

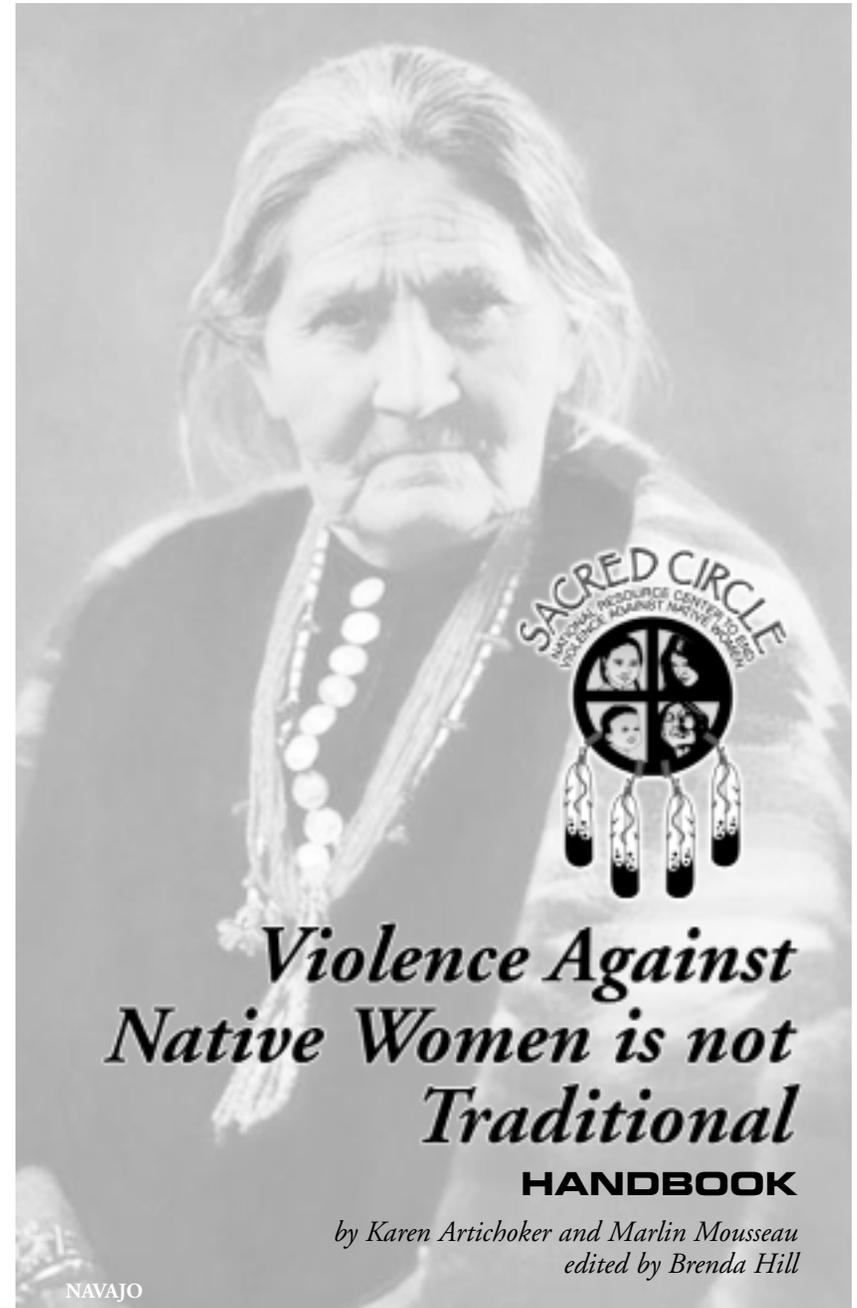


National Indigenous Women's Resource Center

*Violence Against
Native Women is not
Traditional*



***Originally written and prepared by Sacred
Circle National Resource Center to End Violence
Against Native Women.***



NAVAJO

*by Karen Artichoker and Marlin Mousseau
edited by Brenda Hill*

Recommended publications available through Sacred Circle, National Resource Center to End Violence Against Native Women:

- Domestic Violence Information Packet
- Shelter and Advocacy Information Packet
- From the Roots Up: An Overview of Shelter and Advocacy Program Development Supporting Women's Sovereignty
- Cultural Competency for Non-Native Advocates Working with Native Women Who Are Battered

Sacred Circle offers other written materials, a training schedule and is available to partner with local programs in offering training. For more information:

722 St. Joseph Street, Rapid City, SD 57701
 Toll-free: 1-877-733-7623
 Fax: 605-341-2472

Recommended publications available through the South Dakota Coalition Against Domestic Violence & Sexual Assault:

- Facts About Rape
- Handbook on Child Sexual Abuse
- Date Rape
- How Do I Know This Is Love (teen dating violence)
- Domestic Violence: Bruises On The Mind, The Body And Spirit

CONTACT INFORMATION:

South Dakota Coalition Against Domestic Violence & Sexual Assault (SDADVSA)
 P.O. Box 141, Pierre, SD 57501
 605-945-0869

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INTRODUCTION

Violence Against Women is not a Native tradition. It was not tolerated and in the rare event that it occurred, it was taken seriously. Abuse wasn't considered a "private family matter."

Now we must deal with the reality that we are hurting each other. We must begin to responsibly address these issues as native peoples. It is not our fault that we are where we are today. To blame each other is not productive – that would be acting out the internalized oppression that we experience as a People.

One way that many Tribes are attempting to deal with how we are hurting each other is through domestic violence, violence against women, family violence or spouse abuse laws. In the tradition of our ancestors, and to ensure that our Nations survive, we are saying that abusive behavior will not be tolerated. Every individual was, and now again, is expected to be responsible for their own behavior.

It is important we examine our past and know where we were, understand how we got to be where we are today, and celebrate that the solutions to the problems of today can be found in our Traditions.

This handbook is designed to provide you with information about domestic violence. We all have a right to know about tribal laws, options, and resources available to us. We are all affected in some way by violence. Our best tool in helping make change in ourselves, our family and our communities is to educate ourselves about violence against native women and how it affects us as individuals, families, communities and Native Nations.

In order to show respect and protect their traditional culture, many tribes do not share or print information about their Life Ways. If this is true of your tribe, or you simply have not had the opportunity to learn about your tribe's ways, it is strongly recommended that you seek out people of good character in your community and visit with them about your history and culture. This can be a difficult journey; many of our people are impacted by internalized oppression and so their interpretation of "tradition" may be distorted. Trust your instincts. Though difficult, this journey is ultimately rewarding and necessary. Ending violence against native women is integrally tied to reclaiming our traditional, natural life ways.



VIOLENCE IS NOT TRADITIONAL! Herstory About Violence Against Native Women

Within the natural system of life, tribal people lived together peacefully and violence within the family was rare. Though cultures and customs vary from tribe to tribe, the core belief systems of tribes are extremely similar because they are based on the natural and true understanding of reality. People received many teachings from the family and community that helped us learn how to be good relatives to each other. When violence against a woman did occur, the People responded. Violence was and is a threat to the harmony needed for us to survive as tribal Nations.

In many tribes, the abuser could be banished, ostracized or retaliation was left to the male relatives of the victim. A man who was violent within the family was not seen as capable of any leadership responsibilities. He had demonstrated that he did not possess the self-discipline, respect, caring or spiritual understanding to effectively lead the People.

The abuse of Indian women and children can be traced to the introduction of alcohol into our culture and Christianity. (Paula Gunn Allen: "Violence and the American Indian Woman"). Many of our people learned about violence in boarding schools. Boarding school distorted our ability to act as parents, sons, daughters - as relatives. Our traditional parenting was nonviolent and nurtured the spirit of the child. This knowledge was replaced with experiences of corporal punishment that reflected the teachings of the church.

Denied our families and culture in boarding schools, we experienced and passed on to our children and grandchildren verbal, emotional, sexual and physical violence as acceptable means to control others when we don't get our way. Alcohol contributes to the violence, making it more unpredictable and severe.

The reservation era diminished the traditional male role of protector and provider. The government assumed this role and consequently some Indian men have experienced a loss of identity. This loss was replaced by the dominant society's negative attitudes, beliefs and behaviors toward women. Granted, this is no fault of our own, however, the reality is that contemporary Native male attitude about women and relationships have been distorted and the violent behavior of Native men towards Native women is tearing apart Native families.



Some Native men now believe that women are inferior to men. We hear joking about how women walk ten paces behind – the implication is that women walk behind men because they are inferior to men. In truth, this practice reflected the role of man as protector; if there were any danger the family would seek safety while the man protected them.

