

# Restoration

OF NATIVE SOVEREIGNTY AND SAFETY FOR NATIVE WOMEN

JUNE 2013 | RENO, NV





**Cover:** On March 7, 2013, Diane Millich, a member of the Southern Ute Indian Tribe, introduced Vice President Joe Biden at the historic signing of the Violence Against Women Reauthorization Act of 2013 into law by President Barack Obama.

*Restoration*  
OF NATIVE SOVEREIGNTY AND SAFETY FOR NATIVE WOMEN  
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#### RESTORATION OF SOVEREIGNTY & SAFETY MAGAZINE, 2003-2013

Ten years ago during the reauthorization process of the Violence Against Women Act, three national organizations came together to take a stand for the safety of Native women: Sacred Circle National Resource Center to End Violence Against Native Women, the National Congress of American Indians, and the National Task Force to End Sexual and Domestic Violence. It was recognized that to fully participate in the national movement to create the changes needed to increase safety for Native women broad communication was essential. The *Restoration of Sovereignty & Safety* magazine emerged to fulfill this task.

The *Restoration of Sovereignty & Safety* magazine is a publication dedicated to informing tribal leadership and communities of emerging issues impacting the safety of American Indian and Alaska Native women. The name of the magazine, *Restoration of Sovereignty & Safety*, reflects the grassroots strategy of the Task Force that by strengthening the sovereignty of Indian nations to hold perpetrators accountable the safety of Native women will be restored. The magazine is a joint project of the NCAI Task Force, the National Indigenous Women's Resource Center, and Clan Star, Inc. It is produced and made available during national NCAI conventions and the annual USDOJ - Tribal VAWA Consultation.

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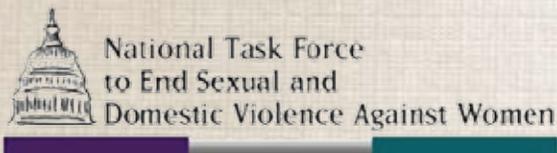
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Dear Friends,

Welcome to the 2013 NCAI Mid Year Conference!

At every national meeting since 2003, *Restoration* magazine has provided tribal leaders, advocates, and attendees with an update on emerging issues impacting the safety of American Indian and Alaska Native women. This volume is dedicated to the historic 2013 VAWA victory restoring limited jurisdiction over non-Indians in cases of domestic violence to Indian tribes. Since 2011, the NCAI Task Force on Violence Against Women has worked diligently with our national partners to ensure reauthorization of VAWA inclusive of the lifesaving tribal amendments to federal law. In the efforts to reauthorize the Act, tribal leaders, advocates, Native women, and community members played pivotal roles across the United States. In particular, elected tribal women leaders traveled from their homelands to Washington, DC, to inform and educate members of the House.

Our heroine and cover photo, Diane Millich, stated during her plenary remarks at the 11th annual Women Are Sacred Conference, "Celebrate Don't Wait." Honoring Diane's wise words, we dedicate our centerfold to the play written by Mary Kathryn Nagle in celebration of VAWA, *Sliver of a Full Moon*. The first reading of the script was performed by the Native women who stepped forward into the struggle for passage of VAWA. Appearing on stage with these sisters were professional Native actors who used their talents to help bring the play to life. Over 300 Native supporters attended the performance, and all were deeply moved and rejuvenated to continue our struggle until all women are safe. We hope that you will appreciate the heartfelt stories of Native women relived through this beautifully written script.

On October 30–31, 2013, the eighth annual VAWA consultation will be held in Bismarck, ND. The Safety for Indian Women Title mandates that the U.S. Department of Justice (USDOJ) conduct an annual consultation with Indian nations on issues concerning the safety of Indian women. A national consultation is the highest level of policy discussion between the United States and Indian nations as governments. This interaction on a nation-to-nation basis allows the governments to discuss critical issues that at the broadest level impact the safety of Indian women.

We hope this information will assist you in understanding where we stand in our efforts to increase the safety of Native women in the United States!



Juana Majel  
1st Vice President  
National Congress of  
American Indians



Terri Henry  
Tribal Council Member  
Eastern Band of  
Cherokee Indians

# PRESIDENT OBAMA SIGNS VIOLENCE AGAINST WOMEN ACT INTO LAW

## NCAI PRAISES PASSAGE OF PROTECTIONS FOR ALL WOMEN; TRIBAL COURTS GAIN JURISDICTION OVER NON-INDIAN DOMESTIC VIOLENCE PERPETRATORS

On March 7, 2013, President Barack Obama signed into law the Violence Against Women Reauthorization Act of 2013. More than 500 days had passed since the expiration of the Act when the House finally cast a historic vote on February 28, 2013, sending the legislation with the tribal provisions supported by the National Congress of American Indians to President Obama's desk for signature.

NCAI praised the efforts of the House and the Senate to reauthorize VAWA. The bipartisan support of the Senate version of the legislation in both chambers finally succeeded with a vote of 286–138 in the House and a resounding 78–22 vote in the Senate. As thousands watched across the United States, the victory of the VAWA 2013 reauthorization struggle came to an end.

“It is with a glad heart and soaring spirit that I celebrate the passage of VAWA. Today the drum of justice beats loud in Indian country in celebration of the reauthorization of VAWA, and we stand in unity with all of our partners and leaders who were unrelenting in support of protections for all women, including Native women,” said Juana Majel Dixon, First Vice President of NCAI, and Co-Chair of NCAI's Task Force on Violence Against Women. Juana Majel serves as a Traditional

Councilwoman Pauma Band of Mission Indians, located within the state of California. “Five hundred plus days is too long to not have a bill for all women in America. For an unimaginable length of time, those who have terrorized our women in our most sacred places, in our relationships, in our homes, and on our land, have gone unprosecuted. Now that time has come to an end, and justice and security will flourish in these specific instances. We celebrate the protections for all women included in VAWA, including those for immigrant and LGBT women,” added Juana Majel.

“With this authority comes a serious responsibility, and tribal courts will administer justice with the same level of impartiality that any defendant is afforded in state and federal courts,” said Jefferson Keel, the President of NCAI and Lt. Governor of the Chickasaw Nation, speaking about implementation of the new law. “We have strong tribal courts systems that protect public safety, and we will need to continue to expand our capacity and our codes. The law respects tribal sovereignty and also requires that our courts respect the due process rights of all defendants. My hope is that this new law is rarely used. Our goal isn't to put people in jail. It is to create an effective deterrent so that our people can lead safe and productive lives.”



The constitutionally sound tribal jurisdiction provisions authorize tribal governments to prosecute non-Indian defendants involved in intimate relationships with Native women and who assault these victims on tribal land. Prior to the signing of the Act by President Obama, federal laws did not authorize tribal courts to pursue any form of prosecution against these perpetrators.

“There were at least five things that came together: an enormous grassroots effort from Indian country; the coalition of the National Task Force to End Domestic Violence; statistics so we could finally show the problem; steadfast leadership from the Department of Justice; and incredible support from so many members of Congress, both Republicans and Democrats,” said Terri Henry, Council Member at Eastern Cherokee and Co-Chair of the NCAI Task Force on Violence Against Women, who spoke of the large collective effort that led to the passage of the Senate version of VAWA. “We really want to thank everyone for their hard work. Now we are going to use this tool to protect Native women from violence.”

“Women and men, Native and non-Native, Senators and Representatives from all backgrounds, and tribal leaders from across Indian country have all spoken that these injustices must not continue. We intend to keep speaking from our heart and with the law by our side,” added Juana Majel. “We are thankful that there are strong leaders in both the House and Senate who have stood for the protections of Native women, regardless of party politics.”

“Today marks not the end of our efforts at NCAI to combat domestic violence issues that Indian country faces, but an important step along the way. We will remain as dedicated as we have been since we began addressing this issue as an organization. There have been many members of Congress who have stood with tribal nations throughout this effort and they have stayed true to the Constitution, to the trust responsibility, and to the truth that tribal nations are the best to address our situations at the local level. Today we advance the protections tribal nations can provide all people, Native and non-Native,” said Jacqueline Pata, Executive Director of NCAI.

Diane Millich, member of the Southern Ute Indian Tribe, introducing Vice President Joe Biden, stated: “If the Violence Against Women Act tribal provisions had existed 15 years ago, my story would be very different . . . The VAWA being signed today would have allowed my tribe to arrest and prosecute my abuser. When the Act is signed, VAWA will finally reach Native women like me and so many other victims.”



# SIGNING OF VAWA 2013:

## HISTORIC INTRODUCTION OF VICE PRESIDENT JOE BIDEN BY DIANE MILLICH

On March 7, 2013, a heroine of the movement for the safety of Native women stepped onto the stage to introduce Vice President Joe Biden. Her name is Diane Millich and she is a member Southern Ute Indian Tribe and founder of Our Sister's Keeper, a nonprofit tribal coalition that supports Native American victims of domestic and sexual violence. Diane was invited by the White House to do the introduction because of her role in the passage of VAWA 2013. The inclusion of the tribal provision to restore jurisdiction over non-Indians is linked to Diane. At a time when the reauthorization of VAWA seemed unlikely, Diane stepped forward to share her story of abuse by a non-Indian on tribal land.

Diane is a member of the National Congress of the American Indians Task Force on Violence Against Women and was active for over a decade when she became ill. Yet despite her illness, on May 7, 2012, one week before beginning her chemotherapy, Diane traveled to Washington, DC, to present at the Congressional Native American Caucus briefing on the importance of the proposed VAWA tribal amendment to restore criminal jurisdiction over non-Indians committing domestic violence. In response to Congressional opposition, Diane shared how the amendment would have allowed the Southern Ute Indian Tribe to protect her from her non-Indian abuser. Diane's story clarified for Congress and the nation the urgent and lifesaving nature of the tribal provisions. Diane's story and image was carried by the national media and provided the essential ingredient in the victory of VAWA 2013.

On March 7, 2013, less than a year later after completing her chemotherapy, Diane introduced Vice President Joe Biden at the historic signing of the Violence Against Women Reauthorization Act 2013 by President Barack Obama. Her heartfelt introduction of the Vice President are provided here.

### Introduction of Vice President Biden by Diane Millich

"Good afternoon. I am Mavutaseuv (Indian Girl with Different Face). I am known as Diane Millich and I am a citizen of the Southern Ute Indian tribe. My mother is Kwiyaгатumamachi (Bear Woman). She is known as Arlene Weaver Millich and is a member of the Southern Ute Indian Tribe in Colorado. My father is Lawrence Millich and he is a first-generation Yugoslavian. After marrying my mother 54 years ago, he moved onto our reservation and continues to live there today.

If the Violence Against Women Act tribal provisions had existed 15 years ago, my story would be very different.



When I was 26 years old, I dated a non-Indian, a white man. Like my father, my non-Indian husband moved into my house on our reservation. To my shock just days after our marriage, he assaulted me. I left and returned over 20 times. After a year of abuse and more than 100 incidents of being slapped, kicked, punched, and living in horrific terror, I left for good.

During that year of marriage, I called the police many times. Tribal police did not have jurisdiction because he was a non-Indian. The county sheriff did not have jurisdiction because I am a Native woman and the beatings occurred on tribal land. After one beating, my ex-husband called the tribal police and sheriff himself to show me that no one could stop him. My family was shocked and my non-Indian father outraged that the law could not protect me.

My ex-husband told me, "You promised until death due us part so death it shall be." It was like fate when he arrived at my office armed with a 9mm gun. I am alive today only because my co-worker pushed me out of harm's way and took the bullet in his shoulder.

The shooting took place at a federal Bureau of Land Management land office where we both worked. The jurisdictional issue was so complicated that after the shooting investigators used a measuring tape to determine jurisdiction. They measured the point from

where the gun was fired and where bullet landed. It took hours just to decide who had jurisdiction over the shooting.

