

# Restoration

OF NATIVE SOVEREIGNTY AND SAFETY FOR NATIVE WOMEN

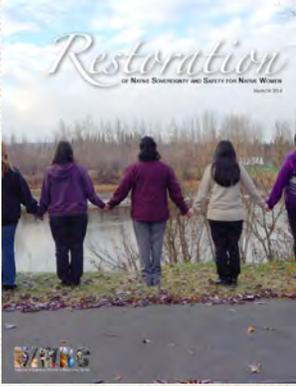
MARCH 2014



National Indigenous Women's Resource Center

# Restoration

OF NATIVE SOVEREIGNTY AND SAFETY FOR NATIVE WOMEN  
Volume 11, Issue 1, March 2014



**Cover:** *A Moment of Thanks on the Chena River, Fairbanks, Alaska, October 21, 2013.*

Committee members of the Alaska Native Women's Resource Center Project take a break from their meetings. As longtime sisters in the movement for the safety of Alaska Native women, they held hands on the banks of the Chena River for a moment of thanks. See more on page 36.

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“The National Indigenous Women’s Resource Center joins in celebrating the one-year anniversary of the reauthorization of the VAWA 2013. The tribal amendment restoring criminal jurisdiction to Indian tribes over non-Indians committing domestic violence, dating violence, or violation of a protection order is a historic victory in the struggle to strengthen the sovereignty of Indian nations to protect Native women. NIWRC is honored to work in partnership with the national movement to end violence against Native women.”

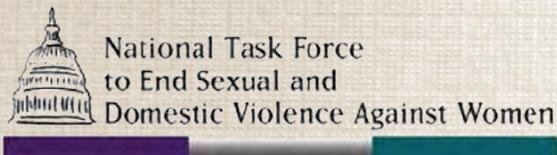
Lucy Simpson  
Executive Director



“Reforming the legal barriers preventing Indian tribes from protecting Native women is essential to the day-to-day safety of women. Once an injustice is understood it requires a legal framework for creating a pathway to justice. The *Restoration Magazine* hopes to spotlight the laws, policies, emerging issues, and trends that must be understood to create change, safety, and justice in the lives of Native women. VAWA has proven to be the heart of legal reform to end violence against women. Congratulations to all that have worked to create a safer more just world for women in the United States.”

Jacqueline “Jax” Agtuca  
*Restoration Magazine* Editor





Dear Friends,

One year ago, we gathered here in Washington, DC, to celebrate President Barack Obama's signing of the Violence Against Women Act. We were jubilant in our historic victory! Indian tribes and Native women celebrated with us from coast to coast.

Since the formation of the NCAI Task Force in 2003, we have worked tirelessly to achieve the lifesaving tribal amendments and restore criminal jurisdiction over non-Indians. We were shocked and angered at the opposition to reauthorizing VAWA and watched as life-threatening dangers confronting Native women were unveiled nationally. Under the spotlight, Congress engaged in a heated debate over how to increase the safety of Native women. This debate played itself out in the media, in the halls of Congress, and on the floor of the Senate and the House of Representatives—before the people of the United States and the world. On the pages that follow is an update on the implementation of VAWA 2013. As progress moves forward, we must remember the difficulties of the struggle to reform the laws that serve as barriers to the safety of Native women.

Just as the debate polarized members of Congress in deciding the path forward, it has also raised this injustice against Native women as a moral challenge to this nation. As Indian tribes and Native peoples, we must recognize that more remains to be done. Perhaps most importantly on a national level, we must focus attention on our Alaska Native sisters and villages.

We must again ask Congress how it can allow this epidemic of violence to continue when the very foundation of the United States government is the consent of the governed. Alaska Native women never consented to the ongoing brutality cast upon their lives. We call upon Congress to end this violence by giving Alaska Native villages the local control necessary to protect their own citizens from harm.

VAWA must provide safety and protections for Alaska Native women!

Co-Chairs, NCAI Task Force on Violence Against Women



Juana Majel  
Traditional Legislative  
Counsel, Pauma Band of  
Luiseno Mission Indians



Terri Henry  
Chairwoman Tribal  
Council, Eastern Band  
of Cherokee Indians

# A TIME TO CELEBRATE VAWA 1994–2014 SAFETY FOR NATIVE WOMEN TITLE 2005–2013 TRIBAL CRIMINAL JURISDICTION ONE-YEAR ANNIVERSARY

“Human progress is neither automatic nor inevitable . . . Every step toward the goal of justice requires sacrifice, suffering, and struggle; the tireless exertions and passionate concern of dedicated individuals.” — Martin Luther King Jr.

The grassroots movement for the safety of Native women was born in resistance to violence that was unacceptable to the beliefs, cultures, and traditions of Indian nations. With the maturation of this movement over the last 40 years, we can look forward to a safer world for Native women and Indian nations: a world in which violence against Native women is unacceptable and results in serious consequences for perpetrators. The progress in the past year—and 20 years since the inception of the Violence Against Women Act of 1994—is a step toward a safer world.

## **VAWA 2013 Victory**

March 7, 2014, marks the one-year anniversary of the historic passage of the Violence Against Women Act of 2013 and its tribal jurisdiction provisions. As we reflect on the past year, it is clear that the same factors that contributed to the passage of the Act are making successful implementation possible. “There were at least five things that came together [to pass VAWA 2013]: an enormous grassroots effort from tribal leaders and advocates; the coalition of the National Task Force to End Sexual and Domestic Violence Against Women; courageous survivors who were willing to tell their stories; steadfast leadership from the Department of Justice; and incredible support from so many members of Congress—both Republicans and Democrats,” said Terri Henry, Tribal Council Chair at Eastern Band Cherokee and Co-Chair of the NCAI Task Force on Violence Against Women, speaking of the large collective effort that led to the passage of VAWA.

Indian nations witnessed the commitment of the U.S. Department of Justice to VAWA 2013 and its tribal provisions as the DOJ engaged in expedited but extensive consultation with tribal governments on implementation and the proposed procedures for the VAWA Tribal Pilot Project.

Attorney General Eric Holder addressing Tribal Leaders at the 2013 White House Tribal Nations Conference stated: “Last year, I was proud to join President Obama at a ceremony where he signed the newly reauthorized Violence Against Women Act into law. Thanks to the

hard work—and fierce advocacy—of many of the people in this room, this reauthorization included tribal jurisdiction provisions to help tribal authorities combat violence against Native women—whether the perpetrators are Indian or non-Indian. Those provisions were drafted and publicly proposed by the Justice Department, but they never could have become law without your staunch and strenuous support. For that, I applaud you. As the President noted, VAWA 2013 represented a historic step forward for tribal sovereignty and jurisdiction. And all of us will keep moving forward together.”

## **Immediate Implementation of VAWA 2013 Criminal Jurisdictional Amendments**

Over the past year, 39 tribes have worked in collaboration as part of the Intertribal Technical Assistance Working Group on SDVCJ to implement VAWA 2013. While the DOJ formally convened the group in late July 2013, NCAI hosted a pre-meeting at its Mid-Year Conference in Reno, Nevada, on June 24, 2013, to gather interested tribal leaders, attorneys, advocates, law enforcement, and court personnel. The momentum from the historic signing of the VAWA 2013 bill by President Obama had not waned. The focus turned to practical discussions on implementation of the tribal provisions—and how to make VAWA 2013 actually work to protect Native women in tribal communities.

Less than a year after VAWA 2013 was signed into law, three tribes have been approved to exercise special

domestic violence criminal jurisdiction (SDVCJ) on an accelerated basis (i.e., before March 7, 2015) beginning February 20, 2014. The three tribes are: the Confederated Tribes of the Umatilla Indian Reservation (Oregon), the Pascua Yaqui Tribe (Arizona), and the Tulalip Tribes (Washington).

### **The Journey Forward**

In the year following the President's signing of VAWA 2013 into law, tribal advocates have not wavered in their commitment to victims. At the heart of the tribal grassroots movement, tribal leaders and advocates know all too well that we cannot let the momentum from the historic victory of VAWA 2013 fade.

