I get a job and save enough for an apartment in that amount of time?”
- “It took the cops 3 hours to get to me. He nearly killed me. And my kids saw it. What am I supposed to do? There is no shelter here and I don’t have any relatives here.”
- “Especially given the horrendous rates of poverty, the questions shouldn’t be “Why do women go back? Why don’t they report or cooperate with law enforcement?” The question should be “How in the world do Native women who are battered ever survive?”

What Native Women Need:

- Basic necessities: safety, food, clothing, shelter
- Transportation
- Job training and employment opportunities
- Educational opportunities
- Housing
- Improved, accessible healthcare
- Childcare
- Mental health and addiction services
- Prevention activities

Native women have an inherent right to the time, space and support to recover from the physical, mental, emotional, and spiritual harm that is the result of domestic violence and sexual assault.

THE STRANGLEHOLD OF POVERTY

The unrelenting poverty that exists in Indian Tribes is implicit in the victimization and re-victimization of Native women. The safety and status of Native women has never been about just one offender and the criminal justice system. The oppression of Native women is reflected in continuing and drastic poverty, extreme levels of homelessness, lack of medical care, food, transportation, employment, childcare, and other lack of resource dilemmas faced by Native women attempting to escape violence. Discussion, strategies and actions are the responsibility of every facet of society and should focus on how to facilitate reclamation of status and safety for Native women. Given the horrendous rates of poverty, the questions aren't "Why do women go back? Or, Why don't they report or cooperate with law enforcement?" The question is "How in the world do Native women who are battered or experience sexual attacks ever survive?" A 2001 survey of Native domestic violence program found only 25 shelters for Native women who are battered and their children. All were understaffed and under funded. The issue of resources to assist Native women who are battered and/or raped is vital.

- In Indian Country 40% of all housing is inadequate, compared to 6% nationwide.
- 900,000 Natives Americans are homeless or under-housed.
- Depending on the Reservation, additionally, 30 to 60% homes are crowded. Minimally, another 18% are severely crowded.
- 20% of Reservation homes lack complete plumbing.
- Just fewer than 50% lack public sewer systems.
- "In a statement to Congress in 1999, some Native American leaders estimated their collective unmet need at more than \$899 million. By 2001, the government's own nationwide estimate of unmet needs for Native American school facilities alone reached \$1 billion; it was estimated that another \$18 billion was needed to achieve healthcare parity."
- Federal government's spending rates for healthcare for Native Americans are 50% less than for prisoners or Medicaid recipients and 60% less than the average American..."
- 22.2 percent of Native Americans are unsure about the likelihood of their next meal...one or more members of these households suffer from moderate to severe hunger."
- The per capita income of Indians is \$4,500 compared to the national average of \$14,400.
- A 2001 survey of Native domestic violence programs found only 26 shelters for Native women who are battered, and their children throughout the entire US. All were understaffed and under-funded.
- There are still more animal shelters than shelters for battered women, and their children, in the US.

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"I saw the body of White Antelope with the privates cut off, and I heard a soldier say he was going to make a tobacco-pouch out of them."
— historical quote

If the women of the First Nations of this land cannot walk free of the terror of rapists, batterers, stalkers and murderers, no woman can be truly safe.

OVERVIEW:

This year marks the ten-year anniversary of the passage of the Violence Against Women Act. Tremendous change has transpired in the last decade to increase the safety of women in the United States. As Indian tribes and advocates for the safety of women we celebrate these reform efforts to establish a justice system responsive to the needs of women.

In this context we call upon all those committed to ending violence against women to join us in our challenge to reform the Federal system to assist Indian tribes in the protection of women. While increased resources to Indian tribes have saved lives, fundamental legal reforms essential to the safety of Native women remain unresolved. Legal barriers and lack of resources to Indian tribes limit the ability of Tribes to address violence against Native women. The ability of a government to protect its citizens from the violence of rapists and batterers rests at the heart of sovereignty. In the words of a Cheyenne proverb ... "A nation is not defeated until the hearts of its women are on the ground. Then it is done, no matter how brave its warriors or how strong its weapons." We call upon on all justice loving people to stand with us in ending the violence against Native women.

We ask your support in:

Restoring tribal jurisdiction over rapists, batterers and stalkers committing crimes of domestic violence upon tribal lands: Non-Native rapists, batterers and stalkers commit crimes on reservations and go free. To protect women tribal governments must have jurisdiction over criminals that voluntarily live on tribal lands. These criminals choose to live within the jurisdiction of an Indian tribe and commit domestic violence. While living on tribal lands these criminals commit violent acts and at the same time utilize tribal services from electricity to employment, housing to emergency services to sustain their behavior. Anyone choosing to live within the jurisdiction of the tribe must be held accountable to the tribe's legal system.