The federal and state prosecutors agreed the state would prosecute the case. Because he had never been arrested for any of the domestic violence crimes against me on tribal land, he was treated as a first-time offender. They offered him a plea agreement of *aggravated driving under revocation*.

The VAWA being signed today would have allowed my tribe to arrest and prosecute my abuser. When the Act is signed, VAWA will finally reach Native women like me and so many other victims. We thank the Vice President for his incredible leadership.

It is now my honor to introduce Vice President Joe Biden."

## ON THE PASSAGE OF VAWA 2013

WORDS OF THANKS FROM TILLIE BLACK BEAR, SICANGU LAKOTA

Today's focus is on women and the world around them and how the circle surrounding them supported, nurtured, and honored them.

Keeping in mind that today is a herstorical day in the United States for women as President Obama signs the passage of the 2013 Violence Against Women Act. Liliili!

Keeping in mind that it is only right that President Obama signs VAWA on this day. Liliili!

Keeping in mind that the theme for International Women's Day is "Ending Violence Against Women." Liliili!

Keeping in mind that this VAWA legislation will give Indian tribes the necessary tools to provide safety and justice to tribal women from non-tribal men who commit physical and sexual violence on federally recognized tribal lands. Liliili!

Keeping in mind that in solidarity tribal women are inherently sacred. Liliili!

Keeping in mind that we will stand in solidarity in resistance against male violence and sexual violence. Liliili!

Keeping in mind that our work in providing safety and sovereignty to tribal women has expanded beyond the shelter doors. Liliili!

Keeping in mind that as Women of Resistance we will move in solidarity to end violence against women. Liliili!

Keeping in mind as tribal women and allies that the commitment to bring safety and justice and restore the sacredness of women has only just begun; the sovereignty of women has always been sacred. Liliili!

*Sent March 8, 2013 via BlackBerry by AT&T*



# PRESIDENT SIGNS 2013 VAWA – EMPOWERING TRIBES TO PROTECT WOMEN

MARCH 7, 2013, 7:07 PM EDT BY JODI GILLETTE AND CHARLES GALBRAITH  
WWW.WHITHOUSE.GOV

Today, President Obama signed into law the Violence Against Women Reauthorization Act of 2013. This Act strengthens the Violence Against Women Act (VAWA) with increased protections for Native American women and other victims previously left vulnerable by gaps in the law. During the signing ceremony, the President emphasized, “Tribal governments have an inherent right to protect their people, and all women deserve the right to live free from fear. And that is what today is all about.”

Making Native American communities safer and more secure has been a steadfast priority of the Obama Administration. Currently, Native American women are more than twice as likely to be victims of domestic violence as non-Native women. A recent Centers for Disease Control and Prevention study found that 46%



of Native American women have experienced rape, physical violence, and/or stalking by a partner in their lifetime. One regional survey conducted by University of Oklahoma researchers showed that nearly three out of five Native American women had been assaulted by their spouses or intimate partners. Tribal leaders tell us the actual rates of victimization may be even higher, since the justice system’s failure to adequately respond leaves many Native American victims unable to safely come forward with their stories.

In July 2010, President Obama signed the Tribal Law and Order Act (TLOA), which provided for enhanced sentencing by tribal courts. Upon signing the TLOA, the President stated that the prevalence of violence against Native American women remains “an assault on our national conscience” that “we cannot allow to continue.” The tribal provisions included in the reauthorization of VAWA give tribes important new tools to help address this problem.

Tribal governments—police, prosecutors, and courts—are essential to the response to these crimes, but have long lacked the authority to address them effectively.

Prior to TLOA’s enactment, no matter how violent the offense, tribal courts could sentence Indian offenders to only one year in prison. Even worse, since a U.S. Supreme Court decision in 1978, tribal courts have had no authority to prosecute a non-Indian who commits domestic violence, even if he lives on the reservation, works for the tribe, and is married to a tribal member.

Not surprisingly, abusers who are not arrested are more likely to repeat, and escalate, their attacks.

Research shows that law enforcement’s failure to arrest and prosecute abusers both emboldens attackers and deters victims from reporting future incidents. In short, the jurisdictional framework in Indian country has left many serious acts of domestic violence and dating violence unprosecuted and unpunished. The reauthorization of VAWA signed by President Obama at long last will

empower Indian tribes to protect all Native American women in Indian country.

Following up on countless reports from Native women and tribal leaders, the Administration, led by the Department of Justice, consulted formally with the tribes and then developed and submitted to Congress a proposal to address the jurisdictional barriers that have allowed crimes of domestic violence in Indian country to go unprosecuted. Because the Justice Department’s proposal was ultimately included in the VAWA reauthorization bill, tribes will now be able to prosecute non-Indian perpetrators of domestic violence against Native American women in Indian country. The new law also clarifies that tribal courts have full civil jurisdiction to provide Native American women the safety and security of protection orders. And the new law gives additional tools to federal prosecutors to combat severe cases of domestic violence.

These provisions were included in the VAWA reauthorization, along with other protections for victims who face additional barriers to escaping violence. The strengthened VAWA reminds us that a victim is a

victim, regardless of race, sexual orientation, gender identity, immigration status, or tribal affiliation, and all are worthy of protection. A broad coalition of advocates joined in championing those victims' voices to members of Congress. As active members in that coalition, tribal leaders and advocates worked with Senators and Representatives of both parties to ensure the victimization of Native American women did not fall victim itself to Washington politics. In the end, the bill passed with broad bipartisan support in both chambers of Congress.

## VAWA 2003–2013

### A MOMENT OF REFLECTION

In 2003, the women of our Indian nations came to the National Congress of American Indians at Gila River seeking support of tribal leaders for the 2005 Reauthorization of the Violence Against Women Act. Back then, the tribal coalition put forward a resolution that, among other things, resolved to “increase criminal authority to Indian tribes to prosecute non-Indian rapists and batterers.” Tribal leaders overwhelmingly supported Resolution #PHX 03-034.

Here we are ten years later, and we have seen the success of our collective efforts to address the epidemic rates of violence perpetrated against American Indian and Alaska Native women. At the convening of the 113th Congress, one of the first bills introduced in both houses was the Violence Against Women Reauthorization Act. The bipartisan Senate version of the bill, S.47, contained the key provisions that would restore tribal jurisdiction over non-Indians for certain acts of domestic violence and dating violence, as well as for violations of protection orders, in Indian country. S.47 had broad support from the Department of Justice, the Obama Administration, and Indian tribes across the country.

As we all know, in the first two months of this year we began the “big lift” for VAWA Reauthorization. Our collective efforts were both offensive and defensive in the Senate. Collectively, we saw two amendments offered to S.47 that would have complicated tribal efforts to provide safety for Indian women. These amendments were defeated, and S.47 passed the 78–22, with the strong tribal provisions intact. Following the passage of S.47, we faced an even greater challenge from opposition within the House. Many said that passage of a VAWA including the tribal provisions contained in S.47 would be impossible. Again, we saw

Passage of VAWA’s tribal provisions is a critical piece of the President’s larger agenda to make Indian country a safer, more prosperous place for the next generation of Native Americans. The Obama Administration looks forward to partnering with Indian tribes to implement all of the new provisions included in the VAWA reauthorization law.

*Jodi Gillette is the Senior Policy Advisor for Native American Affairs*

*Charles Galbraith is an Associate Director in the Office of Intergovernmental Affairs*

opposition in the form of the introduction of a VAWA that Indian tribes and the National Task Force Against Violence could not support.

Once more we called for national action, and the tribal and non-tribal movement responded across tribal communities and the nation. The group of women tribal leaders who traveled to Washington, DC, in the summer of 2012 went into action. Tribal grassroots launched a



new round of actions. These organizing efforts created the groundswell that House opposition could not ignore. We called on House leadership to allow a vote on our VAWA, and at the end of the day, this grassroots organizing work won our historic victory. Our S.47 version of VAWA passed the House with a vote of 286–138. We won!

While the grassroots organizing was essential to the fight, we also know that without our collective team of

tribal leaders, lobbyists, and tribal organizations, our success in the Senate and most importantly in the House may not have happened. We recognize that successful lobbying is built on relationships that are developed over time by the lobbyist professionals and their clients, tribes, and tribal organizations.

We want to take this moment to say “THANK YOU” for all you have done to help us get the VAWA tribal provisions we need to keep Indian women safe. We are also grateful to your clients, tribal governments, and organizations who have committed to our collective endeavor. We are grateful to the NCAI for organizing the lobbyist meetings and supporting the collective strategy as we move forward.

The lines of communication are and must remain open as we hold together for the best language we can get. We believe that our position is strong especially when coupled with our allies, the National Task Force. We know it will take ALL of us to hold this line as we move our efforts to the House. We do it not for our own edification, but to make our tribal communities safer and our Nations stronger, and providing Indian women the justice they deserve.

Again, many thanks!

Sincerely,

Juana Majel Dixon & Terri Henry  
Co-Chairs, NCAI Task Force on Violence Against Women

## THANK YOU!!

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# VAWA 2013 TRIBAL JURISDICTION OVER NON-INDIAN ABUSERS:

## SECTION 904 IN A NUTSHELL

Recognizes the tribes' inherent sovereign criminal authority *concurrent* with United States and/or State over non-Indian defendants involving:

- Domestic violence;
- Dating violence; and
- Violations of Protection Orders

Perhaps the most pivotal section of Title IX's Safety for Indian Women is Section 904: Tribal Jurisdiction over Crimes of Domestic Violence. Section 904 identifies the inherent rights of tribal governments to protect their women.

In classifying the three categories—domestic violence, dating violence, and certain violations of protection orders—Section 904 establishes a foundation upon which to build doors to close the jurisdictional loopholes non-Indian abusers have utilized. The keys to these doors are sufficient ties to an Indian tribe.

After establishing one of the three sufficient ties to a tribe, certain rights must be afforded to the defendant. Tribes exercising Special Domestic Violence Criminal Jurisdiction (SDVCJ) must provide defendants all rights under Indian Civil Rights Act of 1968, similar to the federal Bill of Rights, including the right to due process. SDVCJ requires ALL of same due process protections Congress required in 2010 when it passed the Tribal Law and Order Act (TLOA): effective assistance of counsel that would be available in federal or state court; free appointed

A tribe may exercise special domestic violence jurisdiction over non-Indian defendant *only if* defendant:

- **Resides** in the Indian country of the tribe;
- **Is employed** in the Indian country of the tribe; **or**
- **Is a spouse or intimate partner, or dating partner** of
  - A tribal member; or
  - A non-member Indian who resides in the Indian country of tribe.

- Defendants have the right to petition a federal court for **habeas corpus** to challenge any conviction and to stay detention prior to review.
- Any non-Indian defendant has the **right to a trial by jury** drawn from sources that do **not systematically exclude** any distinctive group in the community, including non-Indians.
- Any Indian tribes that has ordered the detention of anyone under the special domestic violence criminal jurisdiction provision has a duty to **notify that person of all their rights**.
- Defendants must be provided “**all other rights** whose protection is necessary under the Constitution of the United States in order for Congress to recognize and affirm the inherent power of the participating tribe”

licensed attorneys for indigent defendants; law-trained tribal judges who are licensed to practice law; publicly available tribal criminal laws and rules of evidence and criminal procedure; and maintaining a record of criminal proceeding, including audio or video recording of trial proceedings. And SDVCJ also requires additional protections:

# VAWA 2013 PILOT PROJECT FOR TRIBES IMPLEMENTING TRIBAL JURISDICTION OVER NON-INDIANS

Section 908 of VAWA 2013 details the effective dates of the amendments. With respect to Special Domestic Violence Criminal Jurisdiction (SDVCJ), the effective date is March 7, 2015 (two years after the date of enactment on March 7, 2013), unless tribes chose to participate in the Pilot Project. To participate in the VAWA Tribal Pilot Project, the deadline is July 15, 2013, to submit a preliminary expression of interest, although participants can join at a later date.