The colonizer that came to this country had a history where women and children were the legal property of the father or husband. A woman took the last name of her husband so that other men would know that she was not sexually available. The sexual ownership of women had to do with a belief about ownership of the land and inheritance. First-born sons inherited the land and to make sure that the first born son was really the husband's son, a system had to be put in place to ensure paternity. So, the wedding ring and marriage came together as a symbol of ownership. With ownership comes the privilege of treating your property however you choose.

Because women and children were property, they had few rights while husbands had the legal right to beat wives. Today, women and children are not the legal property of husbands and fathers. However, attitudes have been slow to keep up with the law and many men still believe it is their “privilege” to control women. We hear this continued belief in the ownership of women expressed in statements like, “She’s my old lady and she’ll do what I tell her to, or else,”

Native women were also influenced by the reservation era. In pre-reservation tribal society, women held status and were honored and respected for their role as life givers and nurtures. With colonization, Indian women were defined by Western mainstream standards that reflect the belief system of our colonizers.

Sitting Bull, in 1881 while a prisoner at Ft. Randall, expressed his concern for the future of the women. “Pity my women. We men owe what we have to them. They have worked for us ... but in the new life their work is taken away. For my men I see a future; for my women I see nothing.” With colonization, women of indigenous cultures were disempowered.

The post-colonization status of native women renders them just as vulnerable to abuse as any other race of women. The result of this history of oppression is confusion about the proper behavior, i.e., violence against Native women.



BEFORE COLONIZATION

Women were valued and honored in Native cultures. Almost all native creation stories have women being made first. It is the essence of the feminine that brought many Tribes spiritual teachings. For example, amongst the Lakota the White Buffalo Calf Pipe Woman brought the sacred Pipe and its teachings to guide the People. The Dine speak of the First Woman, Spider Woman and Ever Changing Woman as significant to their creation and lives. The Iroquois tell about Celestial Woman in the creation of their tribes. The Mik' Maq carry stories of Nogami, grandmother and wise woman. The teachings of many Tribes relate a balance between the male and the female. Native spiritual concepts teach how to live every day life with this balance and the feminine principle is honored and recognized for its power. Our connection to Mother Earth also demonstrates this honoring of the female.

Native women were respected and valued. Courtship practices reflected this attitude toward women. Our male ancestors demonstrated their ability to protect and provide for her the woman through courtship rituals. In marriage, a woman and her children did not take the father's last name because they were not property of the man. Everyone had his or her own names, acknowledging individuality and personal sovereignty.

Making a household was an agreement between a man and a woman to coexist as equals. There was no battle of the sexes. Women and men were not considered “opposites,” or one inferior, the other superior. We were partners that respected and balanced each other.

For many Tribes, it was customary for the man to live with the wife's People. This custom afforded her protection and other social customs dictated who and how interactions between family members operated. These customs served to minimize the potential for conflict and served to protect women and children from abuse. In this woman centered tribal structure, women had all property rights within the household. If a household broke up, the woman was free to make the man leave her lodge. She did not have to fear retaliation or terrorism. He recognized her right to make her own choices. If he could not respect this, the tribe intervened to ensure her safety and teach him proper behavior.

The making of a marriage was not usually a religious act. Therefore, breaking up or divorcing was not thought of as breaking a religious code. A woman who broke the household because of abuse was viewed as honorable for having the self-respect and dignity to leave a destructive relationship. Men were taught

that it was not his privilege to control her choices. Societies, elders or leadership ensured safety for the women and children if an individual man did not conduct himself within his family in a manner that was responsible.

All Native men, women, and children were responsible for their own behavior. Because we are all interconnected, the individual and his/her behavior had to be respectful if the tribe was to survive and live in harmony. Our society allowed for individuality and promoted self-discipline that would enhance the group and provide for safety and survival. Individuals were free to “walk their path” and spirituality was a part of everyday life with the self, others, nature, and the cosmos.

CONCLUSION

The Native family is different from white America in many ways. Our “family” includes aunts, uncles, grandparents, and cousins, as well as many adopted relatives. Our people existed in a web of relationships, each equal in importance and value. The nuclear family of mom, dad and children was considered a household within the family. Respect characterized family relationships.

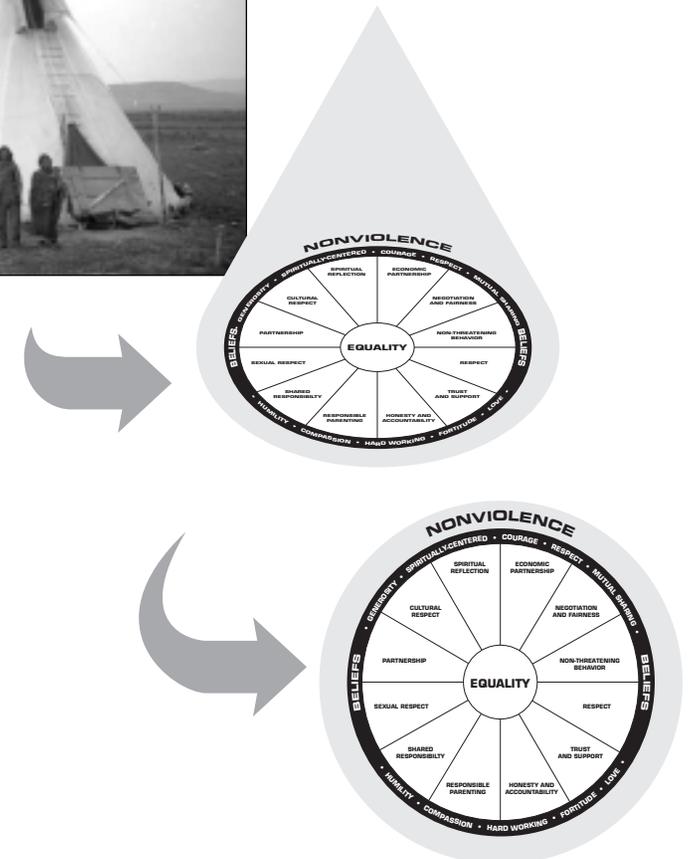
The Heart of our Nation lies in the feminine. The recognition of the life giving power of women is essential to all Native Peoples as we work to reclaim the knowledge that will lead us to non-violence within our families. Our connection with Mother Earth teaches us that all things are independent yet related. Life is not about competition and violence. Life is about cooperation and helping each other as relatives.

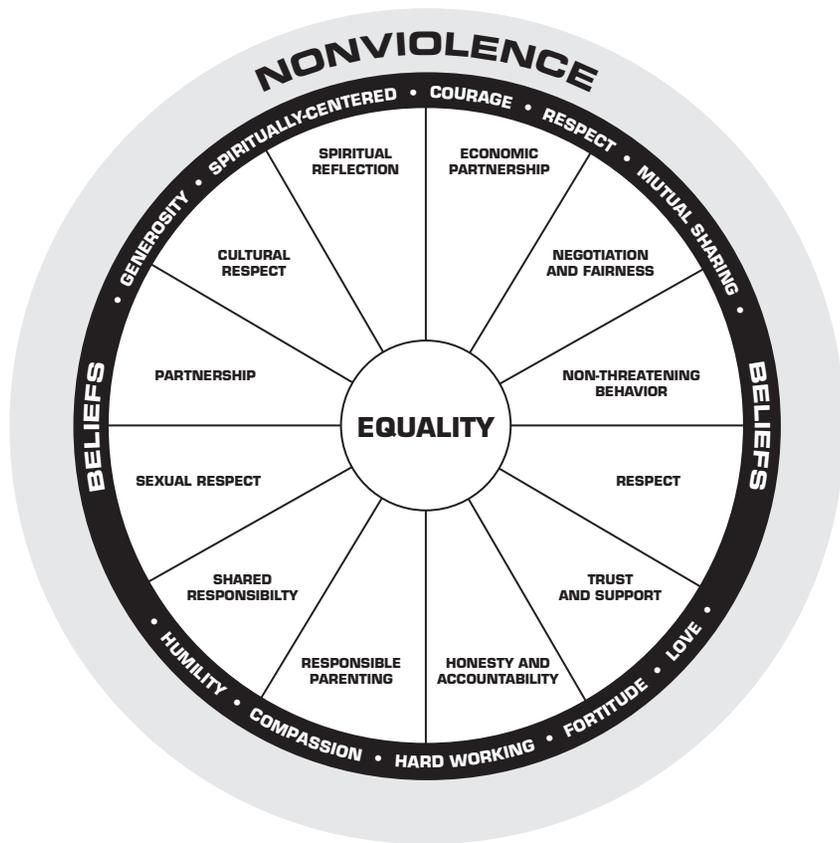


DAKOTA

THE NATURAL LIFE WAY

is based on
**NON-VIOLENT
LIFE-SUPPORTING
POWER AND VALUES**





EQUALITY
is natural life-supporting power that
is grounded in spirituality

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National Resource Center to Stop Violence Against Native Women. A Project of Cangleska, Inc., Based on DAIP's model.