Restoring tribal authority to impose appropriate sentences for domestic violence offenders: Limiting the ability of Indian tribes to sentence perpetrators to a maximum of one year per offense is unjust to Native women. Domestic violence is domestic violence wherever it occurs. Justice is not served by restricting the ability of tribal courts to appropriately sentence a batterer. It acts as a green light for another woman to be attacked.

Creating a grant program to provide for the development, construction, and operation of safety centers for American Indian and Alaska Native Women: Safety for Native women requires access to centers designed by Native women that are created upon tribal beliefs and life ways. Native women hold the unique status as the mothers of Indian tribes; they have survived the brutalities of colonization and have continued as the cultural bearers and caregivers of Indian tribes. Safety for Native women requires centers rooted in the tribal values and full knowledge of the realities complicating the journey an Native woman must walk to be safe in the United States.

Strengthening the Federal-Tribal response to crimes against Native Women: An American Indian and Alaska Native Women's Justice Commission must be established to review and make recommendations to address the high rates of rape, battering, stalking and murder of Native women. The Commission is needed to review the response of Federal and state agencies charged with prosecution of these crimes. Further, the government-to-government relationship of the United States to Indian tribes must be fully upheld. Tribes must have full access to the National Criminal Justice Information Center and impediments placed upon tribes in administering funds to assist Native women must be removed.

ALCOHOL

"I could not recover from substance abuse if I was still being physically abused, mentally abused..."

Numerous studies show the direct connection between victimization and the use of alcohol to kill the pain of the trauma, often leading to addiction.

Native women, if you believe the statistics, are the most victimized group of women in the country. Add poverty; subtract housing, transportation, childcare, etc. This is the formula that equates the trauma of a lifetime experienced by far too many Indian women.

- Shelter Advocate

Women Speak:

"If you sober up a perpetrator and he doesn't have treatment for his issues, then what do you have? You have a sober perpetrator. And now he's more aware."

"He was always saying the reason he would abuse me was because of my drug use, even though he had his drug use, or he would bring the drugs to me."

"Going to a meeting wouldn't be anything he would tolerate because there would be other men there...his controlling made it real difficult for me to do what I needed to do for myself."

When I asked why those 25 had not wanted to go to the hospital or report the rape to the police, the advocates said each woman had variations of standard reasons for not seeking medical treatment and/or reporting the crime to police:

1. She had been drinking prior to the rape and knew the hospital staff and police would make her feel like the rape was her fault, or
2. She felt so stupid and ashamed because of the rape and did not want everyone to know what happened to her, or
3. She, or a family member or friend, had been raped before, and she knew that the cops and the courts were not going to do anything to her attacker.

I called the CI later that day to ask him what the average was for sexual assaults on a first-of-the-month weekend. He said he did not know for sure but guessed that it would be anywhere from 12-20 each month on that particular weekend. He also said his office would probably have more cases than that by the end of the week because of delayed reporting. As I hung up, I could not help but think that, even by conservative estimate, anywhere from 60-100 rapes were routinely occurring the first weekend of each month on the Reservation. And I hoped we would be able to help as many of those victims as possible. And I prayed for my sisters...



NATIONAL CONGRESS OF AMERICAN INDIANS

THE NATIONAL CONGRESS OF AMERICAN INDIANS

RESOLUTION #PHX-03-034

Title: Support for the 2005 Reauthorization of the Violence Against Women Act Including Enhancements for American Indian and Alaska Native Women

WHEREAS, we, the members of the National Congress of American Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants the inherent sovereign rights of our Indian nations, rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States, to enlighten the public toward a better understanding of the Indian people and their way of life, to preserve Indian cultural values, and otherwise promote the health, safety and welfare of the Indian people, do hereby establish and submit the following resolution; and

WHEREAS, the National Congress of American Indians (NCAI) was established in 1944 and is the oldest and largest national organization of American Indian and Alaska Native tribal governments; and

WHEREAS, all Indigenous Native cultures have a belief that respects and honors Native women as cultural bearers, life-givers and care-givers of nations; and

WHEREAS, the interaction between immigrants and Indigenous cultures has caused a significant breakdown of this value of respect and honoring American Indian and Alaska Native women, resulting in a high rate of domestic violence and sexual assault directed toward American Indian and Alaska Native women; and