A quick summary of the Pilot Project follows:

- Tribal jurisdiction over non-Indian domestic violence offenders becomes generally available in March of 2015, but tribes can start earlier if approved through the Pilot Project.
- The Pilot Project is essentially a collaborative workgroup among tribes and the Department of Justice (DOJ) to develop best practices on combating domestic violence and the required criminal procedures.
- The Pilot Project will have two phases:
  - Phase One is a planning and assessment phase, which will take place in the summer and fall of 2013.
  - Phase Two is the implementation phase, which will start in late 2013 and run through March 7, 2015. In Phase Two, a tribe seeking approval must complete and submit an Application Questionnaire and relevant excerpts of the tribe's laws, rules, and policies.
- To participate in the Pilot Project, a tribe may submit a preliminary expression of interest, no later than July 15, 2013—simply a short letter to the Justice Department's Office of Tribal Justice identifying any person(s) the tribe authorizes.

The DOJ announced it will launch an Intertribal Technical Assistance Working Group (ITWG) on Special Domestic Violence Criminal Jurisdiction. NCAI is hosting a Pre-Meeting on Monday, June 24, 2013, in conjunction with the 2013 Mid Year Conference in Reno, Nevada. The Pre-Meeting is dedicated as the 1st Intertribal Working Group Meeting for the VAWA 2013 Implementation Pilot Project.

This Pre-Meeting will be an excellent opportunity to engage with the DOJ's lead official on the Pilot Project, Deputy Associate Attorney General Sam Hirsch, as well as engage in dialogue with other interested tribes and consider whether or not to join the Pilot Project. The Department of the Interior Assistant Secretary-Indian Affairs Kevin Washburn will also be in attendance to discuss the role of DOI in the Pilot Project. The agenda for the Pre-Meeting includes discussion on: DOJ procedures, jury pools, law-trained judges and public defenders, necessary revisions of tribal codes and procedures, detention, habeas corpus, and implementing SDVCJ on a budget.

## USDOJ RESOURCES ON SECTION 908 PILOT PROJECT

Proposed Procedures for the VAWA 2013 Tribal Pilot Project (<http://federalregister.gov/a/2013-14158>) posted on June 14, 2013.

Frequently Asked Questions (<http://www.justice.gov/tribal/docs/wava-tribal-pilot-project-faqs.pdf>), which summarizes the Notice.

# VAWA 2013 TRIBAL JURISDICTION TO ISSUE AND ENFORCE ORDERS OF PROTECTION OVER ANY PERSON

Section 905 of VAWA 2013 amended Section 2265(e) of Title 18 (Full Faith and Credit Given to Protection Orders) by clarifying the authority of tribes to *issue* and enforce protection orders involving any person within the authority of the Indian tribe. (emphasis added).

## FULL FAITH AND CREDIT: Jurisdiction, Notice, and Opportunity to Be Heard

18 U.S.C. § 2265

(b) **Protection Order.**—A protection order issued by a State, tribal, or territorial court is consistent with this subsection if—

- (1) such court has jurisdiction over the parties and matter under the law of such State, Indian tribe, or territory; and
- (2) **reasonable notice and opportunity to be heard** is given to the person against whom the order is sought sufficient to protect that person's **right to due process**. In the case of *ex parte* orders, notice and opportunity to be heard must be provided within the time required by the State, tribal, or territorial law, and in any event within a reasonable time after the order is issued, sufficient to protect the respondent's due process rights.

A protection order is a general form for any type of state, tribal, or local court order enjoining one person from threatening, harming, harassing, stalking, approaching, or contacting another person, including the victim and the family members of the victim as long as the enjoined person had or will have notice and an opportunity to be heard. Protection orders include: temporary, *ex parte*, or final protection orders; child custody visitation and support provisions contained within a protection order; bond orders and pre-trial release orders; orders issued as a condition of diversion, probation, or parole; temporary or final protection orders issued as part of divorce, custody, or other family law proceedings, etc.

It is important that the front page of a protection order contain certain provisions that would enable a judge from another jurisdiction to be able to tell who the protection enjoins, who is protected, where, issue date and any expiration date, contact information of issuing tribal court, etc. The National Center for State Courts' Project Passport worked to improve recognition and enforcement of orders of protection within and between states and tribes by encouraging states and tribes to adopt a recognizable first page for orders of protection. Even if tribes choose not to adopt Project Passport's model template, tribes can formulate their own template with the relevant provisions. What tribes want is for tribal orders of protection to protect its people when outside of tribal jurisdiction.

In Section 904, certain violations of protection orders can be prosecuted by tribes who choose to implement the Special Domestic Violence Criminal Jurisdiction (SDVCJ).

## Requirements in order to criminally prosecute for Violation of Protection Orders under VAWA Section 904

Special DV Criminal Jurisdiction applies *only if* violation pertains to portion of order that:

- Protects against violent or threatening acts or harassment against, sexual violence against, contact or communication with, or physical proximity to, another person;
- Was issued against the defendant;
- Is enforceable by the participating tribe; and
- Is consistent with Full Faith and Credit requirements under 18 U.S.C. § 2265(b) (jurisdiction, notice and opportunity to be heard)

# VIOLENCE AGAINST TRIBAL CHAMPIONS STANDING FOR

The restoration of tribal criminal jurisdiction over non-Indian abusers on Indian land and the many other VAWA amendments to enhance the safety of Native women represent a historic victory for Native women and Indian tribes. The national movement to achieve this victory required enormous dedication and extensive coordination to create a groundswell that Congress could not ignore. To the thousands who stepped forward to stand for justice and the safety of Native women, we say thank you! To the tribal leaders and advocates for tribal women who stepped forward to lead in this effort, we extend our deep and heartfelt appreciation to you for your sacrifices and unrelenting efforts to secure the passage of the Violence Against Women Reauthorization Act of 2013. We share with you quotes that highlight this historic moment in time.



“It is with a glad heart and soaring spirit that I celebrate the passage of Violence Against Women Act today. Native women have waited decades for the safety that will now be provided with the passage of the VAWA. The inclusion of the tribal provisions in VAWA 2013 supports the tribes in protecting their Native women against non-Indian perpetrators as well as providing protections for immigrant women and LGBT women.”

— Juana Majel Dixon, NCAI First Vice President, Co-Chair NCAI Task Force on Violence Against Women

“This is your day. This is the day of the advocates, the day of the survivors. This is your victory. Tribal governments have an inherent right to protect their people, and all women deserve the right to live free from fear. And that is what today is all about.”

— President Barack Obama



“Today Congress put politics aside and voted to reauthorize the Violence Against Women Act. Eighteen years ago, I envisioned a world where women could live free from violence and abuse. Since VAWA first passed in 1994, we have seen a 64% reduction in domestic violence.”

— Vice President Joe Biden

“I thank the many Senators and Representatives of both parties who have helped to lead this fight, and the leadership of both Houses who have prioritized moving this vital legislation. But most of all, I thank the tireless victims, advocates, and service providers who have given so much of themselves to ensure that this legislation would pass and that, when it did, it would make a real difference. Lives will be better because of their work and because of this law.”

— Senator Patrick Leahy

“Congress has also taken an historic step to finally close the loophole that left many Native American women without adequate protection. With this bill, tribes and the federal government can better work together to address domestic violence against Native American women, who experience the highest rates of assault in the United States.”

— United States Attorney General Eric Holder

# WOMEN ACT 2013

## THE SAFETY OF NATIVE WOMEN

“I am honored to have worked on this bill with Senator Leahy and my colleagues here in the Senate. I commend advocates across the nation who have worked tirelessly on this issue.”

—Senator Mike Crapo



“The passage of the Violence Against Women Act gives tribes badly needed tools to combat the epidemic of violence and abuse in Indian country that has been enabled by inadequate judicial and legal authority. The tribal provisions achieve long overdue reforms that will increase safety and justice on tribal lands and their surrounding communities.”

—Congressman Tom Cole

“For over 500 days, women have been waiting and praying for this day to come. Today, the majority of this body stood up for all women—including Native, LGBT, and immigrant women. We answered their clarion call and declared that we will protect the victims of domestic violence, sexual assault, stalking, and human trafficking. Today is truly a victory for women everywhere.”

—Congresswoman Gwen Moore



“VAWA was a landmark piece of legislation because it changed the way that our nation dealt with violence against women. No longer are acts of domestic violence viewed as just family issues; now police and private citizens work to eradicate these crimes. The Native provisions included in the reauthorization would close the loopholes in the public safety patchwork on tribal lands so that all rapists and abusers will be brought to justice.”

—Senator Daniel K. Akaka

# VAWA 2013 AMENDMENTS TO THE FEDERAL ASSAULT STATUTES

In Section 906 of VAWA 2013, federal prosecutors now have more tools to effectively combat three types of assaults frequently committed against Native women in Indian country by amending the federal assault statute (18 U.S.C. § 113) to include the following crimes:

- Assault by strangling or suffocating –
  - o Max 10-year offense
- Assault resulting in substantial bodily injury –
  - o Max 5-year offense
- Assault by striking, beating, or wounding –
  - o Max 1-year offense

Additionally, Section 906 of VAWA 2013 amended Section 1153(a) of the Major Crimes Act to capture all felony assaults under 18 U.S.C. § 113 as well as inserting “or tribal” in Section 2265A(b)(1)(B) of Title 18, which deals with repeat offenders (or “habitual offenders”).

With the recognition of tribal jurisdiction in VAWA 2013 Section 904, the jurisdiction of crimes may change, but the basic four questions to always ask in evaluating a crime for federal prosecution will remain:

- Where did the crime occur?
  - o Did the crime occur in Indian country as defined in 18 U.S.C. § 1151?
- Who is the suspect?
  - o Indian or non-Indian?
- Who is the victim?
  - o Indian or non-Indian?
- What did they do?
  - o Is it an offense that falls under the Major Crimes Act?

Amendments in Section 906 of the Violence Against Women Reauthorization Act of 2013 add important crimes. It is vital that United States Attorney Offices continue to work hard on maintaining an open line of communication with tribal governments and tribal prosecutors. Safety in Indian Country demands it.

# VAWA 2013 AMENDMENTS TO STRENGTHEN TRIBAL COALITIONS

Today, tribal coalitions working to enhance the safety of Native women operate across the United States. These tribal coalitions are made up of members from tribal sexual assault and domestic violence programs, as well as individual women and men who are committed to ending the violence in their tribal communities and villages.

Tribal communities and villages rely on these tribal coalitions for training to enhance their response to violence against Native women. The coalitions also serve as an information bridge on developing state, federal, and tribal policies and issues that impact the safety of women, and regarding the accountability of the perpetrators.

The VAWA 2013 tribal coalition amendments fundamentally change the administration of the grant

program from a competitive to a non-competitive program. In addition, Congress created a new set-aside for the coalition program that will double the amount of funding previously available on an annual basis.

The majority of the memberships of the tribal coalitions have a long history in the movement for the safety of Native women. During the late 1970s and early '80s, American Indian and Alaska Native women opened their homes to help their sisters fleeing violence and seeking safety. It was during a time in the United States when violence against wives and girlfriends was not viewed as a serious problem. Domestic violence was rarely seen as a violent crime even in the most severe cases when violence within the home resulted in homicide or severe injury.

Tribal women joined their non-Indian sisters in the effort to build a national movement to increase the safety of women. While most tribal women focused within their tribal communities, Native women like Roberta Crows Breast in North Dakota, Karen Artichoker in South Dakota, and Lynn Hootch in Alaska also worked on a statewide level to build their state coalitions. In 1978, the National Coalition Against Domestic Violence was created, in part, through the leadership of American Indian and Alaska Native women survivors, advocates, and their allies. Tillie Black Bear, founding mother of the White Buffalo Calf Woman Society located on the Rosebud Sioux Tribe Reservation, hosted the first meeting of the National Coalition in 1979.