NATURAL LIFE-SUPPORTING POWER

The Nonviolence (Equality) Wheel

Our work to end violence against Native women and recreate peaceful, harmonious communities is based on reclaiming our traditional values, belief systems and life ways.

The key values of this life way are: Compassion, respect, generosity, mutual sharing, humility, contributing/industriousness, courage, love and being spiritually centered.

These values are expressed by how we behave and relate to others. Challenge yourself to find other ways to create life-supporting power in yourself and others.

At the center of the nonviolence wheel is EQUALITY. Equality is recognizing that everyone has the right to follow their path. Equality means power-sharing, not holding power over. Equality has nonviolence as its foundation. It is a feeling of connectedness – balance and harmony with ourselves, others, our environment and the cosmos. We have no need to change, fix or convince the other person.

Equality is at the center of all healthy relationships. It doesn't mean we are all alike or that we should be. It means we celebrate and honor our differences.

The Circle of Life teaches us that all things in Creation are equal in importance. The Equality Wheel shows us how this looks in human relationships of all kinds, as partners, parents, relatives, and friends. The following are brief descriptions of how these values are practiced in everyday life.

BEING RESPECTFUL

Listen to her non-judgmentally. Be emotionally affirming and understanding. Values her thoughts, feelings and opinions. Honor her individual way of being and walking her path.

SEXUAL RESPECT

Understand the difference between love, sex and intimacy. Treat your partner as you would a Pipe. Respect her feelings and her rights to choose her relationships and control her body.

PARTNERSHIP

Treat your partner as an equal and whole human being. Respect her decisions and opinions. Listen with your heart. Share responsibilities based on skills, interests and fairness.

CULTURAL RESPECT

Understand your relationship to others and all things in Creation. Be responsible for your role: Act with compassion and respect. Respect and accept that people have their own path. Humbly respect her Path as being equally important as yours.

SPIRITUAL REFLECTION

Meditate about walking your own Path. Reflect on your relationship with the Creator. Make time to be alone in Nature. Recognize and express thanks for your blessings. Focus on the inner balance of your physical, mental, emotional and spiritual self. Practice humility.

TRUST AND SUPPORT

Support her goals in life. Respect her right to her own feelings, friends, activities, and opinions. Help provide the resources she needs and wants. Respect her “space” and privacy.

HONESTY AND ACCOUNTABILITY

Accept responsibility for your self, including your actions and words, things that you should have done. Acknowledge your past use of violence and the ongoing impact it has. Admit being wrong. Communicate openly, truthfully and respectfully.

RESPONSIBLE PARENTING

Share all parental responsibilities. Be a positive, nonviolent role model. Nurture your children; don’t “baby-sit.” Acknowledge that being an “absent parent” is neglect, not an excuse for not providing financial, emotional and other types of support in the best way you can. Parenting is difficult – get support and words of wisdom from your relatives when needed.

SHARED RESPONSIBILITY

Mutually agree on a fair distribution of work. Make family decisions together. Do your share without being reminded. Seek help or learn more about the things you are responsible for if needed.

ECONOMIC PARTNERSHIP

Make money decisions together. Make sure both partners are aware of, understand and benefit from financial arrangements.

NEGOTIATION AND FAIRNESS

Seek mutually satisfying resolutions to conflict. Accept change as part of life, not a threat. Be willing to compromise. Try to find answers to problems where everyone’s needs are met.

NONTHREATENING BEHAVIOR

Talk and act in a way that makes her feel safe and comfortable so she can express herself and do the things she needs to do for herself. Respect how your past use of violence continues to affect her.



PAIUTE

WHAT'S HAPPENED TO US?

The external oppression (the unjust exercise of authority or power by a group over another) of our people has now become internal oppression. Internalized oppression means we take on the values, beliefs and actions of the oppressor. When oppression is internalized, we behave and think in ways that keep us divided as individuals and as a group. (Remember the story about the Indian crabs – when one tries to get out of the bucket, the others reach up and pull it back down.)

As Native people we're taught, often through violence, to despise and fear our own cultural and spiritual ways. For example, many of our people were taught that being Indian was bad; anything Indian was bad. Today we see this when some of our people frown on others who speak Indian, wear long hair, don't work 9 to 5 jobs, go to ceremonies, pow wows, etc. Some families thought the best thing to do to survive was to give up our cultural ways and traditions. Some people who did not give up language and traditions may be critical of those who did. We end up being critical of each other and divided. Then Western mainstream society can say, "See, Indians can't get along and get anything done."

Even though many of our children have not experienced boarding school, we see them continue this attitude that being Indian or Native is not something good or something to feel proud of. Or we try to "out-Indian" each other. We seek status, control, and feel spiritually and culturally superior over other Native people, rather than supporting each other as relatives.

When we act this way with each other, we keep ourselves and others around us down. This is the way the oppressor keeps the oppressed group under control. After a while the control does not have to come from the outside because we keep ourselves down. The violence in our families, communities and government mirrors the oppression we experienced.

We used to see violence between men and/or male violence directed towards women. However, as our self-hate (internalized oppression) has increased, we see violence, in general, increasing. Now, in addition to violence between men against women, we also see increased violence between women and violence against and between children/elders.

Again, this is called internalized oppression, internalized racism, lateral violence, self-hate, etc., the result is violence within the group. It is important that we not blame ourselves for what has happened to us.

We need to be able to speak openly about our experience as Native people. We need to know that even though what happened to us is not our fault, we're still "buying into" oppression when we don't support each other and fight amongst ourselves.

Divide and conquer works – keeping us fighting each other – whether that's through vicious gossip, holding grudges and resentment, domestic violence, alcoholism, child abuse, or responding to violence with more violence. Our Circle doesn't grow and get stronger, but serves to keep us down.

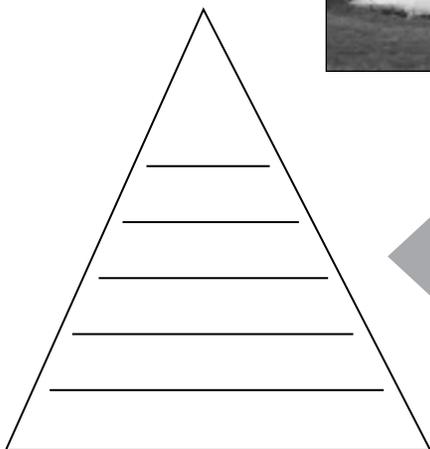
Our ancestors showed great fortitude and courage. They resisted oppression, We must show the same courage by resisting internalized oppression and relearning how to live respectfully and harmoniously together – **WITHOUT VIOLENCE.**



HOPI

THE IMPACT OF COLONIZATION

THE NATURAL WORLD Character-Based



THE UNNATURAL WORLD Gender, Race, Class, Economic, Sexual orientation-Based

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National Resource Center to Stop Violence Against Native Women

VIOLENCE AGAINST NATIVE WOMEN

Violence against Native women is a result of colonization. The distortion of attitudes and beliefs about the sacredness of women and the reinforcement of white male privilege and belief in the inferiority of women were forced upon native men. Violence against women is about power and control. Our history of oppression laid the foundation for violence against Native women.

Commonly referred to as “domestic violence,” violence against women is any act occurring between adults who live together or have lived together, have children in common, or have engaged in an intimate (marriage like) relationship which causes harm or puts one in fear that the intention is to cause physical harm.

Domestic violence is not, for purposes of this booklet, violence between parents and adult children, parents and minor children, siblings, or other relatives residing in the same household.

Domestic violence includes physical violence such as beatings, hitting, punching, slapping, hair-pulling, pinching, biting, etc. However, physical violence is actually only a small part of the violence that is occurring in the relationship.

A system of tactics and behaviors are used to obtain and maintain power and control in the relationship. Physical violence reinforces or makes the use of other tactics stronger. He doesn't have to hit her because he can get what he wants with a look or gesture. These tactics are outlined on page 18.

We know that violence against all women is a major problem in the United States. One-half of women in America will be battered in their lifetime. One out of three will be battered repeatedly. 42% of murdered women are murdered by an intimate partner – someone who professed to love them.