But we know that we still have work to do to protect our Alaska Native sisters; to protect our Native women from sexual assaults; to begin to address trafficking of Native women and girls; to strengthen victim services particularly in the face of man-made environmental disasters; and more. We must acknowledge the need to extend VAWA reforms to Alaska Native villages, restore criminal jurisdiction in cases of sexual assault, raise the awareness and protections for victims of sex trafficking, and create mandatory protocols for protection of Native women due to industrial changes to the environment that increase the already epidemic levels of violence as evidenced in the Bakken oil field region.

As we look to the future, we acknowledge the meaning of the statement by Senator Patrick Leahy addressing the U.S. Senate on November 13, 2013: "As we celebrate Native American contributions to our country, we must also examine the unique struggles faced by these communities and work together to find solutions. I am proud of the significant steps we took earlier this year to confront the long-ignored epidemic of violence against

Native women through reauthorization of the Violence Against Women Act, a bill I authored with Senator Crapo. Nearly three out of five Indian women have been assaulted by their spouses or intimate partners. On some reservations, Native American women are murdered at a rate more than twice times the national average. Those statistics are chilling. Native women are being brutalized and killed at rates that simply shock the conscience."

And while a year has now passed since VAWA 2013's victory, our Alaska Native sisters still need our support. Because of the unique jurisdictional situation in Alaska—and VAWA 2013's Section 910 Special Rule for Alaska, Alaska Native women are deprived of important VAWA protections. This sad reality stands in stark contrast to the overwhelming need of Alaska Native women for safety. Alaska Native women suffer the highest rate of forcible sexual assault in the United States. An Alaska Native woman is sexually assaulted every 18 hours, and according to the Alaska Native Tribal Health Consortium, 1 in 2 Alaska Native women experience physical or sexual violence in their lifetime.

### **Celebrating VAWA 2013 One-Year Anniversary**

In the overall movement on violence against Native women, the days and years may both—in reality—feel long. While continuing to work on the implementation of VAWA 2013, we must remain focused on our ultimate goal of eradicating violence against women and ask ourselves: Where we as a national movement want to be on the second anniversary on March 7, 2015, when the tribal provisions take full effect? What will tribal nations want to look back and see in another five years? We are stronger together and indomitable when united. And we unite for the safety of *all* Native women.

## **STATEMENT OF SENATOR PATRICK LEAHY (D-Vt.) CHAIRMAN, SENATE JUDICIARY COMMITTEE, ON THE ONE-YEAR ANNIVERSARY OF SENATE PASSAGE OF THE VIOLENCE AGAINST WOMEN REAUTHORIZATION ACT OF 2013**

One year ago today, the Senate came together in the best tradition of the chamber to pass the Leahy-Crapo Violence Against Women Reauthorization Act, including the Trafficking Victims Protection Reauthorization Act, with a strong bipartisan vote. It marked the culmination of years of collaboration with survivors and the victim services professionals who work with them every day. It also marked an historic step to protect all victims, regardless of their immigration status, their sexual orientation or their membership in an Indian tribe. As I have said countless times on the floor of this chamber, "a victim is a victim is a victim," and the bill the Senate passed one year ago

today was a reflection of that truth.

In passing this historic VAWA reauthorization, the Senate showed that we still can act in a bipartisan way and put crime victims above politics. Senators Crapo and Murkowski were steadfast partners in that effort and listened to the call from thousands of survivors of violence and law enforcement by supporting a fully-inclusive, lifesaving bill.

In the year since its passage, the important changes we made to the Violence Against Women Act have made lives better. The new nondiscrimination provisions included in the law are ensuring that all victims, regardless of their sexual orientation or gender identity, have access to lifesaving programs and cannot be turned away. I was discouraged by the opposition of some to these inclusive provisions last year, especially when the research so clearly underscored the need to update the law to protect the most vulnerable populations. I am proud, however, that after all was said and done, we stayed true to our core value of equal protection and these provisions were enacted.

We also made vital improvements to the law to address the epidemic of violence against Native women. Three out of five Native women have been assaulted by their spouses or intimate partners. On some reservations, Native American women are murdered at a rate more than 10 times the national average. Think about those statistics for a minute. They are chilling. Native women are being brutalized and killed at rates that shock the conscience. We simply could not continue to ignore this ongoing and devastating violence, and I am proud that as a country we said enough.

A key provision in the Leahy-Crapo bill, now law, recognizes tribes' special domestic violence criminal jurisdiction to prosecute non-Indian offenders who commit acts of domestic violence against an Indian on tribal land. This provision also faced strong opposition by some but we held firm in the belief that a tribal government should be able to hold accountable those who commit these heinous crimes against its people on its land. I was so proud when voices from around the country—Indian and non-Indian—joined our



Left: In his role as *President pro tempore* of the Senate, Senator Leahy signed the Violence Against Women Act reauthorization in his office in the Capitol building. Right: The Violence Against Women Act reauthorization with Senator Leahy's signature on the bill as *President pro tempore*.

message that this was a VAWA to protect all victims and refused to give in. With their unified support, we beat back efforts to strip out this critical provision. That is why I was particularly pleased to see the launch of the new pilot project last week in which three tribes—the Umatilla, the Pascua Yaqui, and the Tulalip—will begin to exercise this authority we fought so hard to protect. I ask unanimous consent that a recent *Washington Post* article highlighting this project be included in the Record.

Other key provisions of the new law include funding to help law enforcement and victim service providers reduce domestic violence homicides, including in my home state of Vermont. It is leading to more investigation and prosecution of rape and sexual assault crimes and a greater focus on these issues on college campuses. It is also helping eliminate backlogs of untested rape kits to help those victims receive justice and security promptly.

Unfortunately, one provision that was not included in the final VAWA bill was a modest increase in the number of U visas available to immigrant victims of domestic violence and other crimes. These visas are an important law enforcement tool that encourages immigrant victims to report crime, making us all safer. I reluctantly agreed to remove this provision and instead ensured its inclusion in the comprehensive immigration reform bill the Senate passed last year. As the House considers ways to move on that important issue, I urge them to include an increase in U visas so that all victims of domestic violence will be protected.

The Violence Against Women Act is an example of how the federal government, in cooperation with state and local communities, can help solve problems. By providing new tools and resources to communities all around the country, we have helped bring the crimes of

rape and domestic violence out of the shadows. There is much we can learn from that effort as we consider legislation that should similarly rise above politics.

After the Senate passed the bill last year, I mentioned a tragic incident that had just occurred. A man shot and killed two women waiting to pass through metal detectors at a courthouse, where he was stalking another victim. Two male police officers also were struck by bullets but were saved by their bullet-proof vests. At that time, I urged this body to reauthorize the Bulletproof Vest Partnership Grant Program so that more of our law enforcement officials can be protected. Sadly, a year later, that effort remains incomplete.

Before I came to the Senate, I spent years in local law enforcement and have great respect for the men and women who protect us every day. When I hear Senators

say that we should not provide federal assistance, we should not help officers get the protection they need with bulletproof vests, or that we should not help the families of fallen public safety officers, I strongly disagree.

In our federal system, we can help and when we can, we should help. That is what programs like the Violence Against Women Act are all about. Despite our different political perspectives, most of us came to the Senate with the goal of helping people. We must be able to find common ground to do that. I hope that this body can again come together to protect the American people and support law enforcement like we did one year ago today, when we passed the Leahy-Crapo Violence Against Women Reauthorization Act and the Trafficking Victims Protection Reauthorization Act.

## VAWA 2013 FEDERAL CODE AMENDMENTS: PROPOSED AMENDMENTS TO THE SENTENCING GUIDELINES

The United States Sentencing Commission recently released the Proposed Amendments to the Sentencing Guidelines in response to the reauthorization of VAWA 2013, which, among other things, provided new and expanded criminal offenses and increased penalties for certain crimes involving domestic violence, sexual abuse, assault, stalking, harassment, and human trafficking. Several proposed amendments may impact offenses committed in Indian country, specifically 18 U.S.C. §1152 (General Crimes Act) and 18 U.S.C. §1153 (Major Crimes Act).