While state coalitions have received federal funding for several decades,

the tribal coalitions only became eligible for federal funding under the Violence Against Women Act of 2000. At that time, it was recognized that tribal coalitions could, like their state coalition counterparts, provide training and education based on their tribal expertise to their tribal communities. This acknowledgment represented a tremendous step forward in that it opened the door for tribal coalitions to provide assistance based on the specific knowledge, practices, and beliefs of the communities to be served.

Although some state coalitions offer assistance to tribal communities, most do not have the expertise necessary in federal Indian law or tribal laws of the Indian tribes, tribal

organizations, or nonprofits to be served.

“The Yup’ik people have lived in the Yukon Delta region for thousands of years. We speak Yup’ik, the river is our highway, and our villages still live off the ocean and the land. As a people we respect women and all things . . . some of our relatives have lost our beliefs and the way home is through our teachings.”

—Lynn Hootch, Executive Director, Yup’ik Women’s Coalition

The VAWA 2013 amendments to the tribal coalition program will stabilize the program by:

- Stabilizing and providing increased funding for the current

tribal coalitions;

- Providing funding to support the development of new tribal coalitions in regions where none exist;
- Addressing the disparity between VAWA services for Native and non-Native women; and
- Providing access to critically needed training services for tribal communities by local and regional tribal experts.

## VAWA 2013 TRIBAL TITLE AMENDMENTS: SEX TRAFFICKING ADDED AS NEW PURPOSE AREA FOR TRIBAL GOVERNMENT AND TRIBAL COALITION PROGRAM

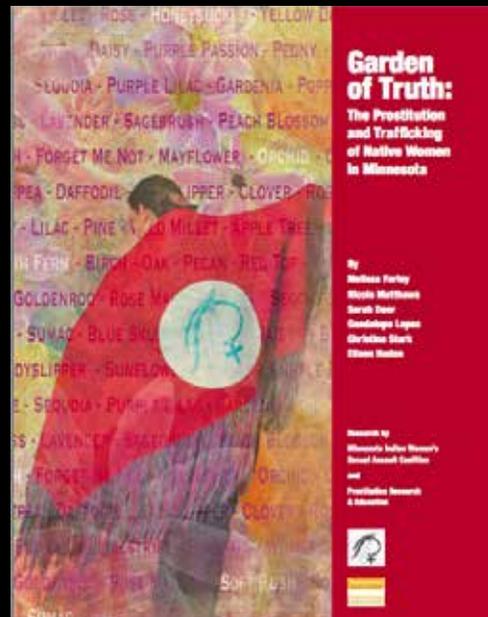
One of the many urgent and life saving changes created by the VAWA 2013 is the amendment allowing Indian tribes and tribal coalitions to use grant funds to address sex trafficking. The trafficking, or transporting of Native women across jurisdictional borders to engage in commercial sexual activities, is an often overlooked part of the epidemic of violence against Native women.

Exact statistics on the prevalence Native women in the sex trade are lacking because law enforcement generally does not keep appropriate records or track racial/ethnic statistics. Nonetheless, it is clear that indigenous populations are among those most vulnerable to trafficking.

With the inclusion of sex trafficking as a purpose area for Indian tribes and coalitions under VAWA 2013 it is now important to broaden the focus of national attention on the safety of Native women to include sexual exploitation and trafficking. In order to address these egregious discrepancies, the U.S. government must continue to resolve the jurisdictional maze faced by Native women by ensuring the effective prosecution of perpetrators of this heinous crime. The jurisdictional confusion, government inaction, and other legal and public policy issues that bar access to justice for Native women must be eliminated.

Native women’s organizations are at the forefront of the research on the trafficking of Native women. One

### TRIBAL RESOURCES ON SEX TRAFFICKING OF NATIVE WOMEN



*Garden of Truth*, a research project published by the **Minnesota Indian Women’s Sexual Assault Coalition** reporting information gathered from interviews of 106 American Indian and Alaska Native women in Minnesota, 2012.

*Shattered Hearts: The Commercial Sexual Exploitation Of American Indian Women And Girls In Minnesota*, published by the **Minnesota Indian Women’s Resource Center**, 2009.



research report, *Shattered Hearts*, suggests that the normalization of sexual exploitation and violence in Native communities perpetuates the cycle of trafficking and violence. As such, in order to truly protect and honor Native women, we must begin to combat the growing problem of cross-border trafficking of Native

women and girls. Awareness of the trafficking of Native women in Minnesota and South Dakota is growing.

“This is an issue within Indian tribes and the United States that has not received adequate research or attention. We are challenged by the

reality that Native women and girls are the victims of sex trafficking. Now with the passage of VAWA 2013 we must do more!” said Juana Majel, Co-Chair NCAI Task Force on Violence Against Women.

## VAWA 2013: TRIBAL CONSULTATION MANDATE

The VAWA 2005 Safety for Indian Women Title established the mandate that the U.S. Departments of Justice (USDOJ) and Health and Human Services each conduct an annual consultation with Indian nations on issues concerning the safety of Indian women. It required that, during such consultations the United States solicit recommendations from Indian tribes concerning three specific areas:

- (1) administering tribal funds and programs;
- (2) enhancing the safety of Indian women from domestic

violence, dating violence, sexual assault, and stalking; and,  
 (3) strengthening the federal response to such violent crimes.

VAWA 2013 further strengthens this mandate to address concerns expressed by tribal leaders concerning the consultation process. The 2013 amendments enhance the likelihood that by engaging as governments to discuss the barriers to the safety of Native women such roadblocks will be removed. In the drafting of the 2005



Tribal Title, consultation was viewed as an essential safeguard to the implementation of VAWA to strengthen the ability of tribal governments to increase the safety of women.

The NCAI Task Force understood that for VAWA to systematically increase protections for Native women, Indian tribes as nations would need to identify barriers and solutions to enhance their abilities as governments to protect women. An annual consultation on the highest level of legal and policy issues between the United States and Indian nations as governments was seen as an essential safeguard to the successful implementation of VAWA.

The historic amendments of VAWA 2013 confirm that the inclusion of a separate annual consultation on safety for Native women was and will continue to be essential to the implementation of VAWA with Indian tribes. This interaction on a nation-to-nation basis has allowed tribal governments and the United States to discuss matters that at the broadest level impact the safety of Indian women. It allows for those issues that impact all Indian

nations in providing safety for women to be addressed.

The VAWA 2013 tribal amendments are the result of the concerns raised during the consultation process since 2006. Over the last seven years, tribal leaders have engaged the leadership of the Department of Justice to raise the most serious roadblocks to the safety of Native women and to the ability of Indian tribes to protect women. In preparation for each of the annual consultations, the NCAI Task Force coordinated a preparatory caucus for tribal leaders. During these caucuses, tribal leaders received a briefing and reviewed outstanding issues concerning the safety of Indian women. The caucus developed a list of recommendations regarding the implementation of VAWA that was provided to the USDOJ and the White House.

For each VAWA consultation a special edition of the Restoration magazine is published to assist tribal leaders in the consultation process. It provides a review of the tribal provisions contained in the Tribal Title and previous recommendations made to the USDOJ addressing the

three areas mandated by the statute. Lastly, additional recommendations are provided to the USDOJ that could significantly increase the capacity of Indian tribes to assist victims of domestic violence, dating violence, sexual assault, and now, sex trafficking. The 2013 annual consultation will be held in Bismarck, ND, on October 31.

VAWA 2013 Amendments to the Annual VAWA Consultation Mandate Require:

- The Attorney General provides 120 days' notice to Indian tribes of the date, time, and location of the annual consultation;
- The Secretary of Interior attends the annual consultation;

- The Attorney General submits to Congress an annual report that:
  - o contains the recommendations made by Indian tribes during the year covered by the report;
  - o describes actions taken during the year to respond to recommendations made during the year or a previous year; and
  - o describes how the Attorney General will work in coordination and collaboration with Indian tribes, the Secretary of Health and Human Services, and the Secretary of the Interior to address the recommendations; and,
- Sex trafficking is added to the list of items to be addressed at the consultation.

## SLIVER OF A FULL MOON A CELEBRATION OF VAWA 2013 FIRST READING HELD JUNE 11, 2013 AT THE WOMEN ARE SACRED CONFERENCE

On June 11, 2013, the National Indigenous Women's Resource Center (NIWRC) hosted the premiere reading of *Sliver of a Full Moon*—a new play by nationally acclaimed playwright Mary Kathryn Nagle. *Sliver of a Full Moon* documents the reauthorization of the Violence Against Women Act after thousands of Native women and men stood up and fought for the inherent right of American Indian nations to protect their own citizens. The play premiered in Albuquerque during the 11th annual Women Are Sacred Conference. Over 300 people turned out to support the first reading. All were deeply moved and laughed, cried, and laughed some more!

On March 7, 2013, President Obama signed the VAWA into law. As reauthorized, the Act recognizes the inherent sovereignty of American Indian nations to prosecute non-Indians who commit acts of domestic violence on Native lands. *Sliver of a Full Moon* is a portrayal of resistance and celebration. It is the story of a movement that restored the authority of Indian tribes over non-Indian abusers to protect women on tribal lands. Although thousands across America and Indian nations

contributed to this victory, *Sliver of a Full Moon* follows the stories of five Native women who took a stand and one Native man, Congressman Tom Cole, who stood with them to win this victory.

The cast included four of the five Native women who stepped forward to publicly share their stories of abuse by non-Indians to educate Congress about the urgent need to restore jurisdiction over non-Indians. These women faced staunch opponents to the tribal provisions and appeared to perform their own characters including Diane Millich (Southern Ute), Lisa Brunner (White Earth Ojibwe), and Billie Jo Rich (Eastern Band Cherokee). Their stories are part of a movement with a vision of a full moon under which the sovereignty of Indian tribes is fully restored over their lands and peoples.

"VAWA strengthens the ability of tribal governments to protect Native women locally from domestic and dating violence," said Juana Majel, NCAI First Vice President and Co-Chair of the NCAI Task Force on Violence Against Women. "In many cases, these non-Indian perpetrators

make a deliberate choice to live on our reservations, whether in connection with marriage to a tribal member or to avoid accountability for violent crimes committed against Native women," said Terri Henry, Eastern Band of Cherokee Indians Tribal Councilwoman—Painttown Community, President of the NIWRC Board of Directors, and Co-Chair of the NCAI Task Force on Violence Against Women.

The tribal amendments under VAWA 2013 come at a critical time for Native women. "One in three Native women will be raped in her lifetime, and six in ten will be physically assaulted," said Lucy Simpson, Executive Director of the NIWRC. Simpson added that "even worse, on some reservations, the murder rate for Native women is ten times the national average."

As survivor Diane Millich explains, "If the Violence Against Women Act tribal provisions had existed 15 years ago, my story would be very different. When I was 26 years old, I dated a non-Indian, a white man. We were married and he moved into my home on the reservation. To my shock just days after our marriage,

he assaulted me. I left and returned over 20 times. After a year of abuse and more than 100 incidents of being abused, I left for good. The

VAWA signed by the President would have allowed my tribe to arrest and prosecute my abuser. With the inclusion of the tribal provisions,

VAWA can finally reach Native women like me and so many other victims.”