WHEREAS, it is necessary for the NCAI as the leadership of tribal governments to be proactive in the defense of American Indian and Alaska Native women to curtail and prevent violence against American Indian and Alaska Native women; and

WHEREAS, American Indian and Alaska Native women are battered, raped and stalked at far greater rates than any other group of women in the United States and these disproportional statistics have attracted little comment or concern from federal institutions with specific responsibilities in responding to these heinous crimes; and

WHEREAS, 1 of 3 American Indian and Alaskan Native women are raped in their lifetime, and American Indian and Alaska Native women experience 7 sexual assaults per 1000 compared to 4 per 1000 among Black Americans, 3 per 1000 among Caucasians, 2 per 1000 among Hispanic women and 1 per 1000 among Asian Americans, according to the November 2000 National Institute of Justice report; and

WHEREAS, American Indian and Alaska Native women experience the violent crime of battering at a rate of 23.2 per 1000 compared to 8 per 1000 among Caucasian women; and

WHEREAS, about 8 in 10 American Indian and Alaska Native victims of rape or sexual assault were estimated to have assailants who were White or Black, according to the U.S. Department of Justice – American Indians and Crime Report from 1999; and

WHEREAS, Indian Tribes require additional resources to respond to violence assaults against American Indian and Alaska Native women and it is evident that there is an inadequate federal response to these serious crimes against American Indian and Alaska Native women; and

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WHEREAS, the U.S. Department of Justice has jurisdiction over felony crimes by or against Indians, including homicide, rape and aggravated assault; however, perpetrators of such violent crimes against American Indian and Alaska Native women are rarely, if at all, prosecuted; and

WHEREAS, the unique legal relationship between the U.S. and Indian Tribes creates a federal trust responsibility to safeguard the lives of American Indian and Alaska Native women; and

WHEREAS, the future of Indigenous nations rests in the capacity of Native Nations to preserve the safety, integrity, and well-being of its members, especially the sacred status of American Indian and Alaska Native women to live in an environment free of violence and sexual assault; and

WHEREAS, the current federal legislation does not adequately address the safety needs of American Indian and Alaska Native women.

NOW THEREFORE BE IT RESOLVED, that the NCAI does hereby support reauthorization of the Violence Against Women Act of 2005; and

BE IT FURTHER RESOLVED, that the NCAI does hereby resolve to support amendments to the Violence Against Women Act to increase the Federal response to violence against American Indian and Alaska Native women such as:

1. Increasing the sentencing authority of Indian tribes in cases of domestic violence and sexual assault cases beyond one year and \$5,000;
2. Increasing criminal authority to Indian tribes to prosecute non-Indian rapists and batterers;
3. Increasing Federal support to Indian tribes to enhance their response to violence against American Indian and Alaska Native women; and

BE IT FURTHER RESOLVED, that the NCAI does hereby support amendments to the Violence Against Women Act to enhance the ability of non-profit, non-governmental American Indian and Alaska Native women's organizations providing services to survivors of domestic and sexual violence such as:

1. Creation of a grant program to provide Federal support to non-profit, non-governmental American Indian and Alaska Native women's organizations to provide services to survivors of domestic and sexual violence; and
2. Creation of a grant program to provide Federal support to non-profit, non-governmental Native women's organization providing services to survivors of domestic and sexual violence to build shelters and transitional housing for American Indian and Alaska Native women; and
3. Creation of a grant program to provide Federal support for the development and maintenance of Sexual Assault Forensic Exam and Sexual Response Team units to provide services to American Indian Tribes and Alaska Native villages; and

BE IT FURTHER RESOLVED, that the NCAI does hereby resolve to support amendments to the Violence Against Women Act to increase the Federal response to violence against American Indian and Alaska Native women; and

BE IT FINALLY RESOLVED, that this resolution shall be the policy of the NCAI until it is withdrawn or modified by subsequent resolution.

CERTIFICATION

The foregoing resolution was adopted at the 2003 Mid-Year Session of the National Congress of American Indians, held at the Sheraton Wild Horse Pass Gila River Indian Community, in Phoenix, Arizona on June 18, 2003 with a quorum present.



Tex Hall, President

ATTEST:



Juana Majel, Recording Secretary

Adopted by the General Assembly during the 2003 Mid-Year Session of the National Congress of American Indians, held at the Sheraton Wild Horse Pass Gila River Indian Community, in Phoenix, Arizona on June 18, 2003.