Most victims are female. This is because society is male dominated and men have great privilege. The belief that women are “less than” men combined with the belief that women are property gives men the green light to use their male privilege and treat women however they choose to.

In recent years some data on violence against native women on Indian reservations has been compiled. These statistics seem to raise more questions than they answer, but the message is clear: Native women are the targets of violent crime- battering, rape, assault and homicide- at much higher rates than any other

group of women or men. According to the Department of Justice, Bureau of Crime Statistics' "American Indians and Crime Report 1992-1996": Native women are victimized at a rate 50% higher than black males; Native women are raped at a rate doubled that of all other races; and at least 70% of violence experienced by Native Americans are committed by persons of a different race. Indian women are at particularly high risk of homicide (College of Emergency Physicians, '95) and firearms are over-represented in domestic homicide of native women, suggesting that removal of firearms from the homes of domestic violence perpetrators would be a useful public health strategy. (College of Emergency Physicians, '95) We also know that seventeen percent of Native American/Alaskan native women have been stalked, compared to 8.1 percent of all women.

Violence against women is often said to be "inter-generational," meaning that it is passed down from one generation to the next because it is learned in the home. However, there are people who grew up in homes where there was violence who choose to not be violent, And, there are people who grew up in homes with no physical violence but they are violent as adults. Granted, growing up in a home where there was violence increases the risk that the male children will become batterers. There is no research to indicate that girl children who witness violence in the home are at any more risk for being a victim than the girl who grew up in a non-violent home.

The best predictor for whether a person will be violent is if you're born male. The best predictor for being a victim is being born female. For us as Native People, violence against women is directly linked to our near genocide and the subsequent colonization of our Peoples. Learning this history is not about blaming but rather helps us as Native People to understand why things are the way they are in our families and Tribes. As a tribal people, our problems with domestic violence run much deeper than how daddy treated mommy. To simplify the problem to the family does an injustice to us as a collective People and hides the truth of our experience.

Battering usually begins with angry words, a shove or a slap. Few women would stay in a relationship if the first time you were together included being beaten. Courtship is usually the time we are on our best behavior and we tend to see the best in each other. As women we are taught to overlook many behaviors that are really "red flags" for violence or we want to believe that somehow we are special or different from the other woman or women that he was in a relationship with

and abused. As men we know that until we "have her" we must be on our best behavior.

Violence against the women will not just stop. Women want to believe that it will never happen again. The man who is violent promises himself he won't be violent again. Without intervention, the violence will continue and get worse. A pattern of abuse is established which could eventually result in permanent injury or even death.

Almost always the victim and the abuser suffer from feelings of isolation, anger, fear, disappointment, loneliness, bitterness and despair. However, these feelings don't cause someone to be violent or become a victim of violence. These feelings are the result of being violent or being victimized by violence.



PATAWATOMI

VIOLENCE AGAINST NATIVE WOMEN AN ISSUE OF POWER & CONTROL

In Native cultures a powerful person possesses great humility. S/he is spiritually strong, respectful, humble and generous. The American version of a powerful person is one with money and status – the ability to be on top.

Domestic violence is a system of behaviors and tactics used to maintain power and control in a relationship. It means more than just beating someone up. It is a whole system of tactics and behaviors that reflects the privilege that many Native men, like their brothers of all races, have come to believe belongs to them simply because they are men.

Violence works. It gets results. Contrary to the society of our ancestors, nobody stops the violence. In a society where men hold power, men know that it is their privilege to maintain power through the use of violence. For example, if you don't like what she's saying, choking her will certainly shut her up. Maybe an angry look is enough. At any rate, violence or the threat of violence gets results – she shuts up.

Belief in the ownership of women and children lays the foundation for violence. It gives permission to hit and can lead to the murder of women and children. This belief in domination through ownership has also led to violence against the earth, air, animals, etc. If we believe that other people (and nature) are not ours to own, but are equal (although different from each other), we will treat everyone and everything with respect.

Alcohol, stress, unemployment and growing up in a home where there was violence all contribute to women being beaten. However, the primary reason why domestic violence occurs is because of an attitude and belief. When a person believes it is their privilege and right to control another person's behavior and nobody, not the family, community, Tribe, State, Federal government, etc. stops it, the stage is set for violence. It happens because we live in a hierarchy that promotes violence as a way to stay "on top."

From the Forward of THE TIME OF THE WOMAN

...“There are forces at work most of us do not want to acknowledge,” she started. “Only now do you understand enough to be given these things. I come to you on the feminine side, because this is the time of the woman, time of femininity. We have our prophecies, and these things must come out.”

“Spiritual communications come through the feminine side. Oh, there is nothing wrong with the masculine side. Action is masculine. Producing is masculine. But, there must be balance. When one listens to that gentle voice within, there is balance. But be careful. There are two voices: that's just the way it is. Always listen to the good voice, the one that speaks softer. The other voice is dark and tries to rule, it makes you do things that raise the temper, makes you selfish and feel hurt.”....

“Things are changing. This the time of the woman. She's here whether she can be seen or not, you can count on it. We are in the age of receiving and that's feminine. Receiving inspiration through creativity is feminine.”

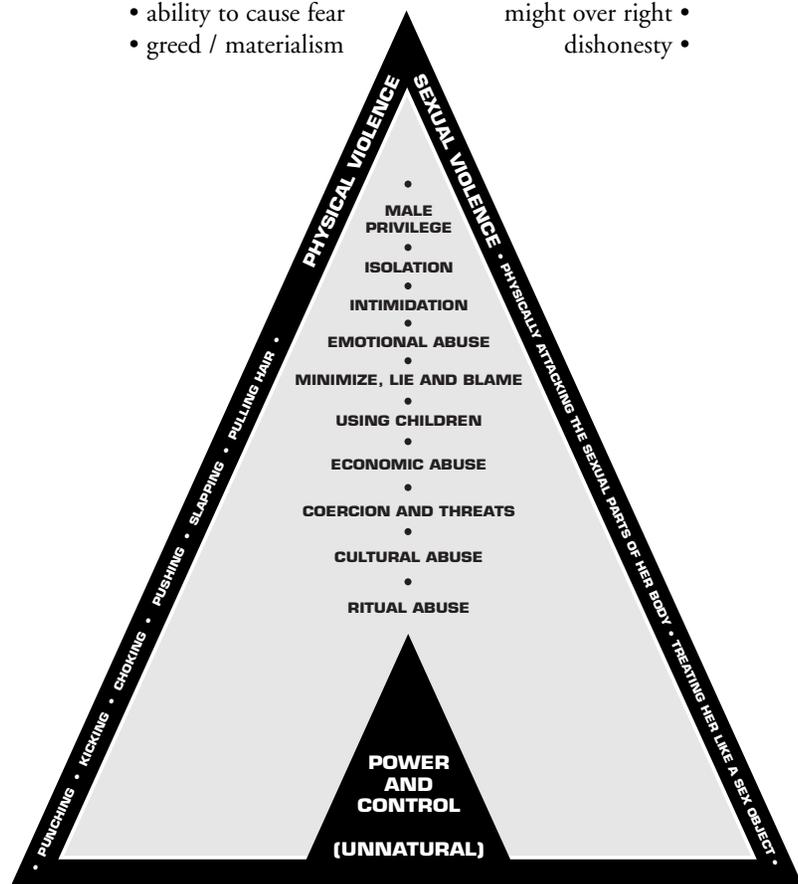
“We as Indian people have forgotten the status of women. Those who have gotten away from the traditions may act as if they don't remember but all of us know inside. Our memories are long as long as the line of the generations. The elders have always passed on this knowledge. We have been told to never forget. So we remember and pass it on too. With us there is no past, everything is now and the only future is the generations to come.”



UNNATURAL POWER & CONTROL

WHAT BELIEFS ARE REFLECTED BY THESE BEHAVIORS?

- women hating
- violence
- domination
- ability to cause fear
- greed / materialism
- child-hating •
- oppression •
- shaming •
- might over right •
- dishonesty •



VIOLENCE =

Having societal and individual power that gives privilege to certain groups over others. This leads to many forms of oppression that destroy, kill, and creates an unsafe, fearful and unnatural environment for everyone.

UNNATURAL LIFE-DESTROYING POWER Power and Control Triangle

Domestic Violence is a system of physical and psychological tactics used to maintain power and control over another person.

The use of physical/sexual violence reinforces the power of other nonphysical tactics of violence. The threat of physical/sexual violence is always there, and physical/sexual violence may not need to be used to get the desired result. A look or word may be enough.