Director Carolyn Dunn (Mvskoke/ Cherokee) is a poet, playwright, musician, and mom. She is the author of two volumes of poetry, *Outfoxing Coyote* (2001) and *Echolocation: Poems and Stories from Indian Country, L.A.* (2013). She is co-editor of two volumes of American Indian prose and poetry, and co-author (with folklorist Ari Berk) of *Coyote Speaks* (2008). Her plays have

been produced for the stage at Native Voices at the Autry, the Montana Repertory Theater, and the La Jolla Playhouse. Her scholarly work has appeared in several anthologies, including *Reading Native American Women: Critical/Creative Representations*, and *American Indian Performing Arts: Critical Directions*. She is the Managing Director of the Ethnic and Cultural Resource Centers at UC Santa Cruz, where she teaches in the Literature Department and the Feminist Critical Race and Ethnic Studies program.



Playwright Mary Kathryn Nagle is a citizen of the Cherokee Nation and an honorary member of the Ponca Tribe of Nebraska. Nagle is also a member of the Public Theater’s 2013 Emerging Writers Group. Nagle is a direct descendant of Major Ridge and John Ridge, Cherokee leaders who along with Principal Chief John Ross, brought cases to the United States Supreme Court in the 1830s to preserve the Cherokee Nation’s sovereign right to exist. To Nagle, writing

this play is recognition of the fact that “although President Andrew Jackson stripped Indian nations of their lands in the 1830s, he never took their inherent sovereignty. *Sliver of a Full Moon* is a celebration of the first step in our return journey home to full sovereignty.”

# Sliver of a Full Moon

## CHARACTERS & CAST



Lisa Brunner  
played by Lisa Brunner



Deborah Parker  
played by Lily Gladstone



Male chorus  
played by Jason Grasl

Congressman Tom Cole  
played by Kenneth Ruthardt



Billie Jo Rich  
played by Billie Jo Rich



Female chorus  
played by Laura Harjo



Terri Henry  
played by Kimberly Guerrero



Dennis White Hawk  
played by Brandon Oakes



Songs performed by Melissa Merrick



Diane Millich  
played by Diane Millich

Stage Manager Hotvikuce Harjo

Women Are Sacred  
Conference

# SEXUAL ASSAULT IN THE MILITARY

There is a sexual assault epidemic occurring in the military that has only recently come to light. A Congressional bill that would change how the military handles sexual assault cases has been voted by the House and will now hit the Senate floor. The statistics are problematic.

In May, the Pentagon reported that the number of service members who experienced some form of unwanted sexual contact rose from 19,300 in 2011 to about 26,000 in 2012, with many cases going unreported. Why is this important? “Per capita, Native Americans, including American Indians, Alaska Natives, and Native Hawaiians, serve at a higher rate in the armed forces than any other group of Americans,” according to the U.S. Department of Defense.

The reasons vary, but many of our Native sisters and daughters temporarily leave their reservation homelands or villages to seek an education/training, career advancement, and a stable income. Further, many value and embrace the opportunity to serve, lead, and protect their homelands. Still, others enlist because they have a long family and tribal tradition of serving in the military and wish to honor their families and communities. How many have enlisted and were raped? The numbers would be even more shocking—if only we knew. But we don't.

Before a Native American woman is even born, the statistics are stacked against her. During her lifetime, one in three Native women will be sexually assaulted, a rate 2.5 times greater than the overall population, according to the USDOJ. And that's before she enters the military.

“Being a woman and being in the military is not like being a man and being in the military,” said Amy Vannatter, the women veterans program manager at the Black Hills VA Center. Women not only have a higher chance of experiencing sexual trauma before serving, but also during, according to the U.S. Department of Veterans Affairs. “The double whammy for Native women is not only did they possibly see their buddy get blown up from

an IED, but they may have been sexually assaulted or harassed at the same time,” said Dr. Sally Weyer, who does outpatient treatment for veterans on the Pine Ridge Indian Reservation.

It is with this grim reality that Native women enter the armed forces, where almost a quarter of all women experience sexual assault and more than half encounter sexual harassment. For those who have experienced sexual assault prior to enlisting, the likelihood of further sexual trauma while serving their country is a grave concern for Native women.



Before ever having an opportunity to put on a uniform, Ms. Lavetta Elk was traumatized at the hands of an Army recruiter. The recruiter never spent a day in jail, therefore Ms. Elk took matters into her own hands by filing a landmark lawsuit against the United States for sexual molestation by the white Army recruiter. She successfully sued the United States based on a violation of the Bad Men Clause of the 1868 Fort Laramie Treaty. Based on the violation of the treaty clause, a federal court

awarded her nearly \$600,000 for her pain and suffering. She may have been “victorious” with her lawsuit, but the devastation of this crime forever changed the trajectory of her life and dream of ever serving her country.

On June 14, 2013, the House passed a defense bill that contained some of the broadest changes to military law intended to curb and more strongly punish sexual assault. The bill would strip commanders of their authority to dismiss a finding by a court-martial, establish minimum sentences for sexual assault convictions, permit victims of sexual assault to apply for a permanent change of station or unit transfer, and ensure that convicted offenders leave the military. It was approved

in a 315–108 vote, with 18 Republicans opposing it. The National Defense Authorization Act will likely go to the Senate floor either in July or after Labor Day.

Our Native warriors have always been devoted to the survival of their people and homeland, laying down their lives if necessary. The warrior spirit does not fear death, but rather regards it as the ultimate sacrifice for their people’s continued survival. We owe them; therefore, we cannot be silent. In honor of their service, courage, and personal sacrifices, we must not only seek but also demand greater protections for our Native women warriors who continue to bravely serve this country.

## VICTIMS OF CRIME ACT AND INDIAN TRIBES NEW FY 2014 FUNDING STREAM PROPOSED FOR INDIAN TRIBES

On April 10, 2013, President Obama released his fiscal year 2014 budget proposal which included funding for the Victims of Crime Act (VOCA). For the first time in the history of the VOCA, the President’s budget included a specific funding stream for Indian tribes of \$20 million. The VOCA Fund is derived entirely from fines and penalties paid by offenders at the federal level, not taxpayer revenue, and is largely distributed to the states through a formula grant. The funding stream for Indian tribes would be administered by the Office for Victims of Crime (OVC) directly to Indian tribes and not through the states.

The President’s FY 2014 budget proposal establishes a \$20 million VOCA funding stream to support tribal victim assistance and compensation programs. This funding is critically needed to offer lifesaving services to individuals who have been victimized by crime within the jurisdiction of an Indian tribe. The need for services on tribal lands is desperate: at least 34% of American Indian and Alaska Native women will be raped in their lifetime; 39% will be subjected to domestic violence in their lifetime; and, on

some reservations, Native women are murdered at rates more than ten times the national average. Currently, there are more than 550 federally recognized tribes but no dedicated VOCA funding stream, which parallels state VOCA funding, to support tribes in addressing the needs of crime victims. The NCAI Task Force commends the President and calls upon Congress to support establishing a \$20 million funding stream for tribes to provide services to Native victims.



Given the inadequate law enforcement response to violence against Native women, victims of

domestic and sexual violence often find themselves waiting days, weeks, and months for justice officials to answer their calls for assistance, and for many, those calls go unanswered entirely. Federal, tribal, and state systems are flawed with jurisdictional gaps, under-resourced, and in some instances, completely ineffective, placing Native women at increased risk. This state of affairs complicates the ability of Native women to access emergency services. It is unusual to find services common to non-tribal communities, such as shelter programs and rape crisis services, available within tribal communities.

Call for a Permanent Tribal Set-Aside Within VOCA: In the current economy, securing federal funding for any services is a difficult task, but given the urgency of the situation, the creation of such services cannot wait. Since 2003, the NCAI Task Force has recommended that Congress create a tribal set-aside within the Crime Victims Fund (“the Fund”) to develop and maintain services for Indian women victimized by domestic and sexual violence. The total amount of deposits into the Crime Victims Fund for FY 2012 was a record amount, \$2,795,547,045.

The next closest year was 2010 when \$2.3 billion was deposited. The Fund currently has a reserve balance of approximately \$8 billion. Given the crisis confronting American Indian women, the NCAI Task Force is now calling for the immediate creation of an “above the cap” tribal set-aside in the Victims of Crime Act (VOCA). This request, while acknowledging the inclusion of the \$20 million tribal set-aside in the President’s budget recognizes the need to establish a permanent dedicated funding stream for Indian tribes within VOCA.

Background of the Fund: The Fund was established under the 1984 VOCA to help victims cope with the trauma and aftermath of violent crime. Rather than being funded by taxpayer dollars, the Fund is entirely funded by fines and other penalties imposed on federal offenders committing offenses on tribal lands. Congress sets an annual limit or “cap” on the amount to be released from the Fund. The proposed “above

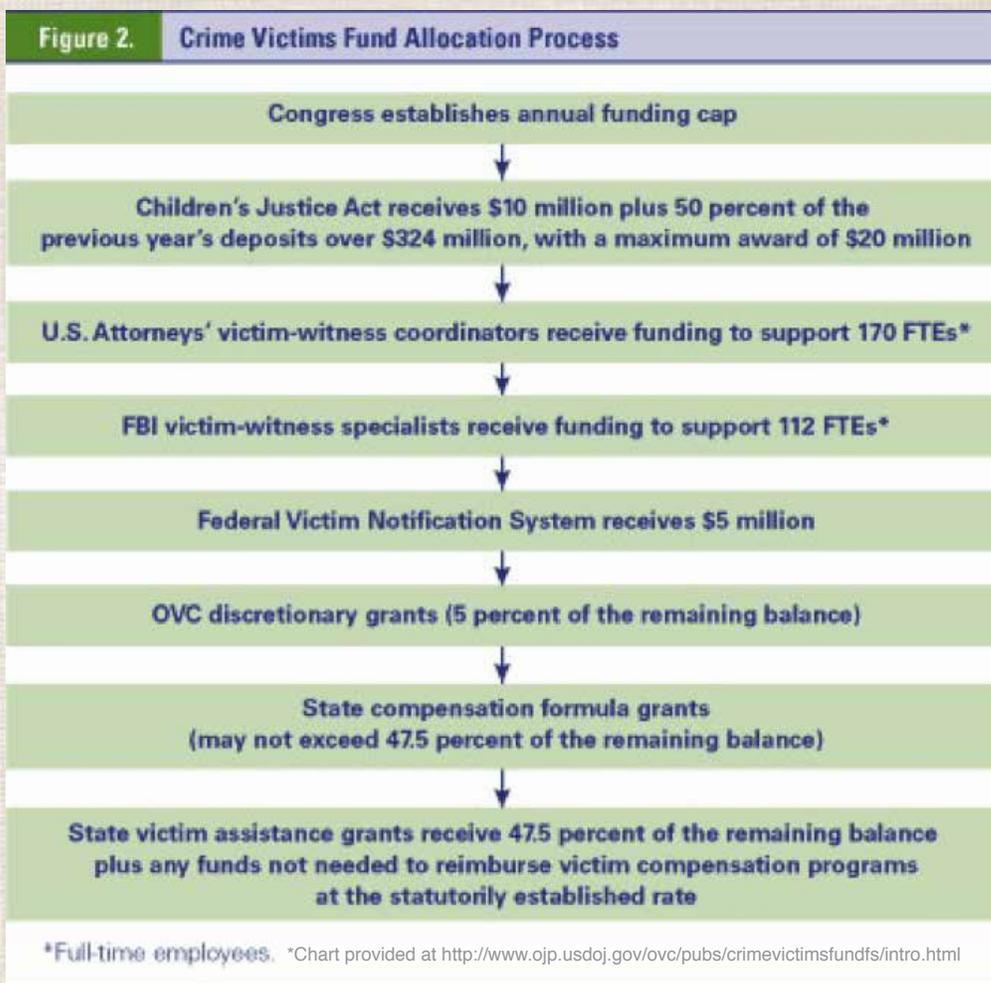
This past May, the Office for Victims of Crime (OVC) released the Transforming Victim Services (Vision 21) Final Report. The executive summary of the report states, “The goal for Vision 21: Transforming Victim Services is simple yet profound: to permanently alter the way we treat victims of crime in America.” Vision 21 recommendations recognized that new challenges call for new solutions. Essential for Indian tribes is the recommendation to “partner with Congress to ensure flexibility and innovation in programing and funding.” More specific to Indian tribes the recommendation states, “It is worth revisiting the authorizations for VOCA-funded programs to address their reach, efficacy, and accountability.