JUST ANOTHER WEEKEND ON THE REZ

(For confidentiality, actual names have been omitted)

It was a Monday morning in the spring of 2003 when I stopped to visit with the Bureau of Indian Affairs (BIA) criminal investigator (CI) as he was coming out of the Reservation Indian Health Service Hospital (IHS) emergency room. The CI looked troubled and started shaking his head. When I asked what was wrong, he told me he had just finished interviewing his 19th rape victim since he started his stint as the on-call CI (which is usually one or two weeks at a stretch). I made the comment that 19 is a pretty high number for two weeks. He said, "Two weeks, hell! All 19 are from the past 48 hours!"

The CI went on to tell me that he had referred three to our on-call advocate, but that he "just didn't have a chance to call her on the rest of them." He also said the emergency room staff had contacted the on-call mental health person, as per hospital policy, but he did not think any of the 19 women had talked with anybody. I told him to give me the names of all 19 and I would get our outreach advocates to work contacting them.

At the office, I was immediately approached by our outreach advocates. They looked exhausted and told me that, between the three of them, they had responded to nine calls from women who had been assaulted, four referrals on assault victims from the emergency room, and numerous calls and reports about rapes occurring over the weekend. I handed them the list I had gotten from the CI. A short time later, all three advocates entered my office very upset and demanding that I speak to the IHS emergency room staff about their rape response protocols. They showed me the list from the CI and another list they had compiled of victims, or family members, who had called requesting assistance because of a rape that had occurred since Friday evening. The advocates' list had the names of 28 victims and the CI only had 19. Only three names – the three, the CI said he had referred to an advocate – appeared on both lists.

The number of rapes for that one weekend – at least those in which the woman either sought medical treatment, sought assistance from an advocate, or reported the crime to law enforcement – totaled an astounding 44 cases. And only 19, or roughly 43%, of those women received medical attention and had their victimization investigated by law enforcement. That meant that 25 of the women who had been raped did not report the crime or go to IHS for an examination and/or emergency contraception.

As I hung up, I could not help but think that, even by conservative estimate, anywhere from 60-100 rapes were routinely occurring the first weekend of each month...

VIOLENCE

Against Alaska Native Women

Given the extreme danger created by such abusers and the remote isolation of women, communities must develop their own village specific programs utilizing their existing local resources. The development of this local response is the only assurance that women and, often times, their children in rural Alaska are provided with the very basic human right to safety.

Alaska has one of the highest per capita rates of physical and sexual abuse in the nation. Keeping women and children safe in remote bush communities has unique challenges. Violence against women and children is being perpetuated in communities where there exists no form of law enforcement and no local infrastructure to address these incidents. A compilation of data from 1998-2004 gives us a grim picture of the rate of violence against Alaska Native Women.

- According to the FBI's Uniform Crime Report in 1999, Alaska reported 83.5 rapes per 100,000 females compared to a U.S. average of 31.7 per 100,000 females.
- According to the 1999 Crime Report by the Anchorage Police Department, there were approximately 1,400 sexual assaults between 1995 and 1999. Six hundred, almost 42%, involved Alaska Native women.
- From 1989 to 1998 reported cases of domestic violence in Anchorage alone increased by 120%. The percentage of Alaska Native victims in the Anchorage area was 24%, which is extremely high; Alaska Natives comprise only 10% of the Anchorage population.
- Anchorage is expected to be ranked No. 1 in the nation per capita on sexual assault. Statistics show that there were 374 cases of reported sexual assaults in the first six months of 2003.

Statistics such as these are unavailable for the rural communities in Alaska, however, in an informal poll taken in some of these off road communities, 100% of the women reported, at some point in time, being a victim of domestic or sexual abuse.

The following are some of the barriers that face Alaska Native women in their efforts to live free of violence:

- Alaska is home to 229 tribes. Of these 229 tribes, 165 are off road communities meaning that it is accessible by air only for the most part of the year. Ninety of these 165 off road communities also do not have any form of law enforcement.
- Alaska tribes fall within four state judicial districts and 229 tribal jurisdictions. Tribal and state jurisdictions overlap (PL 280) creating confusion as to who is ultimately responsible for responding to incidents of violence.
- Since the enactment of PL 280 in the early 1950's, jurisdictional confusion has created roadblocks for the safety of Native women. To many involved with the state judicial system, this meant that they were in charge of responding to these incidents. When conveyed to the tribal communities this message was specifically interpreted as limiting their role in the local responses to the violence. Consequently, the tribal communities began relying solely on the state law enforcement officials to respond.
- When and if a community reports an act of violence against a women or child, it can take the Alaska State Troopers anywhere from a day to ten days to respond. In some cases, it may take longer depending upon weather conditions, the urgency of the other matters they are dealing with in other villages, the apparent severity of the situation and so forth. If they do respond, it is commonly after the 12 hour period for mandatory arrest, in which case an arrest is up to the discretion of the officer.