These tactics of physical/non-physical violence against women are based on the unnatural belief system that men have a right to dominate, cause fear, be greedy/materialistic, have power and control over others, be child-hating, to cause shame and be oppressive, to choose might over right, to be violent, to destroy, to be dishonest, to be woman-hating.

All people can choose to change their belief system, values and behaviors. Native men can choose to live according to the traditional nonviolent natural belief system.

The power and control triangle describes the types of physical and psychological abuse used to maintain power and control over another person.

The use of threats of physical and sexual violence are the ultimate means of ensuring power and control over another person. If physical or sexual violence has been used in a relationship the dangerousness of all the other tactics is intensified.

PHYSICAL VIOLENCE

Slapping, pinching, punching, pushing, pulling hair, kicking, choking, holding her down, tripping her, hitting her with objects, dragging her, throwing things at her, back-handing her, using weapons.

SEXUAL VIOLENCE

Making her do sexual things against her will; physically attacking parts of the body; treating her as a sex object; using sex to punish or “put her in her place.”

INTIMIDATION

Putting her in fear by using looks, actions, gestures, loud voice, smashing things, destroying property, abusing pets, displaying weapons. Reminding her in any way how you can or have hurt her. Stalking her.

ISOLATION

Controlling what she does, who she sees and talks to, where she goes; making relationships with others (including family), so difficult that she shuts herself off from everyone (or they avoid her because of his behavior). Making sure she has little or no emotional support.

EMOTIONAL ABUSE

Putting her down or making her feel bad about herself; name-calling; making her think she is sick, bad, dumb, crazy, stupid. Controlling how she dresses. Constantly accusing her of sleeping around – with men and women. Emotional abuse is systematic terrorizing and tears a person's spirit down. It's different from being mean and saying ugly things now and then. Emotional abuse takes away belief in one's self and makes a person believe the violence is her fault.

USING THE CHILDREN

Making her feel guilty about the children; using the children to give messages; using visitation as a way to harass or be violent to her; promoting the belief that children are property and need a father (even if he's violent). Convincing her he'll get custody if she leaves the relationship.

COERCION & THREATS

Making and/or carrying out threats to do something to her, the children, or her family and friends; threatening to kill her, the children, her family or friends; threatening to take the children, either legally or by kidnapping; threatening to commit suicide; threatening to report her to welfare; threatening to use Indian medicine against her.

USING MALE PRIVILEGE

Rigid sex roles; women are subservient and placed on Earth to please and take care of men; expecting her to wait on you; "Master of the castle," "A ship can only have one captain," "Only one person can wear the pants in the family." He doesn't account for time, money, etc. – she does. He states what he's going to do – she asks permission from him.

MINIMIZING, LYING AND BLAMING

"She made me do it." "I didn't hit her that hard." "She should have just shut up." "It was her own fault." "I had to teach her a lesson." "I was drunk." "I was abused as a child, I can't help it."

ECONOMIC ABUSE

Preventing her from working. Making her ask for money. Giving her an allowance. Taking her money. Not letting her know about or have access to family income. Making her prove how she spent money. Not paying child support.

CULTURAL ABUSE

Competing over "Indianness." Misinterpreting culture to prove male superiority/female submission. Using relatives to beat her up. Telling her she's too Indian or not Indian enough.

RITUAL ABUSE

Making prayers against her. Defining spirituality as masculine. Stopping her from practicing her ways. Using spiritual ways as a threat. Saying "God doesn't allow divorce." Saying her period makes her "dirty."

From: Incite!

WOMEN OF COLOR AGAINST VIOLENCE

...., the constant depiction of Native men as savages prevented white women from seeing that the real enemy was not Native people, but the patriarchy of their own culture. Even in war, European women were often surprised to find that they went unmolested by their Indian captors. Mary Rowlandson said of her own captivity: "I have been in the midst of roaring Lions, and Savage Bears, that feared neither God, nor Man, nor the Devil ... and yet not one of them ever offered the least abuse of unchastity to me in word or action." William Apess (Pequot) asked in the 1800s, "Where, in the records of Indian barbarity, can we point to a violated female"? Even Brigadier General James Clinton of the Continental Army said to his soldiers in 1779, as he sent them off to destroy the Iroquois nation, "Bad as the savages are, they never violate the chastity of any women, their prisoners."

VIOLENCE AGAINST NATIVE WOMEN DOESN'T HAPPEN IN A VACUUM

In order for domestic violence to occur and continue, there has to be some degree of permission given by the group. Here are some examples of attitudes that give permission for violence to continue:

INDIVIDUAL, FAMILY COMMUNITY

- “She’s got a big mouth and should shut up.”
- “She’s lazy (bad housekeeper, grouchy, mouthy).”
- “They’re just going to get back together anyway.”
- “It’s a family problem.”
- “He shouldn’t be doing that but she’s (lazy, mouthy, a flirt...)”
- “They were married in the Church (by the Pipe)”
- “The kids need a father.”
- “I told her not to marry him.”
- “She must like it; she stays with him.”
- “She’s not from here or isn’t Native so she’s disrespectful and needs to be taught how to be a woman.”

AGENCIES/INSTITUTIONS

- Fail to arrest when an assault is committed.
- Fail to enforce protection orders.
- Arrest the victim because he says she started it.
- Fail to prioritize battered women for housing.
- Not helpful in keeping him out of the house if she wants to end the relationship.
- Remove the children because of his violent behavior.
- Tell women they “should just”... be patient, not argue, pray more...)
- Religious beliefs that tell women they should stay for the sake of the children; she’ll go to hell if she divorces him.
- Treat her as sick, bad, dumb, crazy, or stupid.
- Deal with her as if she’s responsible for the relationship and for stopping his violence.

SOCIETY

Women and men receive many messages from outside of the family that teach us how we are supposed to act as a male or female. These expectations are everywhere – on TV, in the movies, in political, business and social situations. Girls

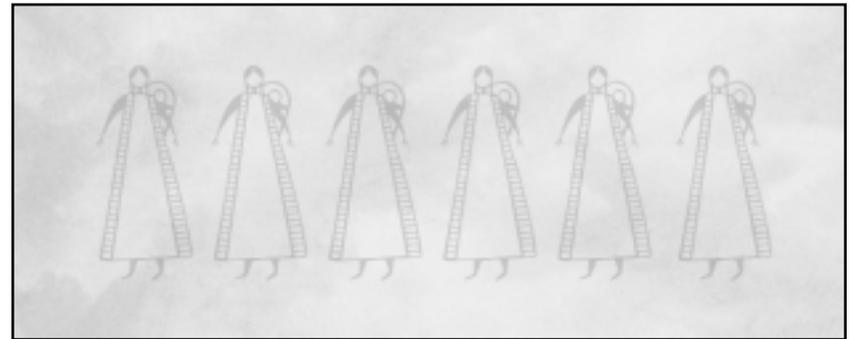
are to be sugar and spice and everything nice; boys are to be brave, tough, not show feelings, never cry, take charge or always know what to do.

Pornography – Pornographic pictures and other materials show women as less than human beings and send a message that women “like it.” For example, Custer’s Revenge, a video game that shows a naked Indian woman tied to a tree. Custer is naked too except for his boots, spurs and gun. If the player successfully dodges all the arrows, Custer rapes the Indian woman. This game is off the market now.

Pornography shows women without heads, dressed in black leather with whips and chains. This “objectification” of women (showing women as objects instead of as people) sends the message that it’s OK to use and abuse because it’s not a person anyway.

We have been taught things about our culture that are not true. For example, U.S. history depicts Native women as little better than slaves and drudges and shows most Native men as fierce and warlike. However, we know that men valued and honored the work of women. Women honored men who fulfilled their roles as protector and provider. Many of our own People now believe that violence was a part of our way of life, when the reality is that violence threatens the survival of the People and goes against spiritual beliefs.

Our People knew that it was not in our own best interest as a tribe, nor was it spiritually OK to control another person. All people contain within their spirit the masculine and feminine. Setting rigid boundaries of what is male and what is female limits all of us. We have the right to explore and know our total selves.



HOW SOCIETY GIVES NATIVE MEN PERMISSION TO BATTER

American and tribal societies give Native men permission to batter. How does this happen? It is important to go beyond individual relationship and examine a society that lives in a “triangle” (see pg. 18). This is called a hierarchy. In the Euro-American system, the hierarchy is patriarchal or ruled by men. At the top of the triangle are those with power, privilege and status.