Vision 21 stakeholders called for attention to a number of issues, including: “Support for American Indian and Alaska Native victims. Stakeholders recognized the need to target resources for federally recognized tribes, tribal organizations, and federal agencies responsible for victim assistance in Indian country. OVC and the victim assistance field, particularly tribal advocacy organizations, should work with Congress to ensure that victims in Indian country are no longer a footnote to this country’s response to crime victims.”

the cap” tribal set-aside would increase the amount released from the VOCA Fund to establish and fund the new domestic and sexual services program for Native women. This “above the cap” set-aside would not alter funding to current VOCA grantees. This funding stream is a viable given that the deposits into the Fund are consistently high.

Ending the Disparity: Currently, no dedicated tribal funding stream is provided under the VOCA for services to victims within Indian tribes. This lack of funding to Indian tribes is unacceptable given the levels of violence and lack of services for victims. The USDOJ statistics document the well-known fact that violence against Indian women is more than double that of any other population of women; yet services are lacking or do not exist in many tribal communities. While states and territories receive an annual formula amount from the VOCA Fund, the reality is that Indian tribes do not receive such an allocation.

The two small discretionary programs administered by the OVC on a competitive basis (Children’s Justice Act Partnerships for Indian Communities Grant Program and Tribal Victim Assistance) cannot be compared to the current state formula program. An “above the cap” amount for Indian tribes would balance the current disparity in the allocation of VOCA funds. Releasing more of the VOCA Fund to create the domestic and sexual assault services program for tribal victims will provide lifesaving services for Native women and their children.



# Victims of Crime Act

## Rebuilding Lives through Assistance and Compensation

### Crime Victims

#### Victim Assistance

VOCA and the Crime Victims Fund help victims rebuild their lives by supporting programs that provide services directly to victims, such as crisis intervention, emergency shelter, emergency transportation, counseling, and criminal justice advocacy.

#### Victim Compensation

Victim compensation helps victims rebuild their lives by reimbursing victims for costs in the immediate aftermath of crime, such as crime-related medical costs, mental health counseling, funeral and burial costs, and lost wages or loss of support. Victim compensation is used as a payment of last resort and is paid when other financial resources (e.g., private insurance and worker's compensation) do not cover the loss.

### Public and Private Organizations

#### Victim Assistance

Organizations (called "sub-recipient programs") use the VOCA victim assistance funds to provide direct services—such as crisis intervention, emergency shelter, transportation, and criminal justice advocacy—to crime victims free of charge. Victim advocates in these programs inform victims about the eligibility requirements of compensation and assist victims with the required paperwork.

### States and Territories

VOCA administrators distribute VOCA victim assistance and compensation grants. All states and territories, including the Northern Mariana Islands, Guam, and American Samoa, receive annual VOCA victim assistance grants, which are awarded competitively to local community-based organizations that provide direct services to crime victims. Similarly, all states, the District of Columbia, the U.S. Virgin Islands, and Puerto Rico receive VOCA compensation grants after satisfying criteria set forth in VOCA and OVC program rules.

#### Victim Compensation

State programs (sometimes called commissions or boards) distribute compensation directly to victims who must satisfy eligibility requirements.

### Office for Victims of Crime

VOCA is administered by the Office for Victims of Crime (OVC) within the Office of Justice Programs, U.S. Department of Justice. OVC distributes victim assistance and compensation funds to states and U.S. territories, in accordance with the Victims of Crime Act. OVC may also use funds for demonstration projects, program evaluation, compliance efforts, training and technical assistance services, and other related activities.

### Crime Victims Fund

The Crime Victims Fund (the Fund), established by the Victims of Crime Act of 1984 (VOCA), is a major funding source for victim services throughout the United States and its territories. Millions of dollars collected are deposited into the Fund annually and support the state victim assistance and compensation program efforts. Since 1986, \$4.8 billion in VOCA victim assistance funds and \$1.8 billion in compensation funds have been awarded.

### U.S. Attorneys

U.S. Attorneys' Offices, federal courts, and the Federal Bureau of Prisons collect criminal fines, forfeited bail bonds, penalties, and special assessments, which are deposited into the Crime Victims Fund.

REBUILT LIVES

DIRECT SERVICES

STATE ADMINISTRATION

DISBURSEMENTS

DEPOSITS

COLLECTIONS



Office for Victims of Crime

# OVC

"Putting Victims First"

THE NATIONAL CENTER FOR  
**Victims of Crime**  
www.ncvc.org • 1-800-FYI-CALL

# ASSUMPTION OF FEDERAL JURISDICTION UNDER TRIBAL LAW AND ORDER ACT:

## UNITED STATES ACCEPTS CONCURRENT JURISDICTION OVER WHITE EARTH INDIAN RESERVATION

On June 1, 2013, the decision by the United States to accept concurrent jurisdiction over the White Earth Indian Reservation in Minnesota took effect. The decision was the first action of its kind under the landmark Tribal Law and Order Act of 2010 (TLOA). The Act granted the Justice Department discretion to accept concurrent federal jurisdiction to prosecute major crimes within areas of Indian country that are also subject to state criminal jurisdiction under Public Law 280. Public Law 280 is the 1953 law that mandated the transfer of federal law enforcement jurisdiction for certain tribes to six states, including Minnesota. Tribal, state, and county prosecutors and law enforcement agencies will also continue to have criminal jurisdiction on the reservation.

On March 15, Deputy Attorney General James M. Cole announced that the Justice Department had granted a request by the White Earth Nation for the United States to assume concurrent criminal jurisdiction on the 1,300-square-mile White Earth reservation in northern Minnesota. “Our goal in granting this request is to strengthen public safety and security for the people of White Earth,” said Deputy Attorney General Cole. “We look forward to partnering with the tribe and our state and local counterparts to support White Earth in ensuring justice on the reservation.”

“The public safety challenges facing our tribal communities are serious and complex,” said U.S. Attorney for the District of Minnesota B. Todd Jones. “The United States Attorney’s Office will continue working closely and collaboratively with our tribal and local partners toward our common goal—improving public safety. It is our hope that with the additional jurisdiction, our office will be able to support our tribal and county partners for the benefit of all communities.”

The Department of Justice already has jurisdiction to prosecute crimes such as drug trafficking and financial crimes wherever they occur in the United States—including on the White Earth reservation. The change announced today will expand this existing jurisdiction on the reservation to allow federal prosecution of major crimes such as murder, rape, felony assault, and felony child abuse.

The decision followed careful consideration of the request and information provided by the White Earth Nation, as well as by the Justice Department’s Office of Tribal Justice, the Executive Office for United States Attorneys, the U.S. Attorney’s Office for the District of Minnesota, the FBI, the U.S. District Court, state and local law enforcement partners, and other sources.

## BIENNIAL WOMEN ARE SACRED CONFERENCE DRAWS OVER 300 PEOPLE

On Monday, June 10, 2013, tribal advocates, leaders, law enforcement officers, prosecutors, and many others joined together at the Hard Rock Isleta Hotel to attend the 11th annual Women Are Sacred Conference. The theme of this year’s conference was “Reclaiming Our Space, Vision, and Voices to Strengthen the Grassroots Advocacy Movement to End Violence Against Native Women.”

The National Indigenous Women’s Resource Center (NIWRC) worked with tribal coalitions, Mending the Sacred Hoop, Tribal Law and Policy Institute, and other partner

organizations to plan and organize the three-day conference that took place June 10–12, 2013. This conference was an affirmation of the strength of Native women and tribal nations who have persevered, many times in the face of utter despair and loss of life, to not merely survive, but also thrive.

No longer will Native women be silenced or paralyzed. As Tillie Black Bear, grandmother of our movement, gently reminds us, our work is about resistance and “making those connections beyond the shelter doors.” With over 300 participants, this conference was that opportunity

to renew, strengthen, and make new connections to advocate for increased safety for Native women and tribal nations.

This year’s Women Are Sacred Conference celebrated VAWA 2013 and the grassroots organizing that removed barriers to women’s safety. Juana Majel Dixon, Co-Chair of the NCAI Task Force on Violence Against Women, opened the conference program with a keynote address summarizing the movement built to win passage of VAWA 2013. A panel of Diane Millich, Southern Ute Indian Tribe, and Cherrah Giles, Muscogee Creek Nation, then

spoke on why the tribal provisions were urgently needed and will save lives. The first reading of Sliver of a Full Moon was held on Tuesday evening, with nearly 400 people from the conference and local tribal communities attending.

The recent signing by President Obama of VAWA 2013 is a great example of what can be accomplished with grassroots organizing efforts, connections beyond the shelter doors, and alliance-building by Native women, tribal coalitions, and tribal leaders. VAWA 2013 represents historical landmark legislation and legal reform that recognizes the unique legal responsibility of the United States to assist Indian tribes in safeguarding the lives of Native women by returning limited criminal jurisdiction to Indian tribes over non-Indian offenders.

“We thank each and every one of you, women’s advocates, tribal leaders, and community members, for joining us at this year’s conference,” said Lucy Simpson, Executive Director of the NIWRC.



# USET DEVELOPS WORK GROUP TO ADDRESS VIOLENCE AGAINST NATIVE WOMEN

June 17, 2013

For additional information:

Brandon Stephens, Development Director (615) 467-1560 (Office), (615) 872-7417 (Fax) bstephens (at) usetinc.org

(Nashville) - - United South and Eastern Tribes, Incorporated (USET) is setting goals and taking action to be a facilitator to national efforts to build capacity within Tribal nations to carry out the new Violence Against Women Act (VAWA) initiatives. During its Semi-Annual Board of Directors meeting, USET adopted a resolution which creates a workgroup on violence against Native women to monitor policy, identify best practices, provide technical assistance, and provide public education and awareness to Indian Country.

“This is an effort to preserve the legacy of our community. The backbone of that legacy is held by our earth mothers to the mother earth. USET wants to reinforce and build upon the work that is being done by so many to improve Tribal capacity to effectively enforce the new laws and initiatives that have been given to us through the VAWA reauthorization so that we are not just building safe neighborhoods, but healthy neighborhoods. Once again we owe this work to our Native women, because they nurture our families and give us life in so many ways. When our mothers and daughters live in fear, this creates an unstable community and destroys our community health. That is why creating this workgroup is so important,” says USET President Brian Patterson on why USET is dedicated to seeing the benefits of VAWA in Indian Country.

There is a lot of work needed to launch VAWA initiatives. USET has been fortunate to have advocacy and subject matter experts like Eastern Band of Cherokee Indians Tribal Councilwoman Terri Henry, who has helped champion the creation of a USET workgroup on violence against Native women. Henry, co-Chair of the National Congress of American Indians (NCAI) Task Force on Violence Against Native Women, informed members of the USET Board of Directors in May that DOJ is going to offer assistance for Tribes in the form of grants.

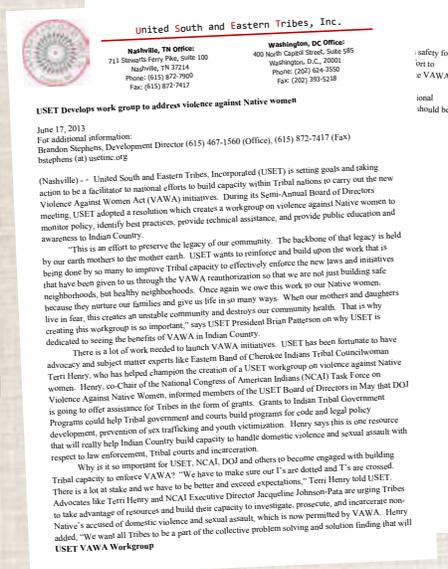


Grants to Indian Tribal Government Programs could help Tribal government and courts build programs for code and legal policy development, prevention of sex trafficking and youth victimization. Henry says this is one resource that will really help Indian Country build capacity to handle domestic violence and sexual assault with respect to law enforcement, Tribal courts and incarceration.