These facts create the dangerous reality that frequently the only people standing between a woman in need of protection from a batterer or rapist is the local community. Consequently, the life of a woman depends largely on the local community's ability to provide immediate assistance.

A CALL FOR ACTION: Native Women and Sexual Violence

The rape and sexual assault of Native women has reached epidemic proportions. Almost every study on the rate of sexual assault in the last ten years which has included race or ethnicity as a factor has concluded that American Indian and Alaska Native women suffer a rate of sexual violence at least 2-3 times higher than any other group of women in the United States.



A compilation of data from 1992-2001 of the National Crime Victimization Survey found that the average rate of sexual assault for American Indians is 7.2 per 1,000 persons, compared to 1.9 per 1,000 persons for all races.

In 2000, the National Violence Against Women Survey concluded that 34.1% of American Indian/Alaska Native women will be raped during their lifetime – more than 1 in 3 Native women.

In 1999, The Bureau of Justice Statistics issued a report indicating that American Indians suffer a rate of sexual assault of 7 per 1,000 people, as compared to 2 per 1,000 for all races.

Other local and regional studies have also found facts consistent with the national studies:

A 2003 report on sexual assault in Anchorage, Alaska, indicated that Alaska Native women are victims in over 45% of the city's reported sexual assaults. Alaska Native people constitute just over 10% of the city's population.

In 2001, the Washington State Office of Crime Victim Advocacy reported that American Indian women in Washington were more likely to experience sexual assault than women of other racial backgrounds.

In 1999, a study examining data collected between 1992-1997 at Michigan HIV counseling and testing sites in Michigan found that American Indians/Alaska Native female clients had the highest ratio of reported sexual assault.

Tribal governments face numerous challenges in responding to sexual violence. Jurisdictional restrictions, limited resources, and a history of widespread child sexual abuse in some communities (often perpetrated by outsiders) have resulted in a lack of immediate response to the rape and sexual assault of women. Many Native survivors have expressed a feeling of helplessness and confusion in the aftermath of sexual assault, due to the inaction of government officials. In addition, lack of adequate investigation and prosecution of these crimes sends a message to perpetrators that Native women are easy targets for sexual victimization.

Native women deserve a strong and pro-active response to rape and sexual violence. Perpetrators should be held accountable for the violence and devastation they impose on Native women and their families. Only by addressing this issue head-on will real change and healing begin.

FULL FAITH & CREDIT:

Protection for Native Women Who are Battered

The enforcement of an order of protection can mean life or death for an American Indian or Alaska Native woman. The “Full Faith and Credit” provision of VAWA (18 U.S.C. 2265) is clear. The law states that:

“Any protection order issued ... by the court of one State or Indian tribe ... shall be accorded full faith and credit by the court of another State or Indian tribe ... and enforced as if it were the order of the enforcing State or tribe.”

The Full Faith and Credit provision of VAWA applies to both criminal and civil orders of protection. While this provision attempts to ensure that every protection order is recognized, a jurisdictional gap continues to threaten the safety of American Indian and Alaska Native women. This gap prevents Indian tribes from granting full faith and credit and criminal enforcement to orders of protection violated by non-Indian perpetrators. If the tribe has civil remedies available it can enforce those civil penalties against a non-Indian person.

The following story explains the frightening reality experienced by many American Indian and Alaska Native women. Rosie, a tribal member, was living outside of the jurisdiction of her tribe. Bill, her non-Native husband, was abusive towards Rosie. She requested and received a protection order from the state court system. Hoping that her family would help protect her, Rosie moved back to her tribal homeland to live with her mother. Bill, under pretenses of getting back together with Rosie, followed her onto tribal land and violated the protection order. Unfortunately, tribal police and prosecutors do not have criminal jurisdiction over Bill. Even if he violates the state protection order repeatedly, Rosie cannot rely on her tribal criminal justice system to respond.

The 2000 amendments to VAWA attempted to address this problem by clarifying that Indian Tribes have full civil jurisdiction to enforce protection orders, including authority to enforce any orders through civil contempt proceedings, exclusion of violators from Indian lands, and other “appropriate mechanisms.” Unfortunately, this amendment did not expand tribal jurisdiction, but merely clarified the lack of criminal jurisdiction. Some tribal law enforcement officials have described this problem as a “law enforcement vacuum.” Offenders can continually violate the terms of protection orders and there is no criminal accountability.