In this hierarchical society someone is always above someone else and the person above has the power. We see this in all of society’s institutions. There’s always a boss and the boss has power. White people are above people of color, heterosexual people are above homosexual people, adults are above children, the healthy are above the sick, the rich are above the poor, etc. In the family, the one usually seen as above or the boss, is the man/husband.

Many have come to believe that this triangle or hierarchy is the natural order of things – “someone’s got to wear the pants in the family.” Hierarchy only exists through violence and power-over, like playing King of the Hill. How does the King stay on top of the hill? He has to push everyone else down. And it is no accident that none of us ever played Queen of the Hill.

The real problem then is that we live in a contemporary non-Native society that is this triangle. Our ancestors lived in a Circle. In the Circle, the natural way Native people lived, everyone has equal power and importance. We may be at different places in the Circle, but no one is above anyone or anything else. That includes the winged, four-leggeds, Mother Earth, Creation. To end violence, we must return the Circle and share power in our relationships with all living things – including our partners.

VICTIM-BLAMING

Just as we get blamed for our situation as Indian people, (“If you Indians would just get a job,” “stop drinking,” “get an education,” “stop fighting,” etc.), sometimes people and institutions blame a woman for her own victimization (“She should just shut-up,” “not be drinking,” “not be so lazy,” “be a better mother,” etc.).

Victims, not abusers, are the most likely persons that people and institutions will have contact with. It is the woman who will go to the hospital, see a

counselor, make contact with the alcoholism program, talk with the social worker, go to the shelter, call the police and use the court system.

She’s told by her family, friends, and agency people that she needs to “do something.” In making contact with family, friends and agencies, she is trying to do something. The reality is that family, friends, and institutions don’t know how to stop his violence, so we put the responsibility on her and blame her when she can’t.

We tell her she must be co-dependent and she should get treatment. We tell her to “just leave”. When she doesn’t, we get disgusted with her and say, “it’s her own fault; she must like it”. Or, we minimize the danger she is in (“It must not be that bad.”). Or, we try to tell her how to change her behavior so that she doesn’t get hit. “Just don’t get him mad”.

We also live in a society that expects women to make the relationship work. If she were a better wife he wouldn’t go out drinking and running around with other women or hit her. We blame her when the relationship doesn’t work. Even if we start out being supportive, we get tired of her and angry because she doesn’t “do something”.

As women, our internalized oppression is operating when we blame a woman for the violence done to her. We say things like, “it takes two”. Well, IT DOESN’T TAKE TWO. It’s the person being violent who’s making the choice to behave in such a way. He could divorce her, take a walk, go pray, take responsibility for learning how to not be violent. When he makes the choice to hit her, he needs to know his behavior is not only wrong but also is against the laws of the Tribe as a government and who we are as Native Peoples. As women, we need to support other women who are victimized by domestic violence.

Men should also support women who are battered by their partners. Men can also publicly disapprove of violence.

The bottom line: We must actively disapprove of violent behavior. We must accept the reality that battering is a violent crime. A woman may behave outrageously, however, NOTHING justifies violence. We must know that if we are angry about what a woman says or does, it is still not anyone’s privilege to control her through violence.

DOMESTIC VIOLENCE AND ALCOHOL

It is important that we talk about the relationship between alcohol and domestic violence because many people believe that alcohol causes violence. Alcohol abuse certainly is a contributing factor to violence. That's why sorting through the two issues is very difficult.

We all know people who drink and don't beat people up. We also know people who are sober and violent. Remember, violence is a whole system of tactics and behavior used to maintain power and control. Violence can occur with or without the use of alcohol.

Alcohol is often the excuse and permission giver. It's true that a drinking person is more unpredictable and the violence may be more severe when the person is drinking. Instead of getting slapped or shoved, you get "worked over." A person who stops drinking may stop being physically abusive, but almost always will continue other controlling behaviors. (See the Power and Control Triangle). Or, the person who stops drinking might continue to be physically abusive, or the use of physical violence might actually increase.

Women who abuse alcohol or other drugs and are abused are much more likely to be physically violent in return. This makes the woman more vulnerable. Many times we will blame her more and be more disgusted with her than the woman who doesn't drink. We need to be even more concerned about the woman who drinks and is abused because she is in even greater danger.

In either case, people who are violent need specific information about violence in order to effectively stop their violent behavior. It's important that we understand this because as we become a sober people we need to know that violence will not necessarily stop. Even if the physical violence stops or lessens, the person who is violent may not have the knowledge or experience about how to function respectfully in a relationship. The woman being abused may continue to be fearful and experience other tactics of violence that are non-physical. Learning about domestic violence and respectful relationships can help us all in healing and liberating ourselves as individuals, families and Nations.

EFFECTS OF DOMESTIC VIOLENCE ON CHILDREN

Children learn how the world works by the people around them. The family as a socializer of children is very powerful. However, the society children live in is an equally powerful socializing force. As parents we are very aware of this since we know that children are influenced by their peers and may not listen to us as adults. Children are aware of, and also victims of power imbalances in society and the family. Denying a child information, choices or actions to which they are entitled robs them of their rights and power. Adulthood carries great privilege.

Women who are battered try to protect children from the violence. Women will take a beating rather than have the batterer "discipline" the child. Or, she may hit the child herself and hope the abuser will let it go at that. Children sometimes are injured when they try to protect a parent and get in the middle of an attack.

All children in homes where there is domestic violence suffer. Studies show that some children are more hurt by living with domestic violence than if they were hit themselves.

Sometimes women who are battered will say that their children did not see them get hit so the violence is not affecting the children. We want to believe that we can protect our children, but children do understand and know that something is not right even if they have not directly witnessed an assault against the mother. And, it doesn't feel good to them.

Children are often told that "Daddy is sick or has a problem." It is not okay for us to confuse children by telling them well-meaning lies. Children need to know that violence is not acceptable. They have a need for the truth and a right to it. While children will grow to be adults with free will and will make choices about their behavior, we know that what children learn in the home contributes to who they become as adults.

Children need to know that:

- Whoever hurt you did something wrong.
- Hurting anyone or anything else is wrong.
- They're not the cause of the violence and it's not their fault the violence doesn't stop.
- If they can't be around the abuser it's because it's dangerous.

- There is a plan to keep them safe.
- They have a right to talk about what happened and how they feel.
- It's okay to show their feelings and put them into words.

Parents need to know that:

- It's not a child's responsibility to speak up or take up for you.
- It's an adult responsibility to find ways for the child to be safe.
- Children need caring people outside of the home.
- Children's feelings aren't the same as yours. The child may feel sad or angry when you're not, or loving to the abuser when you're mad.
- Children will feel betrayed and find it hard to trust you if you tell the child that violence will not happen again, and it does.
- Children may miss the partner who is abusive. It doesn't mean the child doesn't love you.
- Children might behave better around the abuser. People living in terror "tow the line."
- Children need some guidelines to live by.
- Children need to know they are loved and special.
- Children need to know what's happening and why.

The word "discipline" means "to teach." It does not mean to hit, yell, make someone feel bad or unimportant, rape, or in any other way demean another person. When we "discipline" our children we are supposed to be teaching them about how to live in a good way, to respect themselves, others and the world around them. We can build on a child's strengths instead of controlling them through the use of punishment.

Trying to get children to behave by making them afraid will teach them that violence is an acceptable method for a person to get their own way. When we hit our children they learn that it's okay to use force to get what they want. On a global scale, countries go to war to get their way.

We know that children are sacred spirits and to strike another spirit is to bruise that spirit and hurt ourselves. Children need a strong, clear message that it is not okay to hit others and that responding to violence with violence only makes MORE VIOLENCE.

NOTE: The following section is not intended to put the burden of preventing battering on women, or as a "guarantee" that if you look for these signs and don't see them that you will not be a victim of domestic violence. Remember violence is intentional behavior and many batterers are skilled at "hiding" their true intentions and behavior.

EARLY WARNING SIGNS OF DOMESTIC VIOLENCE

People often wonder if there are any signs that might warn about the potential for violence in a relationship. The following is adapted from material published by the National Technical Assistance Center on Family Violence.