Why is it so important for USET, NCAI, DOJ and others to become engaged with building Tribal capacity to enforce VAWA? “We have to make sure our I’s are dotted and T’s are crossed. There is a lot at stake and we have to be better and exceed expectations,” Terri Henry told USET. Advocates like Terri Henry and NCAI Executive Director Jacqueline Johnson-Pata are urging Tribes to take advantage of resources and build their capacity to investigate, prosecute, and incarcerate non-Native’s accused of domestic violence and sexual assault, which is now permitted by VAWA. Henry added, “We want all Tribes to be a part of the collective problem

solving and solution finding that will

USET VAWA Workgroup create an effective system of justice to carry out this new law (VAWA). Our ultimate goal is safety for our Native women, which is an important aspect of our Tribal sovereignty. With USET’s effort to develop a workgroup, that’s ensuring we meet the unique needs of our Tribes which will make VAWA effective.”





According to Councilwoman Henry, advocates and Tribes are now awaiting Congressional appropriations to support Grants to Indian Tribal Government Programs.

She says the grants should be available to all Tribes who have basic justice systems in place like courts, prosecutors, public defenders, and law enforcement.

## INTERNATIONAL UPDATE

JANA L. WALKER AND KARLA E. GENERAL, ATTORNEYS, INDIAN LAW RESOURCE CENTER

Indian nations and Native women's and other Indian organizations and advocates continue to combine domestic and international advocacy to combat violence against Native women and to restore safety to Native communities.

### INTER-AMERICAN COMMISSION ON HUMAN RIGHTS PREPARING REPORT ON INDIGENOUS WOMEN

The Inter-American Commission on Human Rights (IACHR) is the principal organ of the Organization of American States (OAS), a regional organization for promoting human rights in the Americas. There are 35 member countries of the OAS, including the United States. Commissioners Tracy Robinson, Rapporteur on the Rights of Women, and Dinah Shelton, Rapporteur on the Rights of Indigenous Peoples, recently announced the development of a report that will focus on discrimination faced by indigenous women in the Americas in the exercise of their civil, political, social, economic, and cultural rights.

At the request of IACHR staff, the Indian Law Resource Center resubmitted the briefing materials for the 2011 "Thematic Hearing on Violence Against Native Women in the United States." The thematic hearing was requested by the Indian Law Resource Center, on behalf of itself, the National Congress of American Indians Task Force on Violence Against Women, Clan Star, Inc., and the National Indigenous Women's Resource Center, Inc. Coordination continues regarding what other information would be useful for the report.

### REVIEW OF THE UNITED STATES' COMPLIANCE WITH THE ICCPR

On April 4, 2013, the UN Human Rights Committee released the List of Issues for its fourth periodic review of the United States' compliance with the International Covenant on Civil and Political Rights (ICCPR). The ICCPR is one of three international treaties ratified by the United States. With respect to indigenous peoples issues, the List of Issues includes a request

for information from the United States on protection of indigenous sacred areas, implementation of Executive Order 13175 on Consultation and Coordination with Tribal Governments, and ensuring free, prior, and informed consent of indigenous peoples for measures affecting their interests. The List of Issues released by the Committee does not include violence against Native women, although identified as a critical issue in comments to the State Department in 2010 and again in 2012 as being relevant to the review of U.S.' compliance. Shadow reporting, a tool used by social justice groups and other nongovernmental organizations to highlight issues not raised or fully addressed by their governments, is planned for August/September 2013. The United States is expected to reply to the List of Issues in September 2013, with the Human Rights Committee reviewing U.S. compliance with the ICCPR during its 109th Session on October 14–November 1, 2013.

## UN WORLD CONFERENCE ON INDIGENOUS PEOPLES

The UN World Conference on Indigenous Peoples will take place September 22–23, 2014 in New York City. The Conference is a plenary meeting of the UN General Assembly, designed to share perspectives and best practices on the realization of the rights of indigenous peoples. The Indian Law Resource Center, along with many Indian nations and organizations, are working to ensure the best possible recommendations make their way into the action-oriented outcome document resulting from the Conference. Likewise, indigenous peoples worldwide are developing proposed recommendations to influence the outcome document.

At least 72 Indian nations and 10 Indian and Native Hawaiian organizations in the United States have proposed several recommendations for adoption at the World Conference, including a call

for the United Nations to establish a new body responsible for promoting and monitoring the implementation of the UN Declaration on the Rights of Indigenous Peoples and action to give indigenous peoples, especially indigenous constitutional and customary governments, a dignified and appropriate status for participating regularly in UN activities.

The proposed recommendations also include a three-pronged course of action to address violence against indigenous women that urges the General Assembly to convene a high-level conference to examine challenges to the safety and well-being of indigenous women and girls; to require that any UN mechanism or body established to promote and monitor the implementation of the UN Declaration on the Rights of Indigenous Peoples pay particular attention at least annually to the rights and special needs of indigenous women and children; and to create a Special

Rapporteur to focus exclusively on human rights issues of indigenous women and girls. In March 2013, the Global Indigenous Women's Caucus included the three-pronged recommendation on indigenous women in its recommendations. Work continues to secure more support for these measures from indigenous peoples globally, as well as from member states of the UN.

## UN PERMANENT FORUM ON INDIGENOUS ISSUES

The Twelfth Session of the United Nations Permanent Forum on Indigenous Issues, an annual meeting to discuss indigenous issues related to economic and social development, culture, the environment, education, health and human rights, took place in New York City on May 20–31, 2013.

During its May 22nd session on Human Rights and the Implementation of the UN Declaration on the Rights of



Indigenous Peoples, the Permanent Forum introduced its study “on the extent of violence against indigenous women and girls in terms of article 22(2) of the UN Declaration on the Rights of Indigenous Peoples.” Article 22(2) calls on states to “take measures, in conjunction with indigenous peoples, to ensure that indigenous women and children enjoy the full protection . . . against all forms of violence and discrimination.” During this session, a group of North American Indian nations and organizations, including the NCAI Task Force on Violence Against Women, Clan Star, Inc., Indigenous Women’s Resource Center, Inc., and the Indian Law Resource Center, offered a joint statement addressing the study and proposing recommendations for the 2014 World Conference on Indigenous Peoples aimed at combating violence against indigenous women and children. While time was not available for the joint statement to be read, the statement was submitted to the

Secretariat and Permanent Forum Members. The study, statements, and documents of the Twelfth Session should be posted at <http://social.un.org/index/IndigenousPeoples/UNPFIIISessions/Twelfth/Documents.aspx>.

On May 28, 2013, a group of 72 Indian nations and 10 Indian and Native Hawaiian organizations made a joint statement to the Permanent Forum during its session on the World Conference. That fuller statement incorporates the proposed recommendations for combating violence against indigenous women. For further information about the World Conference and recommendations being proposed by Indian nations and Native organizations in the United States, visit [www.indianlaw.org](http://www.indianlaw.org).

#### SUBMISSION OF UNITED STATES CERD REPORT

On June 13, 2013, the U.S. Department of State submitted to the

UN Committee on the Elimination of Racial Discrimination (CERD) its overdue periodic report on the United States’ implementation of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD). In 2008, CERD sharply criticized the United States for failing to meet its obligations to prevent and punish violence against Native women. In 2011, the NCAI Task Force on Violence Against Women, Sacred Circle, and the Indian Law Resource Center submitted comments to the State Department highlighting the epidemic levels of violence against Native women and systemic barriers in U.S. law contributing to the human rights crisis. These comments were resubmitted in February 2013. The CERD likely will review the United States for compliance with ICERD in early 2014. The report is available at <http://www.state.gov/j/drl/hr/treaties/index.htm>.



# VAWA 2013 FACTS: TRIBAL JURISDICTION OVER NON-INDIAN DOMESTIC VIOLENCE PERPETRATORS

## **What will tribes be able to do under the new law?**

Tribes will be able to exercise their sovereign power to investigate, prosecute, convict, and sentence both Indians and non-Indians who assault Indian spouses or dating partners or violate a protection order in Indian country. VAWA 2013 also clarifies tribes' sovereign power to issue and enforce civil protection orders against Indians and non-Indians.

**When does this new law take effect?** Although tribes can issue and enforce civil protection orders now, generally tribes cannot criminally prosecute non-Indian abusers until at least March 7, 2015.

**Will this be voluntary?** Yes, tribes will be free to participate, or not. The authority of U.S. Attorneys (and state/local prosecutors, where they have jurisdiction) to prosecute crimes in Indian country remains unchanged.

**What crimes are covered?** Covered offenses will be determined by tribal law. But tribes' criminal jurisdiction over non-Indians will be limited to the following, as defined in VAWA 2013: domestic violence, dating violence, and criminal violations of protection orders.

**What crimes are *not* covered?** The following crimes will generally *not* be covered:

- Crimes committed outside of Indian country;
- Crimes between two non-Indians;
- Crimes between two strangers, including sexual assaults;
- Crimes committed by a person who lacks sufficient ties to the tribe, such as living or working on its reservation; and
- Child abuse or elder abuse that does not involve the violation of a protection order.

**What is the Pilot Project?** A tribe can start prosecuting non-Indian abusers sooner than March 7, 2015, if:

- The tribe's criminal justice system fully protects defendants' rights under federal law;
- The tribe asks to participate in the new Pilot Project; and

The Justice Department grants the tribe's request and sets a starting date.

**What rights do non-Indian defendants have?** A tribe must:

- Protect the rights of defendants under the Indian Civil Rights Act of 1968, which largely tracks the federal Constitution's Bill of Rights, including the right to due process.
- Protect the rights of defendants described in the Tribal Law and Order Act of 2010 by providing:
  - Effective assistance of counsel for defendants;
  - Free, appointed, licensed attorneys for indigent defendants;
  - Law-trained tribal judges who are also licensed to practice law;
  - Publicly available tribal criminal laws and rules; and
  - Recorded criminal proceedings.
- Include Indians and non-Indians in jury pools.
- Inform defendants ordered detained by a tribal court of their right to file federal habeas corpus petitions.

**Is there new funding for the tribes?** In VAWA 2013, Congress authorized up to \$25 million total for tribal grants in fiscal years 2014 to 2018, but Congress has not yet appropriated any of those funds. However, tribes may continue to apply for funding through DOJ's Coordinated Tribal Assistance Solicitation (CTAS), which can support VAWA implementation. Additional funding sources may be available through other federal agencies.