The Commission is further interested in reactions to the issues the Commissioners are considering—particularly how to punish strangulation and suffocation and other significant expansions to the assault statute; issues surrounding domestic and sexual violence in Indian country, including the nature of the problem, what the role of the federal government has been in responding, how it might change after VAWA, and how it should change; and finally, whether tribal court convictions should count toward criminal history in the sentencing guidelines.

### **Public Hearing: Written Testimony Due March 18, 2014**

The United States Sentencing Commission held a public hearing on February 13, 2014, in the west side

of the Meham Conference Center in the Thurgood Marshall Federal Judiciary Building, One Columbus Circle, NE, Washington, DC. The purpose of the public hearing was for the Commission to gather testimony from invited witnesses concerning issues related to the reauthorization of the Violence Against Women Act. Post-hearing public comments are due to the Sentencing Commission by March 18, 2014. More information about the Federal Register can be found at <http://goo.gl/ijxjNs>.

### **Overview of the Sentencing Commission**

The United States Sentencing Commission is an independent agency in the judicial branch of government. The Commission is charged with the ongoing responsibilities of evaluating the effects of the sentencing guidelines on the criminal justice system, recommending to Congress appropriate modifications of substantive criminal law and sentencing procedures, and establishing a research and development program on sentencing issues. Its purposes are:

- (1) to establish sentencing policies and practices for the federal courts, including guidelines to be consulted regarding the appropriate form and severity of punishment for offenders convicted of federal crimes;
- (2) to advise and assist Congress and the executive

branch in the development of effective and efficient crime policy; and  
(3) to collect, analyze, research, and distribute a broad array of information on federal crime and sentencing issues, serving as an information resource for

Congress, the executive branch, the courts, criminal justice practitioners, the academic community, and the public.

## VAWA UPDATE: FIRST CONVICTIONS UNDER VAWA 2013 AMENDMENTS TO FEDERAL CODES

The first federal convictions under the VAWA 2013 amendments to the federal domestic violence and other statutes are underway. Recently, in New Mexico federal district court, Edwin Cheromiah, a member of Laguna Pueblo, was sentenced to 72 months in prison following guilty pleas to the crimes of assault with a dangerous weapon and assault by strangling and suffocating his intimate partner. This is one of the first convictions in the country for this crime under the Violence Against Women Reauthorization Act of 2013 (VAWA 2013), which made it a federal felony to assault a spouse,

intimate partner, or dating partner by strangling, suffocating, or attempting to do either. Recognizing the increased risk of death for strangulation and suffocation victims, the Department of Justice requested the addition of a strangulation and suffocation statute in July 2011 as part of its efforts to ensure federal prosecutors have the tools needed to protect victims of intimate partner violence, particularly when these crimes are committed in Indian country.

## VAWA 2013 TRIBAL CONSULTATION: NOVEMBER 14, 2013

On the morning of November 13, 2013, more than one hundred tribal leaders and representatives made their way through security at the Office of Justice Programs building in Washington, DC, to attend the 2013 annual consultation. The 2013 VAWA consultation, while

rescheduled due to the government shutdown, was well attended and resulted in once again identifying the essential issues that the federal departments must address to continue to increase the safety of Indian women.



*Lower Elwha Klallam Tribal Chairwoman Frances Charles presented concerns and recommendations to increase the safety of tribal women and was assisted by the Tribe's Domestic Violence Advocate Beatriz Arakawa.*



Clockwise, from left: Jonathan Windy Boy, Montana Senator, spoke regarding state responsibilities to the safety of Native women; Mike Williams, Secretary/Treasurer of the Akiak Native Community, recommended repeal of Section 910 Special Rule on Alaska to strengthen the ability of Alaska Native villages to protect women; Consultation attendees with Lorraine Edmo, OVW, Deputy Director for Tribal Affairs; Deborah Parker, Vice Chairwoman of the Tulalip Indian Tribes, stressed the importance of strengthening the criminal jurisdiction of Indian tribes over non-Indians; Mary Anne Mills (center), Chairwoman, Kenaitze Indian Tribe, recommended amendments to VAWA 2013 to strengthen support for Alaska Native villages; and Nikki Finkbonner, Coordinator of Lummi Nation's Victims of Crime Office, along with other tribal attendees observe the consultation proceedings.

Of the many concerns and recommendations discussed during the 2013 annual consultation, tribal leaders focused on the following in their remarks:

- thoughts on the Tribal Government Grant Program shifting from a competitive to a formula grant program;
- access to the National Criminal Information Center to enter and access information regarding domestic violence, sexual assault, and orders of protection;
- implementation of the VAWA 2005 mandate to establish a tribal sex offender registry and order of protection registry;
- inadequate response by the BIA law enforcement to missing persons reports of Native women, particularly the case of Hanna Harris on the Northern Cheyenne reservation;
- the epidemic levels of violence committed against Alaska Native women and the failed response of the State of Alaska;
- appreciation for the role of the USDOJ in the formation of the Intertribal Technical Assistance Working Group to share the collective expertise of Indian tribes in the implementation of the Special Domestic Violence Criminal Jurisdiction

amendments under VAWA 2013; and

- the importance of the amendments to the annual VAWA consultation mandate, particularly the 120 days' notice to Indian tribes of the date, time, and location of the annual consultation.

### **History of the Annual VAWA Consultation: A Safeguard to Successful VAWA Implementation**

The VAWA annual consultation was established under the VAWA 2005 as a mandate to safeguard in the successful implementation of the Safety for Native Women Title. In the drafting of the 2005 Tribal Title, consultation was viewed as an essential safeguard to achieving the statutory purpose of the Title to strengthen the ability of tribal governments to increase the safety of Native women. The VAWA consultation statute mandates 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

### 3. Strengthening the federal response to such violent crimes

It is well recognized that without the statutory mandate the federal departments and Indian tribes would not have engaged over the last eight years to identify the barriers and recommendations to increasing the safety of Native women. VAWA 2013 built upon the annual consultation mandate and further required that the Secretary of Interior also participate in

the annual consultation. As Juana Majel, Co-Chair of the NCAI Task Force, stated, "It is not a process of blame but one where we identify and address the real, often institutionalized, barriers to the safety of Native women. The solutions to these barriers most often rest on restoring and strengthening the sovereignty of Indian tribes." 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.

## **VAWA 2013 Amendments to the Annual VAWA Consultation Mandate:**

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

*Below: Nearly 200 Northern Cheyenne tribal members march for Hanna Harris, age 21, who was found dead outside Lame Deer in July, 2013.*



## VAWA 2013 UPDATE: PILOT PROJECT, SPECIAL DOMESTIC VIOLENCE CRIMINAL JURISDICTION OVER NON-INDIANS

Tribal jurisdiction over non-Indian perpetrators of domestic violence and dating violence—known as Special Domestic Violence Criminal Jurisdiction (SDVCJ) under VAWA 2013—becomes generally available in on March 7, 2015, but tribes can start earlier if approved through the Pilot Project. The Pilot Project is for tribes who wish to exercise SDVCJ.

### Intertribal Technical Assistance Workgroup

In its June 14th notice, DOJ announced formation of a collaborative workgroup of tribes participating in the Pilot Project, known as the Intertribal Technical Assistance Working Group on SDVCJ (ITWG). The ITWG comprises tribal officials, justice experts, and DOJ personnel working together to develop best practices on combating domestic violence and criminal procedures necessary to successfully implement SDVCJ.

### Pilot Project Implementation

The Pilot Project will have two phases. Phase One is a planning and assessment phase, which began in the spring of 2013 and is ongoing. 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 to exercise SDVCJ must complete and submit an Application Questionnaire promulgated by DOJ and attach relevant excerpts of the tribe's laws, rules, and policies. To obtain approval to implement SDVCJ on an accelerated basis, a tribe may submit an Application Questionnaire any time before March 7, 2015. This Application Questionnaire is the mechanism by which tribes will formally request to



be designated as a participating tribe and seek approval from the Attorney General to implement SDVCJ on an accelerated basis.