The safety of American Indian and Alaska Native women is dependent on the ability of Indian tribes to hold offenders criminally accountable. The ability to prosecute men who repeatedly batter, harass, or otherwise interfere with the safety of Native women is an important component of sovereignty.

The Bureau of Indian Affairs Office of Law Enforcement Services indicated that they investigated 523 reported rapes in 1998; 603 in 1999; and 550 in 2000. USDOJ, BJS, 2003.

In 1993, there were 69 federal convictions of sexual assault on Native American lands, 69 of the convicted defendants were male Native Americans. U.S. Sentencing Commission 2003.

What We Know About Non-Indian Perpetrators:

About 70% of all the violent victimizations experienced by American Indians are committed by persons not of the same race. USDOJ, Greenfeld & Smith, 1999.

About 9 in 10 American Indian victims of rape / sexual assault were estimated to have had assailants who were white or black. USDOJ, Greenfeld & Smith, 1999.

75% of the intimate victimizations of American Indians involved an offender of a different race. USDOJ, Greenfeld & Smith, 1999.

These limited statistics convey the dangerous reality confronting American Indian and Alaska Native women. This reality threatens not only the future of Native women, but Indian tribes. The Violence Against Women Act can do more. It can provide a bridge for further research and analysis urgently needed to understand violence against Native women. It can provide a bridge to safety for American Indian and Alaska Native women.

Native Women Need:

Comprehensive data regarding the percentage of cases of violence against Native women that result in conviction in both the federal and state systems;

Research and analysis of the factors related to both preventing the violence and ameliorating the consequences of violence against Native women;

Resources to support tribally-controlled research and evaluation of the context in which violence against Native women occurs.



Native Women Experience Violent Victimization at a Rate Higher Than Any Other U.S. Population:

Understanding Why

“In exchange for land and in compensation for forced removal from their original homelands, the government promised through laws, treaties, and pledges to support and protect Native Americans. However, funding for the programs associated with those promises has fallen short...” U.S. Commission on Civil Rights, 2003.

Despite the legal obligation of the United States to protect tribal nations, American Indian and Alaska Native women continue to experience extremely high rates of violent victimization. While violence is preventable, research to help understand why and how violence destroys the lives of Native women is not available. Since passage of the Violence Against Women Act, over one billion dollars has been spent to enhance the response to and research on violence against women. Yet not a single major study has focused on the unique legal, cultural, and jurisdictional issues which factor into violence against American Indian and Alaska Native women.

Understanding and responding to violence against Native women requires an adherence to the government-to-government relationship between Indian nations and the United States. Addressing the violence will require the United States to uphold its responsibilities to Indian tribes. To ensure the safety of Native women, Indian tribes will require a restoration of legal authority over perpetrators as well as additional resources to strengthen governmental responses to such crimes.

The historical pattern of violence perpetrated against Native women can be found in numerous Congressional reports. The federal policies of forced removal, boarding schools, loss of children, and sterilization have altered the lives of Native women and shaped American culture. The current rates of prevalence and severity of violence experienced by Native women are a continuation of this historical pattern of violence. This pattern is continued daily as perpetrators of rape, assault, and murder of Native women frequently suffer no legal consequences for such crimes.

What The Data Shows:

From 1979-1992, homicide was the third leading cause of death for Native American women and girls (aged 15–34); 75 % of these women and girls knew their assailant, with almost one-third being killed by a family member; 23 % killed by cutting and stabbing; 36 % killed by blunt objects, bodily force, and strangulation; and 33 % killed by firearms. CDC, L.J. Wallace, et al, 1996.

34.1 % of all American Indian and Alaska Native women will be raped in their lifetime. USDOJ / CDC, Tjaden & Thoennes, 1998.

61.4 % of all American Indian and Alaska Native women will be physically assaulted in their lifetime. USDOJ / CDC, Tjaden & Thoennes, 1998.

In addition, some state governments are continuing to exhibit resistance to enforcing protection orders issued by tribal courts. Even though the federal law is clear, some states have made it difficult or impossible for a tribal protection order to be treated as valid and enforceable. In some communities, women’s advocates still recommend that Native women file for two protection orders – one in the tribal system and one in the state system. Unfortunately, there is currently no mechanism for ensuring state compliance with the federal law.

Native women travel across tribal and state boundaries on a regular basis. It is critical that valid protection orders are enforced in every jurisdiction, irregardless of the issuing jurisdiction or the race of the perpetrator. Without strict and swift response to protection order violations, rates of violence against Native women will continue to rise.