## VAWA 2013 TRIBAL RESOURCES

The Tribal Law and Policy Institute (TLPI) is pleased to announce that we have posted an initial VAWA 2013 webpage [www.tribal-institute.org/lists/vawa\\_2013.htm](http://www.tribal-institute.org/lists/vawa_2013.htm) on the Tribal Court Clearinghouse [www.TLPI.org](http://www.TLPI.org)

\* Introduction to Violence Against Women Act Reauthorization – Title IX

[http://www.tribal-institute.org/lists/title\\_ix.htm](http://www.tribal-institute.org/lists/title_ix.htm)

\* Special Domestic Violence Criminal Jurisdiction I [http://www.tribal-institute.org/lists/title\\_ix.htm#SDVCJ](http://www.tribal-institute.org/lists/title_ix.htm#SDVCJ)

\* Takes Effect March 2015 I [http://www.tribal-institute.org/lists/title\\_ix.htm#when](http://www.tribal-institute.org/lists/title_ix.htm#when)

\* Due Process Protection Requirements I [http://www.tribal-institute.org/lists/title\\_ix.htm#dueprocess](http://www.tribal-institute.org/lists/title_ix.htm#dueprocess)

\* Special Rule for Alaska I [http://www.tribal-institute.org/lists/title\\_ix.htm#alaska](http://www.tribal-institute.org/lists/title_ix.htm#alaska)

\* Applicability of Other Federal Laws I [http://www.tribal-institute.org/lists/title\\_ix.htm#other](http://www.tribal-institute.org/lists/title_ix.htm#other)

\* Constitutionality of Title IX I [http://www.tribal-institute.org/lists/title\\_ix.htm#Constitutionality](http://www.tribal-institute.org/lists/title_ix.htm#Constitutionality)

\* Past VAWA Acts I [http://www.tribal-institute.org/lists/title\\_ix.htm#past](http://www.tribal-institute.org/lists/title_ix.htm#past)

# LESSONS OF THE NCAI TASK FORCE ON VIOLENCE AGAINST WOMEN

THE LESSONS OF THE NCAI TASK FORCE ARE NUMEROUS AND HAVE INCREASED SIGNIFICANCE TO INDIAN NATIONS IN THE WORLD IN WHICH WE CO-EXIST AS SOVEREIGNS AND INDIGENOUS PEOPLES. SINCE 2003 MANY LESSONS EXIST BUT THE FOLLOWING STAND OUT AS PRINCIPLES TO GUIDE FUTURE ORGANIZING EFFORTS TO INCREASE THE SAFETY OF NATIVE WOMEN.

**AMERICAN INDIAN AND ALASKA NATIVE:** Recognition of the unique relationship of and distinction between American Indian tribes and Alaska Native Villages. This emphasis is of critical importance to the defense of sovereignty in the lower 48 United States as well as that of 227 federally recognized Indian tribes in Alaska.

**ADDRESSING PUBLIC LAW 83-280:** In 1953, during the termination era, Congress enacted what is known as PL 280. This Act transferred federal criminal justice authority to particular state governments. The Department of Interior, as a policy interpretation, denied access to Indian tribes located within those states to federal funds to develop their respective tribal justice systems. Often when a woman is raped within an Indian tribe located within a PL 280 state, no criminal justice agency may be available to assist her. As a result, the perpetrator is free to continue committing horrific violence against the same or different woman. Efforts of the Task Force have included addressing safety for women living within both a federal-tribal and state-tribal concurrent jurisdiction.

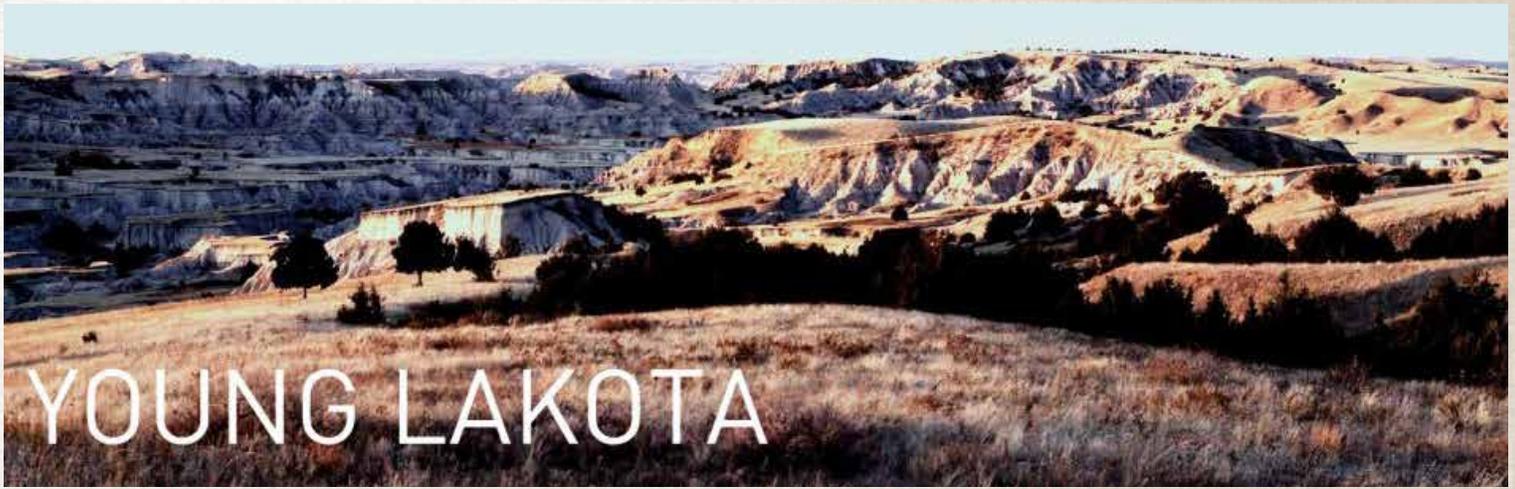
**BALANCING WESTERN AND INDIGENOUS JUSTICE APPROACHES:** The strategic goal of the NCAI Task Force is to increase safety and restore the sacred status of American Indian and Alaska Native women. A dual approach to achieving this goal exists. One approach is to reform the Western justice systems response to crimes of violence against Indian women. The other approach is to strengthen the tribal beliefs and practices that operate as protectors of women within tribal nations.

**BROAD COMMUNICATION:** Since the creation of the NCAI Task Force it has regularly published *Sovereignty & Safety* magazine to inform and share with tribal leadership, advocates, and tribal communities emerging issues impacting the safety of Native women. The magazine serves as an information bridge for the thousands of tribal leaders and community members to understand and participate in the movement to increase the safety of Indian women.



“The NCAI Task Force represents the maturation of a grassroots movement across American Indian and Alaska Native communities to increase the safety of Native women.”

Juana Majel, 1<sup>st</sup> Vice-President, NCAI.



*When South Dakota passes a law criminalizing abortion, Cecelia Fire Thunder is outraged. Native Americans are 2.5 times more likely to be victims of sexual violence than any other race, and the law makes no exceptions for rape or incest. Fire Thunder challenges the law with the threat to build a women's clinic on the sovereign territory of the reservation.*

Young Lakota is a feature documentary airing on PBS Independent Lens in November 2013. It follows three young people on the Pine Ridge Reservation during a tumultuous political season that hinges on abortion rights and tribal sovereignty.

#### The Film

In a small town in the heart of the Pine Ridge Reservation, Sunny Clifford, her twin sister Serena, and their neighbor, Brandon Ferguson, share a common dream of helping to create a better future for their tribe. When South Dakota passes a law criminalizing abortion, their tribal President, Cecelia Fire Thunder, challenges it with a threat to build a clinic on the reservation, drawing Sunny, Serena, and Brandon into a political storm that changes the course of each of their lives.



Sunny Clifford works as a clerk at the Kyle grocery store, living in "the housing" in Kyle, population with her twin sister, Serena. The twins — who have dropped out of college — dream of finding a way to help make things better on the reservation, but they don't really know where to start. Their idealism is shared by Brandon Ferguson, their neighbor, who — like Serena — has young children.

All three look up to Cecelia Fire Thunder, the first female president of their tribe, as she counters a South Dakota law that makes abortion a crime, with no exceptions for rape or incest. Fire Thunder takes a stand by proposing a women's health clinic providing abortions on the reservation but open to all local women.

But Fire Thunder's bold proposal is seen by some as grandstanding, and the tribe is divided over both the abortion issue and Fire Thunder herself. Ultimately, Fire Thunder is impeached by her political enemies inside the tribal government (perhaps with the help of the South Dakota political right), an act that sets off a chain reaction in the lives of Sunny, Serena, and Brandon. A tumultuous tribal election to replace Fire Thunder and a state vote that defeats the abortion ban, open a political rift between the friends, and help determine the adults they will become.

Producer: Marion Lipschutz, Rose Rosenblatt

Production Companies: Incite Pictures, Cine Qua Non

Cast: Sunny Clifford, Brandon Ferguson, Serena Clifford, Cecelia Fire Thunder, Alex White Plume

For more info: [www.itvs.org/films/young-lakota](http://www.itvs.org/films/young-lakota), [www.facebook.com/younglakota](http://www.facebook.com/younglakota)

# SAVE THE DATE!

## Tribal Domestic & Sexual Violence Regional Conference September 24–26, 2013

Wild Horse Pass Casino & Resort ♦ Chandler, AZ

**“Southwest Indigenous Gathering for Healthy Relations:  
In Solidarity We Honor, Organize & Implement for  
Healing, Safety & Justice”**

The Southwest Indigenous Women’s Coalition is pleased to announce that Arizona’s tribal domestic and sexual violence conference historically hosted by SWIWC will be presented this year in partnership with the National Indigenous Women’s Resource Center as a regional conference. This conference is open to everyone with priority to NIWRC Region 6 – Arizona, New Mexico, Utah, Colorado, and Texas. The SWIWC and NIWRC seek to inspire and educate advocates, law enforcement, prosecutors, judges, social and behavioral health workers, health care providers, community members, survivors, and others striving to better support victims, hold offenders accountable, and restore safety and respect to Native women and communities.



*Eleanor E. Roehrig  
Advocate Award  
Ceremony & Luncheon*



Please visit NIWRC’s website ([niwrc.org](http://niwrc.org)) to REGISTER to attend and to preview more information, including a full conference agenda, as it becomes available.

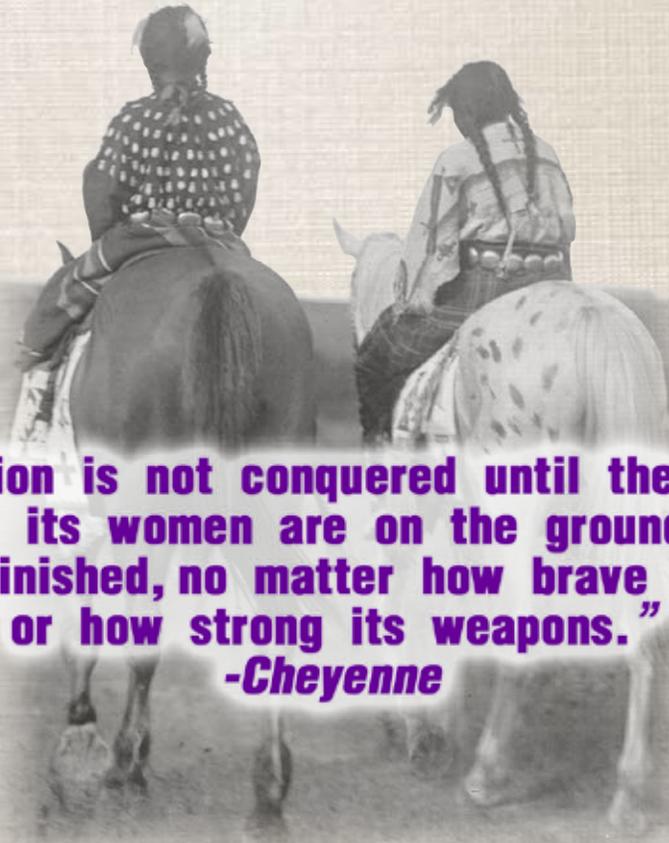
Registration Fee: \$50.00



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[www.wingalariver.com](http://www.wingalariver.com)  
1-800-WIN-GILA/(800) 946-4452

Room Rate: \$89.00 + tax  
Group Code: NIWRC

**Hotel reservation deadline:  
August 26, 2013**



**“A Nation is not conquered until the hearts  
of its women are on the ground.  
Then it is finished, no matter how brave its warriors  
or how strong its weapons.”  
-Cheyenne**

*Violence Against Women Is Not Our Tradition*



National Indigenous Women's Resource Center

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1-855-649-7299 (406) 477-3896

info@niwrc.org • niwrc.org