1. Did your partner grow up in a violent family? Some people, especially males, who grew up in violent homes are more at risk for using violence when faced with problems. Society also teaches us that certain forms of violence are expected and accepted from males (e.g. boxing, football, "boys will be boys"). This is to such an extent that all men must accept some level of violence or their masculinity is questioned.
2. Does your partner tend to use force or violence to "solve" problems? Does your partner have a quick temper? Does your partner overreact to little problems and frustrations, like not finding a parking space or having a bad seat at the movies? Does your partner punch walls or things when upset? Cruelty to animals is a common behavior of people who are cruel to people.
3. Does your partner have strong traditional (Euro-American) ideas about the role of men and women? Does he think women should stay home, take care of their partners and follow their wishes? Does he act as though women are second class citizens?
4. Is your partner jealous of you, your other friends and family? Does your partner keep tabs on you? Does your partner want to know where you are at all times? Does he want you to go with him all of the time, even if it's inconvenient or you just don't want to?
5. Does your partner play with guns, knives, or other lethal instruments? Does your partner talk of using them against people, or threaten to use them to "get even?"
6. Does your partner experience extreme highs and lows? Is your partner very

kind at one time and very cruel at another time?

7. When your partner gets angry, do you fear him? Do you find that not making him angry is a major part of your life?
8. Does your partner treat you roughly? Does your partner physically force you to do what you do not want to do?

Abuse during dating is a guarantee of abuse later. Do not think that marriage or living together will change a partner.

WHAT A WOMAN CAN DO IF SHE DECIDES TO STAY OR CAN NOT ESCAPE THE VIOLENCE YET

- Domestic violence does not just go away. It will happen again. Protect yourself and your children by taking precautionary measures.
- Leave if you think he is going to hit you. Don't wait to get hit.
- Have an extra set of car and house keys made and keep them outside the house or with a trusted neighbor or family member.
- Pack an emergency kit with things you and your children may need if you have to leave in a hurry, such as clothing, toothbrush, diapers, etc. Keep this in a safe location.
- Try to put some money aside. Even if you're on assistance, open a savings account in your name only.
- Make copies of legal papers, children's birth certificates, social security cards, school records, divorce and protection orders, etc. and keep them with your emergency kit.
- Work out a signal with a neighbor to call for help.
- During an attack, try to get out and run for help. If you can't get out, go to a room with a lock or that can be barricaded.
- After an attack, document injuries by having medical, law enforcement, or

shelter staff take pictures or keep a record of injuries.

- Develop a support network. Counseling, support groups and activities that develop self-esteem and self-worth are important.
- Learn all you can about domestic violence.
- Know his violence is his choice and not your fault or responsibility.

You are not alone.
No one deserves to be beaten.

Know your rights!

YOU HAVE A RIGHT TO:

- Live without fear
- Be treated with respect
- Have and express your own feelings and opinions:
- Be listened to and taken seriously
- Set your own priorities
- Say "no" or "I don't care" without feeling guilty
- Ask for what you want without "paybacks."
- Get what you pay for
- Ask for information from others
- Make mistakes like everyone else
- Have your needs met
- Privacy
- Support and friendship

HOW CAN I HELP MY FRIEND OR FAMILY MEMBER?

BECOME INFORMED

Gather information about domestic violence. Contact local programs that assist battered women and their children. These programs offer women safety, and provide advocacy, support and other needed services. Sometimes your own feelings about violence may make it difficult for you to confront the situation. Talk with others who will be supportive and understanding about your feelings and concerns. Try to be aware of when your own internalized oppression is operating and blocking your ability to support your friend /family member. Find and use available resources of support for yourself and your friend/ family member.

LEND AN EAR

Letting your friend/family member know that you care and are willing to listen may be the best help that you can offer. Don't force the issue, but allow her to confide in you at her own pace. Keep your mind open and really listen to what she says. If you feel a need to express your concern, talk to her in a respectful way.

Never blame her for what's happening or underestimate her fear of potential danger. Remember that your friend/family member must make her own decisions about her life. Focus support on her right to make her own choices.

GUIDE HER TO COMMUNITY SERVICES

When she asks for advice on what she should do, share the information you've gathered with her privately. Let her know she is not alone and caring people are available to her. Encourage her to seek assistance from battered women's advocates. Assure her that any information she shares with them will be kept strictly confidential. Many battered women first seek the advice of mental health professionals, psychiatrists, alcoholism counselors, elders and spiritual advisors. Not all helping professionals, elders and spiritual advisors are fully aware of the special circumstances of abused women. If the first person she contacts isn't helpful, encourage her to find support elsewhere.

FOCUS ON HER STRENGTHS

Battered women live with emotional as well as physical abuse. The abuser probably continually tells your friend/family member that she is a bad woman, a bad wife, and a bad mother. Without support from outside the home she may begin to believe that she can't do anything right - that there really is something wrong

with her. Give her the emotional support she needs (and deserves) to believe that she is a good person. Help her examine her strengths and skills. Emphasize that she deserves a life that is free from violence.

BE A FRIEND/GOOD RELATIVE

Tell her you're there for her when she needs you. Provide whatever you can – transportation, childcare, financial assistance.

“CAREFRONT” HER WITH THE DANGER

At some point, you may find it difficult to be supportive of your friend if she remains in a relationship where she is being battered or returns to the abuser after a temporary separation. Let her know that not everyone lives with abuse. Help her face the dangerous reality of living with an abusive partner and help her develop a safety plan. Remind her that even a push could result in serious injury.

You can let her know that you are concerned about her and her children without blaming her for the violence. Again, you may find that you also need support so that you do not start blaming her for the violence.

HELP HER DEVELOP A SAFETY PLAN

Encourage your friend/family member to protect herself and her children. Help her think through the steps she could take when her partner becomes abusive again. Make a list of people available to her. Suggest she put together and hide a suitcase of clothing, personal items, social security cards, birth certificates and school records and other important documents.

“We think we’re human beings on a spiritual journey but we’re not. We’re spirits here on Earth making a journey in a physical form.”

(Gene Thin Elk, “The Red Road”)

ONE APPROACH BY SOVERIEGN TRIBAL NATIONS To End Violence Against Native Women

Many Tribes have enacted laws that recognize women as sacred and protect them from violence. These laws are not only important in protecting individual women and their children but also send a message about the values and culture of the Tribe. Sacred Circle has created a model domestic violence code and compiled existing codes from various Tribes if you would like to utilize that information.

In developing tribal laws to respond to violence against women it is important to remember that domestic violence response should be comprehensive and includes more than just criminal and civil responses. Other areas that should be considered include prevention, workplace, firearms, probation, housing, etc. Sacred Circle recommends the enactment of comprehensive statutes that codify policy and procedure. This strategy serves to prevent individuals from enacting the law in ways not intended by the Tribe. It also serves to cushion the staff turnover that is present in many tribal institutions by providing consistency in application.



FLATHEAD

SHELTER AND ADVOCACY PROGRAM RESPONSE

The primary goal of shelter and advocacy programs is to provide and create safety and resources for women who are battered, and offender and systems accountability. Advocates will not tell you how to “fix” a relationship or to leave the relationship. Advocates should be acting as relative and support you in looking at options that will help the woman who is battered and her children to be safe. Our vision as advocates includes creating the social change necessary to reclaim the harmony and balance that once existed within our Nations. This social change can only be accomplished by working together as relatives.

The following section outlines the minimum of services that is ideally available to women who are battered and men who are violent and residing on all tribal lands. Contact Sacred Circle if you are interested in an information packet, booklet and other Native specific materials that focus on shelter and advocacy.

FOR THE WOMAN WHO IS A VICTIM OF DOMESTIC VIOLENCE:

Many women who are victims of domestic violence go to homes of family members or friends after they are abused or threatened. There are more and more programs specific to violence against women being developed in tribal communities. These programs can help a woman get to a shelter. Most tribal communities do not presently have shelters but shelter should be considered as an option. Going to shelter gives you time away from the abuser. Time is spent regaining strength, sorting through feelings and options and planning for the future. Shelter advocates provide information about rights and alternatives. Children can also take a “time out” from the violence and sort through their feelings. You can also network with other victims of domestic violence so you don't feel so alone. Shelter offers safety and support.

COUNSELING AND SUPPORT GROUPS

Women who are battered are not “sick” or mentally ill. Women who are battered are victims of crime. Not all women who are battered want or need counseling.

Some women may believe there is something wrong with them and might want to talk with a counselor. Ideally, a support group or support people are available for a woman to talk with. Women who are battered often find it helpful to visit with other women who have been battered and get accurate information about the dynamics of battering so they can put their own experience in perspective. Women have the right to sort through what we are responsible for and what

we're not responsible for. It is important that programs send a message to the woman that is battered that she is not responsible for his violence. However, she may have issues she would like to explore through counseling or feels it is a good support for her self-growth. Self-growth should be a natural and life long process, however, many tribal communities do not have natural support systems and distrust of others may be the more common experience. Choose a counselor you trust and are comfortable with. Not all counselors understand domestic violence. If you are being blamed for what's happening to you, do not hesitate to find someone else.