Native Women Need:

Restoration of criminal jurisdiction over non-Indian offenders violating orders of protection;

Continued widespread public education regarding “Full Faith and Credit”;

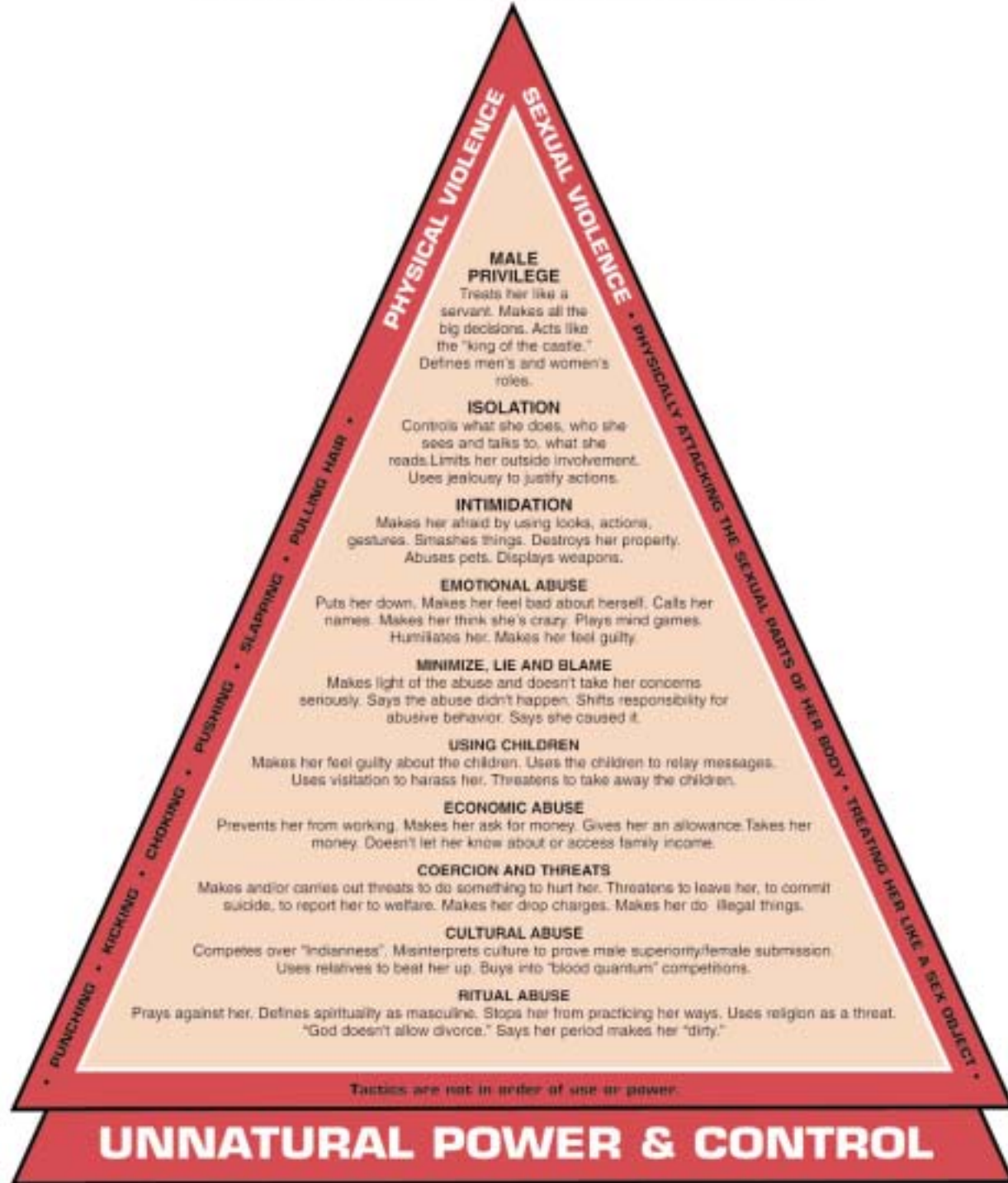
Accountability from states that refuse to enforce tribal orders of protection;

“Exclusion” of violators of orders of protection, non-Indian and Indian, from their tribal communities;

Indian tribes to establish civil regulatory laws, including: a provision for civil contempt when violations of protection orders occur; subject non-Indians to tribal probation and offender management programs; create a registry for violent offenders; and public disclosure of offenders’ names.

Additional resources at the tribal level to enhance data collection and access to protection order databases.