Six (6) tribes have submitted Application Questionnaires for approval; and three (3) tribes have been approved to exercise SDVCJ cases beginning February 20, 2014.

The Pilot Project ends after two years—on March 7, 2015—when all eligible tribes will be able to implement SDVCJ without DOJ approval.

The Department of Justice (DOJ) posted its Notice of Proposed Procedures for the VAWA 2013 Tribal Pilot Project (<http://goo.gl/6wFqeW>) on June 14, 2013. The DOJ published the Final Notice of the Pilot Project for Tribal Jurisdiction Over Crimes of Domestic Violence (<http://goo.gl/SsdZUc>) on November 29, 2013. Attached to the Notice was the Application Questionnaire.

## VAWA 2013 UPDATE: INTERTRIBAL TECHNICAL ASSISTANCE WORKING GROUP ON SPECIAL DOMESTIC VIOLENCE CRIMINAL JURISDICTION (ITWG)

NCAI hosted a Pre-Meeting deemed the 1st Intertribal Working Group Meeting for the VAWA 2013 Implementation Pilot Project at its Mid-Year Conference in Reno, Nevada, on June 24, 2013—and tribal leaders, judges, victim advocates, court personnel, prosecutors, and defenders walked away with an understanding of

the goals behind the VAWA Tribal Pilot Project and the ITWG.

During Phase One, approximately twenty-seven (27) tribes submitted preliminary expressions of interest to participate in the Pilot Project and the ITWG. That

number has grown, and currently, thirty-nine (39) tribes have representatives participating in the ITWG.

## Phase One: Planning and Assessment

### First In-Person Meeting

The first formal in-person meeting of the ITWG was hosted at the National Advocacy Center in Columbia, South Carolina on August 20–21, 2013. The DOJ was able to provide travel and lodging for two participants per ITWG tribe. A handful of tribes decided to send more than two participants at their own expense. NCAI, Tribal Law and Policy Institute (TLPI), and the National Council on Juvenile and Family Court Judges (NCJFCJ) provided training/technical assistance (T/TA). The ITWG tribes range from a handful that are ready to implement SDVCJ on an accelerated basis to others who are in the more early stages of code development. ITWG participants have proven themselves to be a focused and motivated group in identifying potential challenges and issues with the implementation of SDVCJ.

The ITWG divided into topical breakouts on: code development and publication; jury selection, judicial requirements, and recording proceedings; and victims' rights, law enforcement training, and detention. Defender issues and defendants' rights were focused into a "Tribal Defender Advisory Group." The ITWG also divided into tracks based on readiness: getting started, ramping up, and final stages. The discussions by track were highly beneficial. Tribal participants from justice systems that are already equipped to implement SDVCJ readily shared information with others who were in more preliminary stages of planning.

### Webinar Series

Since its initial meetings, the ITWG has continued its work by participating in webinars facilitated by several

T/TA organizations assisting with implementation (NCAI, TLPI, NCJFCJ). The topical series has focused on defendants' rights issues (including indigent counsel); fair cross section requirement and jury pool selection; and victims' rights. A webinar was also held to review the Application Questionnaire.

### Second In-Person Meeting

The second formal in-person meeting of the ITWG was held on October 29–30, 2013, in Bismarck, North Dakota. The Bismarck meeting included a round-robin from ITWG tribes of their implementation updates; a habeas corpus response panel; improving communication and coordination with U.S. Attorneys; arrest authority and detention issues; and NCIC access discussion.

## Phase Two: Implementation

The DOJ published the Final Notice of the Pilot Project for Tribal Jurisdiction over Crimes of Domestic Violence on November 29, 2013. Attached to the Notice was the Application Questionnaire (<http://goo.gl/J2X0pF>). This Application Questionnaire is the mechanism by which tribes will formally request to be designated as a participating tribe and seek approval from the Attorney General to implement SDVCJ on an accelerated basis. The Pilot Project ends after two years—on March 7, 2015—when all eligible tribes will be able to implement SDVCJ without DOJ approval. Tribal governments will still need to update tribal codes and court procedures to protect the rights of defendants and victims—and tribes will be able to look to these SDVCJ pilot tribes for best practices and advice on implementation strategies.

Thirty days after the Final Notice, the DOJ began reviewing the first batch of Application Questionnaires. Six tribes submitted Application Questionnaires for approval from the Attorney General to implement



On October 29, 2013, Scott Davis, Executive Director of the North Dakota Indian Affairs Commission, welcomes the ITWG to the second in-person meeting in Bismarck, ND.

SDVCJ on an accelerated basis: Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation (Montana); Confederated Tribes of the Umatilla Indian Reservation (Oregon); Pascua Yaqui Tribe (Arizona); Penobscot Indian Nation (Maine); Tulalip Tribes (Washington); and Ute Indian Tribe of the Uintah and Ouray Reservation (Utah).

On February 6, 2014, the DOJ announced its first round of approvals of tribes who applied to implement SDVCJ under the Pilot Project. The three tribes are (in alphabetical order): the Confederated Tribes of the Umatilla Indian Reservation (Oregon); the Pascua Yaqui Tribe (Arizona); and the Tulalip Tribes (Washington). Under the VAWA Pilot Project, these three tribes will be able to exercise criminal jurisdiction over certain crimes of domestic violence and dating violence, regardless of the defendant’s Indian or non-Indian status, beginning February 20, 2014. The approved pilot tribes must notify their communities—including, sending press releases to print and electronic media in their respective communities—that the tribes will soon commence prosecuting SDVCJ cases.

## The Lasting Legacy of the ITWG

The beginning of Phase Two of the Pilot Project may seem like it could be the end of the ITWG, but that is not likely to happen. Not every tribe is ready to implement SDVCJ on an accelerated basis—and some do not necessarily want to participate in the Pilot Project. The lasting legacy of the ITWG will be to continue information sharing and developing best practices. The ITWG participants are a focused and motivated group with one ultimate goal in sight: the safety of Native women.

The efforts of so many tribal leaders, Native women’s advocates and the NCAI Task Force on Violence Against Women, along with the support of partners like the National Task Force to End Sexual and Domestic Violence Against Women, helped to achieve the historic victory behind VAWA 2013. Together, we will continue the fight to protect Native women.

### INTERTRIBAL TECHNICAL ASSISTANCE WORKING GROUP ON SPECIAL DOMESTIC VIOLENCE CRIMINAL JURISDICTION (ITWG)

- |  |  |
|--|--|
| 1. Cherokee Nation   | 21. Pokagon Band of Potawatomi Indians                       |
| 2. Chickasaw Nation  | 22. Prairie Band Potawatomi Nation                           |
| 3. Colorado River Indian Tribes of the Colorado River Indian Reservation | 23. Pueblo of Isleta   |
| 4. Confederated Tribes of the Umatilla Indian Reservation                | 24. Pueblo of Laguna   |
| 5. Eastern Band of Cherokee Indians                                      | 25. Pueblo of Santa Clara                                    |
| 6. Eastern Shawnee Tribe of Oklahoma                                     | 26. Quapaw Tribe   |
| 7. Gila River Indian Community of the Gila River Indian Reservation      | 27. Quinault Indian Nation                                   |
| 8. Fort Peck Assiniboine & Sioux Tribes                                  | 28. Sac and Fox Nation                                       |
| 9. Hopi Tribe of Arizona   | 29. Salt River Pima-Maricopa Indian Community                |
| 10. Kickapoo Tribe of Oklahoma   | 30. Sault Ste. Marie Tribe of Chippewa Indians               |
| 11. Menominee Tribe of Wisconsin   | 31. Seminole Nation of Oklahoma                              |
| 12. Mississippi Band of Choctaw Indians                                  | 32. Sisseton-Wahpeton Oyate of the Lake Traverse Reservation |
| 13. Muscogee (Creek) Nation  | 33. Spokane Tribe  |
| 14. Nez Perce Tribe  | 34. Standing Rock Sioux Tribe of North and South Dakota      |
| 15. Nottawaseppi Huron Band of the Potawatomi                            | 35. Suquamish Indian Tribe of the Port Madison Reservation   |
| 16. Oneida Tribe of Indians of Wisconsin                                 | 36. Three Affiliated Tribes of the Fort Berthold Reservation |
| 17. Pascua Yaqui Tribe of Arizona  | 37. Tulalip Tribes of Washington                             |
| 18. Passamaquoddy Tribe  | 38. White Earth Nation                                       |
| 19. Pauma Band of Mission Indians  | 39. Winnebago Tribe of Nebraska                              |
| 20. Penobscot Indian Nation  |  |

# PILOT PROJECT ALLOWS TULALIP TRIBAL PROSECUTION OF NON-INDIAN ABUSERS FOR THE FIRST TIME IN MORE THAN THREE DECADES

The Tulalip Tribes will be one of three American Indian tribes in the nation to exercise special criminal jurisdiction over certain crimes of domestic and dating violence, regardless of the defendant's Indian or non-Indian status, under a pilot project authorized by the VAWA 2013.