SPIRITUAL COUNSELING

Violence against you has damaged your body, mind and emotions. It has also hurt your spirit. Spiritual counseling can be helpful in healing from victimization. Again, choose a spiritual counselor who is not blaming you.

Many of us did not grow up learning about our traditions and spiritual practices. It may be helpful for you to learn about your traditional ways. If you decide this is an avenue you would like to explore and need help networking with medicine people, contact your local shelter/advocacy program.

MEDICAL ATTENTION

It is important to seek medical attention with your doctor or at a hospital emergency room after a physical assault, even if you do not think your injuries are serious. Sometimes the body and mind work together to help you through the crisis and you may not realize the seriousness of your injuries. Injuries to the head can affect a person permanently if not attended to by a doctor. Internal injuries are not visible and will need immediate attention.

The doctor will need to know the details of what happened in order to offer appropriate medical attention and referrals. Hospitals and medical documentation can be important, especially if charges are brought against the abuser. You have a right to have an advocate with you or ask for an advocate if the hospital staff do not offer this service.

FOR THE ABUSER

The shelter/advocacy program may offer classes to help men learn nonviolent behavior. This program is designed to provide you with information about domestic violence and practical tools to help change your abusive behavior.

Abusers can be court ordered to participate in the men's group. Domestic violence probation services can also be helpful to men in stopping violence. Volunteer participation is also encouraged.

A **SPEAKER'S BUREAU** may offer community education, awareness and prevention. We are also available to provide training for agency professional staff.

OTHER LEGAL OPTIONS

Criminal Complaint: Anytime your spouse or partner physically assaults you, he is committing a crime. If the police officer did not make an arrest, you have the right to go to the officer's supervisor with information about your case, or contact Cangleska, Inc. and program staff will follow-up with law enforcement.

Protection Order: Most tribes and the states have protection orders, which court orders the abuser to stay away from you and your children and can also give you temporary child custody, possession of your home and belongings, etc.

Restraining Orders: Most tribes have restraining orders, but the state does not. This type of court order only orders the abuser to stay away. It does not deal with possessions or custody or child support matters as the protection order does.

Legal Separation: If you aren't ready for a divorce or have religious beliefs, which preclude divorce as an option, consider a legal separation. This offers legal protection not available to a woman who simply chooses to leave. That protection includes child custody (extremely important to battered women whose abusers use custody and possible kidnapping as a weapon), child support, division of property, etc.

Divorce: Divorce is always an option. Often you will not need a lawyer, however, if children are involved it is strongly recommended that you at least consult with a lawyer before court and ask assistance from shelter advocates.

THE FEDERAL DOMESTIC VIOLENCE LAWS AND THE ENFORCEMENT OF THESE LAWS

Excerpts from an article by Margaret S. Groban

OVERVIEW

In 1994, the Congress of the United States, as part of the Crime Bill, enacted legislation empowering the federal government to participate in the fight against domestic violence. This legislation, called the Violence Against Women Act (VAWA), recognized that “violence against women is a crime with far-reaching, harmful consequences for families, children and society.”

.... These statutes strive to achieve the Congressional goal to “treat violence against women as a major law enforcement priority, take aim at the attitudes that nurture violence against women, and provide the help that survivors need....”

[Congress recognizing the sovereignty of Indian nations, created a set aside from VAWA grants. Operating on a government to government relationship, certain grants are available directly to Tribes.]

THE VIOLENCE AGAINST WOMEN ACT

Interstate Travel to Commit Domestic Violence, 18 U.S.C. § 2261

18 U.S.C. § 2261(a)(1)

It is a federal crime for a person to travel interstate (or to leave or enter Indian country) with the intent to injure, harass, or intimidate that person's intimate partner when in the course of or as a result of such travel the defendant intentionally commits a violent crime and thereby causes bodily injury.

18 U.S.C. § 2261(a)(2)

It is also a federal crime to cause an intimate partner to cross state lines (or to leave or enter Indian country) by force, coercion, duress, or fraud during which or as a result of which, there is bodily harm to the victim.

Interstate Stalking, 18 U.S.C. § 2261A

It is a federal crime to cross a state line with the intent to injure or harass another person, if in the course of or as a result of such travel, the defendant places such person in reasonable fear of the death of, or serious bodily injury to, that person or a member of that person's immediate family. This includes Indian reservations and military bases.

Interstate Travel to Violate an Order of Protection, 18, U.S.C. § 2262

18 U.S.C. § 2262(a)(1)

This law prohibits interstate travel (or travel into and out of Indian country)

with intent to violate a valid protection order that forbids credible threats of violence, repeated harassment, or bodily injury.

18 U.S.C. § 2262(b)(1)

It is a federal crime to cause a spouse or intimate partner to cross state lines (or leave or enter Indian country) by force, coercion, duress, or fraud during which or as a result of which, there is bodily harm to the victim in violation of a valid order of protection.

FIREARM OFFENSES

Possession of Firearm While Subject to Order of Protection, 18 U.S.C. § 922(g)(8)

It is illegal for a person to possess a firearm while subject to a valid court order restraining such person from harassing, stalking, or threatening an intimate partner or the child of an intimate partner.

Transfer of Firearm to Person Subject to Order of Protection, 18 U.S.C. § 922(d)(8)

It is illegal to transfer a firearm to a person subject to a court order that restrains such person from harassing, stalking, or threatening an intimate partner or the child of an intimate partner

Official Use Exemption, 18 U.S.C. § 925

The Firearms and protection order laws do not apply to firearms issued by governmental agencies to a law enforcement officer or military personnel so long as the officer or military personnel is on duty. Personal firearms do not fall within this exemption nor may these personnel possess officially issued firearms when off duty.

Possession of Firearm After Conviction of Misdemeanor Crime of Domestic Violence, 18 U.S.C. § 922(g)(9)

It is illegal to possess a firearm after conviction of a misdemeanor crime of domestic violence. This prohibition applies even if the conviction occurred prior to the new law's effective date.

Transfer of Firearm to Person Convicted of a Misdemeanor Crime of Domestic Violence, 18 U.S.C. § 922(d)(9)

It is illegal to transfer a firearm to a person convicted of a misdemeanor crime of domestic violence. A violation of Section 922(d)(9) must be knowing.

Official Use Exemption, 18 U.S.C. § 925

The official use exemption does not apply to law enforcement officers or military personnel who have been convicted of a qualifying domestic violence misdemeanor.



Full Faith and Credit to Orders of Protection, 18 U.S.C. § 2265

This civil law provides that a civil or criminal domestic protection order issued by a court in one state or Indian tribe shall be accorded full faith and credit by the court of another state or tribe, and is to be enforced as if it were the order of the court of the second state or tribe. This law applies to valid permanent, temporary and ex parte protection orders, but does not apply to mutual protection orders.

Right of Victim to Speak at Bail Hearing, 18 U.S.C. § 2263

The victim of a VAWA crime has the right to be heard at a bail hearing with regard to the danger posed by the defendant. Depending upon the basis of the case, the U. S. Attorney's Office may move for pre-trial detention of the defendant.

Other Victims' Rights, 42 U.S.C. § 10606(b)

All federal crime victims, including a domestic violence victim, have the right to:

- Be treated with fairness and respect for the victim's dignity and privacy
- Be reasonably protected from the accused offender
- Be notified of court proceedings
- Be present at all public court proceedings related to the offense, unless the court determines that testimony by the victim would be materially affected if the victim heard other testimony at trial
- Confer with attorney for the Government in the case
- Restitution
- Information about the conviction, sentencing, imprisonment, and release of the offender

Restitution, 18 U.S.C. § 2264

The Court must order restitution after conviction to reimburse the victim for the full amount of losses. These losses include costs for medical or psychological care, physical therapy, transportation, temporary housing, child care, lost income, attorney's fees, costs incurred in obtaining a civil protection order, and any other losses suffered by the victim as a result of the offense

Self-Petitioning for Battered Immigrant Women and Children, 8 U.S.C. § 1154

Specifically provides that battered and abused spouses and children of citizens and lawful permanent residents may self-petition for independent legal residency; prevents citizens or residents from using the residency process as a means to exert control over an alien spouse or child; allows victims to remain in the United States independent of their abusive husbands/parents.

The above article, "The Federal Domestic Violence Laws and the Enforcement of the Laws" may be obtained on-line at www.vaw.umn.edu (See the Violent Against Women On-line Resources). Or contact Sacred Circle for more information at 1-877-RED-ROAD.