BATTERING: UNNATURAL POWER & CONTROL

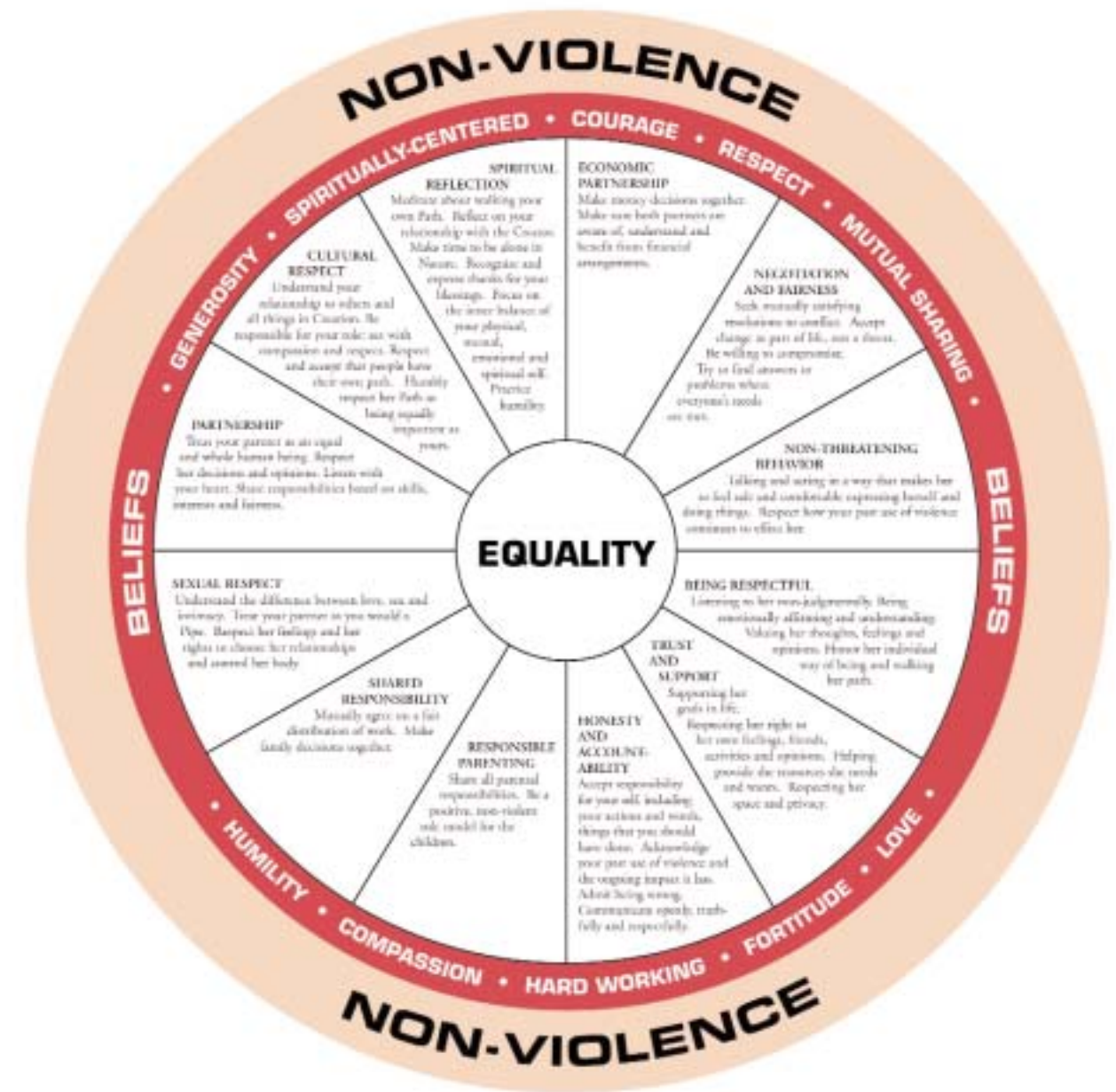


UNNATURAL POWER & CONTROL

Battering is a system of tactics aimed at maintaining power and control over another person.

Produced by Sacred Circle, National Resource Center to End Violence Against Native Women.
Based on Domestic Abuse Intervention Project of Duluth model.

NATURAL LIFE SUPPORTING POWER



EQUALITY
is natural life-supporting power that is grounded in spirituality, requires non-violence and is based on character.

Produced by Sacred Circle, National Resource Center to End Violence Against Native Women.
Adapted from materials created by Domestic Abuse Intervention Project of Duluth model.