"The Tulalip Tribes is honored to be among those chosen for the Special Domestic Violence Criminal Jurisdiction pilot program. Getting justice for our tribal members, where it concerns domestic and intimate partner violence, has been a long time coming," said Tulalip Chairman Mel Sheldon. "Together, with our fellow Tribal nations, we celebrate the fact that the reauthorized VAWA of 2013 has recognized our inherent legal jurisdiction to bring all perpetrators of domestic violence against our members, on our lands, to justice. We lift our hands to all those who fought for the reauthorization of the Violence Against Women Act, including our own Tulalip Tribes councilwoman, Deborah Parker."

"The Tulalip Tribes has shown great leadership with a robust and comprehensive justice system," said U.S. Attorney Jenny A. Durkan. "This special criminal jurisdiction will translate into better protection for

members of the tribal community and their families, and ensure that all offenders are appropriately prosecuted and sanctioned in tribal court. I am grateful for the strong leadership exercised by the Tulalips, particularly Chairman Mel Sheldon, Councilmember Deborah Parker and Judge Theresa Pouley."

Deborah Parker, Vice Chairwoman of the Tulalip Tribes, worked alongside Senator Patty Murray, and many others, to advocate for the new tribal provisions included in VAWA 2013. "Its amazing to be at this time and place and to witness such a critical change in law. Justice will now be served because we have the necessary legal tools to prosecute those who perpetrate against our tribal members on our reservation, regardless of race, religion, or affiliation," she said.

"This is just the latest step forward in this administration's historic efforts to address the public safety crisis in Indian country. Every day, we're working hard to strengthen partnerships with tribal leaders and confront shared challenges—particularly when it comes to protecting Indian women and girls from the shocking and unacceptably high rates of violence they too often face," said Attorney General Eric Holder.

## About the Tulalip Tribes



The Tulalip Tribes are the successors in interest to the Snohomish, Snoqualmie, Skykomish, and other tribes and bands signatory to the 1855 Treaty of Point Elliott. The 22,000-acre Tulalip Indian Reservation is located north of Seattle in Snohomish County, Washington. Tribal government provides membership with health and dental clinics, family and senior housing, human services, utilities, police and courts, childcare, and higher education assistance.



The Tribes maintain extensive environmental preservation and restoration programs to protect the Snohomish region's rich natural resources, which includes marine waters, tidelands, fresh water rivers and lakes, wetlands, and forests both on and off the reservation. Developable land and an economic development zone along the I-5 corridor provide revenue for tribal services. This economic development is managed through Quil Ceda Village, the first tribally chartered city in the United States, providing significant contributions and benefits tribal members and the surrounding communities. The Tribes have approximately 4,400 members. For more information, visit [tulaliptribes-nsn.gov](http://tulaliptribes-nsn.gov).

# PASCUA YAQUI TRIBE ASSERTS AUTHORITY TO PROSECUTE ALL PERSONS, INCLUDING NON-INDIANS, FOR DOMESTIC VIOLENCE

## TRIBE AMONG FIRST TO IMPLEMENT VIOLENCE AGAINST WOMEN ACT JURISDICTIONAL PROVISIONS

On February 6, 2014, the Pascua Yaqui Tribe announced implementation of a new tribal government law that enables tribal police and justice officials to investigate and prosecute certain domestic violence crimes committed by non-Indians in Indian country. Non-Indians who live or work on the reservation or have a marriage or dating relationship with a Native person may now be subject to tribal jurisdiction for domestic and dating violence crimes and criminal violations of certain protection orders. Individuals who commit these crimes in Indian country can be arrested by tribal police, prosecuted in tribal court, and sentenced to prison. Individuals prosecuted under the new tribal law will have a right to an attorney. If the defendant cannot afford an attorney, one will be provided by the tribe.

This is part of the tribal council's larger effort to take a stand against violence in the community—and domestic

violence, in particular—because of the enormous toll it has taken on Native families and youth.

“Making the Pascua Yaqui Reservation safe and secure has been very important to the Pascua Yaqui Tribal Council. The Tribal Council has made stopping violence against Native American women a top priority issue. Our judicial system, like all other judicial systems, will now have the opportunity to address offenders for wrongs committed against our most vulnerable community members,” says Peter Yucupicio, Tribal Chairman. “We no longer have to simply stand by and watch our Native women be victimized with no recourse. I’m here to put the community on notice, perpetrators will be held accountable in the tribe’s own justice system,” adds Raymond Buelna, Council member and Chairman of the tribe’s Public Safety Committee.

### About the Pascua Yaqui Tribe



The Pascua Yaqui Tribe is a federally recognized tribe with a reservation southwest of Tucson, Arizona. Historically, the Yoeme (Yaqui people) have always had some form of law enforcement and dispute resolution, most notably through our ceremonial and cultural societies. The first responsibility of any government, tribal or otherwise, is the safety and protection of its people.



As early as the 1690s, the Tumacácori area became the earliest known settlement of Yaquis in what later became Arizona. In 1960, Yaquis in Old Pascua (near Grant and I-10 in Tucson) initiated a request for land primarily to protect our culture and seek a permanent home. In 1963, the Pascua Yaqui Association (PYA) was formed and elected a Board of Directors led by Anselmo Valencia. In 1964, the U.S. Government deeded 202.76 acres to “Pascua Yaqui Association” (Lyndon B. Johnson). In 1967 the first families moved into “New Pascua” southwest of Tucson. In 1975, the Pascua Yaqui Association from Tucson sought federal recognition from Congress. On September 18, 1978, the Pascua Yaqui Tribe was officially recognized by Congress, 25 U.S.C. 1300f-2. “New Pascua” is the tribe’s current reservation.

In 1982, the Tribe adopted a Criminal Code, and in 1988 adopted our Constitution, all of which helps spell out current Yaqui Law. In addition to our Constitution, our elders, in their wisdom, created a Tribal Court system as the arbitrator of Yaqui justice and our forum for the resolution of disputes. Our official justice system has been operating, in one form or another, for approximately 30 years. Our law is organized into a Code that is maintained by the Attorney General’s Office and available publicly through the Tribe’s website at [pascuayaquinsn.gov](http://pascuayaquinsn.gov)

The federal law that authorizes these recent actions by the Pascua Yaqui Tribe is the Violence Against Women Reauthorization Act of 2013 (VAWA 2013). Signed into law on March 7, 2013, VAWA 2013 marked a victory for Native women, tribal leaders, women's rights advocates, and survivors of domestic abuse everywhere. For the first time since the U.S. Supreme Court stripped tribal governments of their criminal authority over non-Indians in *Oliphant v. Suquamish Indian Tribe* (1978), VAWA 2013 restored tribal inherent authority to investigate, prosecute, convict, and sentence non-Indians who assault their Indian spouses or dating partners in Indian country. This aims to fill a longstanding jurisdictional gap on tribal lands that has for far too long put Native women at risk and kept the hands of tribal law enforcement tied.

For most tribes, the option to exercise this authority—termed special domestic violence criminal jurisdiction (SDVCJ) under the law—will not be available until March 2015 (two years after enactment). However, the law also created a pilot project for tribes who request to start prosecuting non-Indian offenders sooner, provided the requesting tribe can adequately protect defendants' rights under federal law and has received the necessary approvals from the U.S. Department of Justice. The Pascua Yaqui Tribe is one of three pilot tribes that will begin exercising SDVCJ as of February 20, 2014. Crimes committed outside of Indian country, between two strangers, between two non-Indians, or by a person without sufficient ties to the Pascua Yaqui Tribe are not covered by this new authority.

This new law is necessary because violence against Native women has reached epidemic proportions,

and the old system of forcing tribes to rely exclusively on federal government officials to investigate and prosecute crimes of domestic violence committed by non-Indians against Native women is not working. Prior to VAWA 2013, the Indian woman who was beaten by her non-Indian husband on tribal land had nowhere to turn for protection: tribal law enforcement had no authority to intervene because the perpetrator is a non-Indian; the state had no authority to intervene because the victim was an Indian; and the federal government—the body with exclusive jurisdiction—did not have the resources to intervene in misdemeanor level domestic violence cases. VAWA 2013 is an attempt to remedy this broken system.

As President Obama said when he signed VAWA 2013 into law, "Tribal governments have an inherent right to protect their people, and all women deserve the right to live free from fear." The Pascua Yaqui Tribe agrees, and is doing its part to ensure that the safety of women and of everyone on the reservation. "Domestic violence is the most pressing criminal justice challenge facing the Pascua Yaqui Tribe. Domestic violence filings in tribal court account for a significant majority of all criminal filings," says Chief Prosecutor Alfred Urbina, "The previous lack of tribal criminal jurisdiction over non-Indian spouses and intimate partners left a significant gap in the Pascua Yaqui criminal justice system. While we still may have many problems and this is certainly only a first step, the fact that we have implemented VAWA 2013 is momentous. When we reflect on the historical words and actions of our elders, especially those who have passed on, we are blessed to have the opportunity to do as they did: protect our people."

### **Violence Against Native Women and Non-Indians**

- Compared with other demographic groups, American Indian women have one of the highest rates of domestic violence victimization in the United States. See Centers for Disease Control and Prevention (CDC), the National Intimate Partner and Sexual Violence Survey (NISVS): 2010 Preliminary Report at 3, 39 (Nov. 2011) (finding that 46% of Native American women have experienced rape, physical violence, and/or stalking by an intimate partner in their lifetime).
- A significant percentage of residents of Indian reservations are non-Indian. See U.S. Census Bureau, 2010 Census Briefs, the American Indian and Alaska Native Population: 2010, at pages 13–14, and Table 5 (Jan. 2012) (showing that 1.1 million American Indians and 3.5 million non-Indians reside in American Indian areas).
- Many married Indian women have non-Indian husbands. See U.S. Census Bureau, Census 2010, special tabulation, Census 2010 PHC-T-19, Hispanic Origin and Race of Coupled Households: 2010, Table 1, Hispanic Origin and Race of Wife and Husband in Married-Couple Households for the United States: 2010 (Apr. 25, 2012) (showing that more than 54% of Indian wives have non-Indian husbands).

# VAWA 2013 TRIBAL AMENDMENTS TO ADDRESS SEX TRAFFICKING

One of the many lifesaving changes created by 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. VAWA 2013 amended the purpose areas of both the Grants to Tribal Government Program and the Tribal Coalition Grant Program, effective FY 2014.

## What is the definition of sex trafficking under VAWA 2013?

VAWA 2013 intersects with numerous other federal code sections and, as a result, often amends another federal code or incorporates other federal codes under VAWA grant programs and definitions. VAWA 2013 defines sex trafficking by referencing the Traffic Victims Protection Act (TVPA). Given VAWA 2013 amended the purpose areas of the tribal government and tribal

to or received by any person. The specific conditions are the use of force, fraud, or coercion, or conduct involving persons under the age of 18. The punishment for conduct that either involves a victim who is under the age of 14 or involves force, fraud, or coercion is any term of years or life. The punishment for conduct that involves a victim between the ages of 14 and 18 is 40 years.

(a) Whoever knowingly—(1) in or affecting interstate or foreign commerce, or within the special maritime and territorial jurisdiction of the United States, recruits, entices, harbors, transports, provides, obtains, or maintains by any means a person; or (2) benefits, financially or by receiving anything of value, from participation in a venture which has engaged in an act described in violation of paragraph (1), knowing, or in reckless disregard of the fact, that means of force, threats of force, fraud, coercion described in subsection (e)(2),

“As a former prosecutor, I know the horror and violence women and children experience as victims of crimes like human trafficking. In Minnesota, we have already recognized that kids sold for sex are victims and not criminals. We need to take that model and expand it nationally so these victims receive the support they need and not be locked up in jail.”

—Senator Amy Klobuchar (D-MN), January 11, 2014, Sponsor Stop Exploitation Through Trafficking Act

coalition programs, understanding the TVPA has increased importance to tribal leaders and coalition membership.

VAWA 2013 Sex Trafficking Definition: (28) SEX TRAFFICKING.—The term ‘sex trafficking’ means any conduct proscribed by section 1591 of title 18, United States Code, whether or not the conduct occurs in interstate or foreign commerce or within the special maritime and territorial jurisdiction of the United States.

Section 1591 criminalizes sex trafficking, which is defined “as causing a person to engage in a commercial sex act under certain statutorily enumerated conditions.” A commercial sex act means any sex act, on account of which anything of value is given



Senators Heidi Heitkamp (ND) and Amy Klobuchar (MN) meeting with local law enforcement on National Human Trafficking Awareness Day, January 11, 2014, in Fargo, ND.

or any combination of such means will be used to cause the person to engage in a commercial sex act, or that the person has not attained the age of 18 years and will be caused to engage in a commercial sex act, shall be punished as provided in subsection (b).

### **VAWA 2013 Title XII Trafficking Victims Protection Act**

The Trafficking Victims Protection Act (TVPA), which was passed as an amendment to the VAWA 2013, enhanced support for state, territorial, tribal, and local

“Addressing sex trafficking of Native women and girls is essential to the safety and well-being of our tribal nations. The women we interviewed for the Garden of Truth report asked for culturally specific services—FOR Native women, BY Native women—and we are glad that we now have an opportunity to see that come to fruition.”

—Nicole Matthews, Executive Director  
Minnesota Indian Women’s Sexual Assault Coalition

efforts to address human trafficking investigations, prosecutions, and victim services, with a particular focus on the sex trafficking of minors. TVPA was enacted in 2000 and is the cornerstone of federal human trafficking legislation, and established several methods of prosecuting traffickers, preventing human trafficking, and protecting victims and survivors of trafficking. The act establishes human trafficking and related offenses as federal crimes, and attaches severe penalties to them. It also mandates restitution be paid to victims of human trafficking. Since first authorized in 2000 the TVPA has been reauthorized in 2003, 2005, 2008, and as an amendment to VAWA in 2013.

### **Increased Tribal Response to Sex Trafficking of Native Women**

The VAWA 2013 amendments expanding the purposes areas of two tribal grant programs under the Tribal Title to allow OVW grant funds to include sex trafficking provides essential resources to tribal grantees. “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,” said Juana Majel, Co-Chair, NCAI Task Force on Violence Against Women, during the VAWA 2013 Annual Consultation.

The National Indigenous Women’s Resource Center (NIWRC) is responding to the VAWA 2013 tribal amendments to include sex trafficking as a purpose area by offering technical assistance webinars, training during regional conferences, and most recently, a training institute on sex trafficking in Native communities. In addition, Lisa Brunner, NIWRC Program Specialist, presented before the Committee on Homeland Security and Governmental Affairs during its Combatting Human Trafficking: Federal, State, and Local Perspectives hearing. “NIWRC looks forward to partnering with Indian tribes, coalitions, and advocates in developing the resources to respond to the trafficking of Native women in the United States,” said Lucy Simpson, NIWRC Executive Director.

#### **Available Resources**

Minnesota Indian Women’s Resource Center’s 2009 report *Shattered Hearts: The Commercial Sexual Exploitation of American Indian Women and Girls in Minnesota*.

Available at <http://goo.gl/b4vych>

Minnesota Indian Women’s Sexual Assault Coalition’s 2011 report *Garden of Truth: The Prostitution and Trafficking of Native Women in Minnesota*

Available at <http://goo.gl/DA2chU>

State of Alaska Task Force on the Crimes of Human Trafficking, Promoting Prostitution, and Sex Trafficking: Final Report and Recommendations, February 15, 2013.

Available at <http://goo.gl/EFCGTX>

Federal Strategic Action Plan on Services for Victims of Human Trafficking in the United States 2013–2017. The federal action plan discusses combating human trafficking and modern-day forms of slavery through government action as well as partnerships with allied professionals and concerned citizens.

Available at <http://goo.gl/FI55C6>

# JUSTICE FOR SERVICE MEMBERS: MILITARY JUSTICE IMPROVEMENT ACT, SENATE BILL 1752

The Military Justice Improvement Act (MJIA) is a result of advocates and policymakers listening to the voices of survivors. We have heard over and over again the stories of what happens when survivors report and why many don't report. All Senators need to listen to these voices and support the reforms survivors say they need.

The MJIA proposes an independent, objective, and nonbiased military justice system worthy of the men and women in uniform. Experts state prosecuting sexual assault and domestic violence requires specialized training, and the MJIA would ensure that prosecutors have expertise in these crimes. It's not just advocates, though, who are saying significant change is needed in the military's approach to major crimes.

Military leaders have gone on record with their deep concerns about how the military has thus far responded to sexual assault. In an April 19, 2013, speech at Parris Island, General James Amos, Commandant of the Marine Corps said: "Why wouldn't female Marines come forward? Because they don't trust us. They don't trust the command. They don't trust the leadership." He then went on to lament a climate in which leaders have "become so soft" on holding wrongdoers accountable.

"Why wouldn't female Marines come forward? Because they don't trust us. They don't trust the command. They don't trust the leadership."

Senator Kirsten Gillibrand proposes to take prosecution of major crimes out of the chain of command through the MJIA. In the case of sexual assault, the MJIA would remove the decision to prosecute the assault from the chain of command.

Just as a bipartisan coalition of Senators came together to pass the Violence Against Women Act to protect survivors and communities, so too must the Senate come together to pass the MJIA and protect survivors and all men and women in the military.

## **Native Women Warriors and Sexual Assault in the Military**

There is a sexual assault epidemic occurring in the military that has only recently come to light. The statistics are problematic. Last 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 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.

**National Defense Authorization Act.** On December 26, 2013, President Obama signed into law the National Defense Authorization Act (NDAA) requiring sweeping changes to the Uniform Code of Military Justice. The Act contained broad changes to military law intended to curb and more strongly punish sexual assault. Two of the most significant changes under the NDAA are Articles 120 and 125.

On January 8, 2014, David Vergun, Army News Service, wrote the following based on an interview with Lt. Col. John L. Kiel Jr., the policy branch chief at the Army's Criminal Law Division in the Office of the Judge Advocate General:

The UCMJ's Articles 120 and 125 now have mandatory minimum punishments: dishonorable discharge for enlisted service members and dismissal for officers, Kiel said. Article 120 deals with rape and sexual assault upon adults or children and other sex crimes, and Article 125 deals with forcible sodomy. In addition, the accused now must appear before a

“Anyone who has been convicted of rape, sexual assault, incest, or forcible sodomy under state or federal law is barred from enlisting or being commissioned into military service.”

general court-martial with no opportunity to be tried at a summary or special court-martial, Kiel said. A summary court-martial is for relatively minor misconduct, and a special court-martial is for an intermediate-level offense. Furthermore, Congress highly encouraged the services not to dispose of sexual assault cases with adverse administrative action or an Article 15, which involves nonjudicial punishment usually reserved for minor disciplinary offenses, Kiel said. Rather, Kiel said, Congress desires those cases to be tried at a general court-martial and has mandated that all sexual assault and rape cases be tried only by general court-martial. Prior to the fiscal 2014 National Defense Authorization Act, there was a five-year statute of limitations on rape and sexual assault on adults and children under Article 120 cases. Now,



*Mitchelene BigMan, President and Founder, Crow Nation, US Army Color Guard, Native American Women Warriors (NAWW).*

there's no statute of limitations, he said.

Congress repealed the offense of consensual sodomy under Article 125 in keeping with previous Supreme Court precedent, Kiel said, and also barred anyone who has been convicted of rape, sexual assault, incest, or forcible sodomy under state or federal law from enlisting or being commissioned into military service.

**National Task Force to End Sexual and Domestic Violence Against Women.** While the sweeping changes made by the NDAA are welcomed, more change is needed. “The National Task Force (NTF) views the MJIA as the necessary next step that we must and can win,” said Terri Poore, Policy Consultant of the National Alliance to End Sexual Violence Policy. “We know that survivors are asking for this change, and we believe the groundswell of public opinion also supports

these changes.” The NTF in a letter to President Obama urging his support stated, “We have diligently analyzed a broad spectrum of policy proposals, and we are convinced that utilizing independent, specially trained prosecutors outside of the chain of command to pursue serious crimes, including sexual assault, is an essential component to reducing retaliation, increasing reporting, and responding to the expressed concerns and needs of victims.”

The NTF also supports Senator Claire McCaskill’s legislative proposals to further empower victims as well as many of the provisions within the FY 2014 National Defense Reauthorization Act that address sexual assault. The NTF takes the position that without the MJIA, none of these proposals go far enough. The NTF is strongly

supporting the MJIA to increase the response to the needs of victims and to make certain that our troops are military-ready and our soldiers are not facing sexual violence from within our own Armed Services.

**We Cannot Be Silent.** 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.

## NATIVE WOMEN WARRIORS AND SEXUAL ASSAULT IN THE MILITARY: THE REBECCA JOHNSON-STONE STORY

“I was born in Oklahoma. I kind of grew up all over the place. I was an army brat. My family is military, and if you are born in my family you are pretty much born into a uniform. I always had this calling to be something bigger than myself.

I come from a very traditional Native American family. I was always doing everything in the community. I became the princess of my tribe. I was in school on a full academic scholarship. I was bound for med school when 911 happened. I gave up my duties as the head princess, and I gave up tens of thousands of dollars of scholarship

money. And then I went into the military.

I was on cloud nine. It was the highlight of my life.

I deployed to Iraq. On the first day I was there, I got these emails from somebody I had never met. He started coming around to my room all the time.

If he wasn’t at work, he would be at my door.



### Statistics released by the Defense Department:

- An estimated 26,000 cases of unwanted sexual contact and sexual assaults occurred in FY2012, a 37% increase from FY2011.
- 25% of women and 27% of men who received unwanted sexual contact indicated the offender was someone in their military chain of command.
- 50% of female victims stated they did not report the crime because they believed that nothing would be done with their report.
- Across the Services, 74% of females and 60% of males perceived one or more barriers to reporting sexual assault. 62% of victims who reported a sexual assault indicated they perceived some form of professional, social, and/or administrative retaliation.

### Resources to Understand the Military Justice Improvement Act:

National Alliance to End Sexual Violence: <http://endsexualviolence.org/where-we-stand/military-sexual-assault>  
Senator Kirsten Gillibrand’s webpage on the MJIA: <http://www.gillibrand.senate.gov/mjia/>

Behind where we lived, there was a lot of open space where everybody would hang out. It was the middle of the night and people started leaving, and then there was just me and this other guy. We kept arguing about females being in the military. It eventually started to get physical.

The next thing I knew, this guy pushed me and I was on the ground like in an instant. I came up and when I came back down, my head slammed so hard into the concrete. And then there was this incredible pain—so much pain. I could feel him on top of me. He wanted to have me in a sexual manner. I became absolutely petrified he was going to kill me.

Before I knew it, I was up on his shoulders and he was taking me to the dumpster. He was like, “Women don’t belong in combat. Women don’t belong in the military. You are all trash. All women are trash. And that’s where you belong.” And he threw me in the dumpster. My head, my head was . . . I could feel my injuries swelling. I climbed out of the dumpster and walked back to the building.

I didn’t tell anybody what happened. The reason I didn’t tell is the unwritten secret code of keeping your mouth shut. I didn’t want to lose my job. All I wanted to do was wake up every morning and be a service member. Go to my job. That didn’t happen.

I went back to my room. In those next few weeks, I would come out of my room and look at the wall and there would be graffiti every day; words like whore and slut. It had to be him. Eventually we went to different locations and I felt a little better because the guy who hurt me was gone.

But then I started blacking out. I had these horrible pains that shot through my eyes. I was diagnosed with a traumatic brain injury in multiple locations. It finally took like eight doctors sitting down, reading hundreds, possibly thousands, of pages to piece it together. And eventually, they were like, “Were you assaulted?”

I got into the ITV clinic, but my unit wanted me off on my own. Their statement was, “We are not refusing you medical treatment, but you need to take personal leave in order to go.”

I have been told there were other cases against my assailant. As far as I know, the guy only did maybe 90 days in jail for a DUI. Whatever type of violence he inflicted upon another person, his jail time was for drinking and driving.

I am very fortunate that I sought help, which a lot of people are afraid to seek.

I started my organization, Walk Against Rape. I focus on service members because they have a lot of trouble getting medical help (*more info on page 32*).

Just because I am out of my uniform doesn’t mean that I am not serving my country.

*Rebecca’s story was taken from portions of her video that was part of Protect Our Defenders Survivor Stories found at: <http://goo.gl/xY4CuY>*



# FAMILY VIOLENCE PREVENTION AND SERVICES ACT REAUTHORIZATION

Three years ago on December 20, 2010, tribal leaders and advocates across the land celebrated as they watched President Obama sign the Family Violence Prevention and Service Act (FVPSA) into law under the Child Abuse Prevention and Treatment Act of 2010 Reauthorization. The FVPSA had expired in 2008 and was not reauthorized until 2010. The current FVPSA will expire in 2015, making reauthorization a current issue that must be addressed this year. Tribal stakeholders are already preparing to engage and support the 2015 reauthorization effort to ensure shelter and supportive services to victims of domestic violence.

## History of FVPSA

First passed in 1984, FVPSA is the oldest and only federally dedicated funding stream for domestic violence shelters and services programs in the country. FVPSA supports more than 200 tribal programs based on an annual set-aside for Indian tribes. The legislation mandates that “not less than 10 percent” of the annual appropriation shall be used to support Indian tribes to achieve the purposes of the Act. Programs supported by FVPSA include domestic violence shelters and supportive services like the White Buffalo Calf Woman Society on the Rosebud Reservation and the Emmonak Women’s Shelter in the Alaska Native Village of Emmonak. FVPSA also funds emergency shelter,

crisis hotlines, counseling services, victim assistance initiatives, and programs for underserved communities.

## FVPSA 2010

One of the most significant reforms under the 2010 FVPSA was the creation of the National Indian Resource Center Addressing Domestic Violence and the Safety of Indian Women. Since 2011, the National Indigenous Women’s Resource Center (NIWRC) has served as this national center. FVPSA 2010 also included major mandates to support increased emergency shelter and related services for victims of domestic violence within Indian nations and tribal communities. In addition, FVPSA 2010 provided discretionary amendments to address the unique needs of Indian tribes within states and for the first time created the Resource Centers to Reduce Tribal Disparities grant program. Under the statute, these resource centers will be located within states in which the population of Indians (including Alaska Natives and Native Hawaiians) exceeds 10 percent of the total population of the state. Although FVPSA 2010 authorized the possibility of these regionally based centers no center has yet to be funded.

## FVPSA 2014

The FVPSA is an essential component of our nation’s campaign to raise awareness about the cruel epidemic

## Purposes of the Family Violence Prevention and Services Act

It is the purpose of this title to:

- (1) assist States and Indian tribes in efforts to increase public awareness about, and primary and secondary prevention of, family violence, domestic violence, and dating violence;
- (2) assist States and Indian tribes in efforts to provide immediate shelter and supportive services for victims of family violence, domestic violence, or dating violence, and their dependents;
- (3) provide for a national domestic violence hotline;
- (4) provide for technical assistance and training relating to family violence, domestic violence, and dating violence programs to States and Indian tribes, local public agencies (including law enforcement agencies, courts, and legal, social service, and health care professionals in public agencies), nonprofit private organizations (including faith-based and charitable organizations, community-based organizations, and voluntary associations), tribal organizations, and other persons seeking such assistance and training.

of domestic and sexual violence that destroys the lives of so many within our tribal communities. “Since 1984, these programs have been the heart of our nation’s response to domestic violence and for the majority of Indian tribes the only source of federal support,” said Juana Majel, Co-Chair NCAI Violence Against Women Task Force. “We must once again rally to support reauthorization of this lifesaving program.”

Over the past 30 years, tribal programs have grown to provide a spectrum of services, which include: shelter; safety planning; counseling; legal services; child care and services for children; career planning; life skills training; community education and public awareness; and other necessities, such as clothing, food, and transportation. Yet, despite these advances, funding and services still do not exist for over one-half of all Indian nations.

“We celebrate all that FVPSA funding has provided for Native women and Indian tribes,” said Lucy Simpson, Executive Director of the National Indigenous Women’s Resource Center. “We look forward to strengthening our FVPSA partnerships and building the national movement to end the violence against Native women.”

### **Overview of FVPSA History**

- FVPSA first authorized in 1984
- FVPSA expired in 2008

### **FVPSA 2010 Grants for Indian Tribes**

(a) GRANTS AUTHORIZED.—The Secretary, in consultation with tribal governments pursuant to Executive Order No. 13175 (25 U.S.C. 450 note) and in accordance with section 903 of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (42 U.S.C. 14045d), shall continue to award grants for Indian tribes from amounts appropriated under section 303(a)(2)(B) to carry out this section.

(b) ELIGIBLE ENTITIES.—To be eligible to receive a grant under this section, an entity shall be an Indian tribe, or a tribal organization or nonprofit private organization authorized by an Indian tribe. An Indian tribe shall have the option to authorize a tribal organization or a nonprofit private organization to submit an application and administer the grant funds awarded under this section.

- FVPSA reauthorized under the 2010 Child Abuse Prevention and Treatment Act
  - House: H.R. 4116 passed under suspension of the rules by a unanimous voice vote on December 8, 2010.
  - Senate: S. 3817 passed by unanimous consent on December 10, 2010.
  - President Obama signs FVPSA into law on December 20, 2010.

### **Human Trafficking Legislation of Interest to Indian Tribes**

Congress is addressing sex trafficking with two proposed pieces of legislation currently pending. This summary is provided as an overview of emerging issues contained in the legislation that may impact Indian tribes and the safety of Native women.

**Justice for Victims of Trafficking Act (H.R. 3530, S. 1738)** The bill creates a grant program to help state and local governments develop and implement comprehensive victim-centered programs, including collaborative efforts with child welfare agencies. It creates a Domestic Trafficking Victims’ Fund, financed through fines on persons convicted of human trafficking and child exploitation crimes, which the Attorney General can use to fund support programs for victims of human trafficking. Included in the bill are a number of other provisions to ensure victims receive justice and traffickers and buyers are prosecuted to the fullest.

**Stop Exploitation Through Trafficking Act (S. 1733, H.R. 3610)** Among its many provisions, this Act will give prosecutors the tools they need to tackle domestic minor sex trafficking and help make sure victims of these horrific crimes receive the support they need. The bill is modeled after Minnesota’s “safe harbor” laws, which help ensure minors who are sold for sex aren’t prosecuted as defendants, but rather are treated as victims. Statistics show children are on average 13 years old when they are forced to become victims of sex trafficking.

# 2013 WHITE HOUSE TRIBAL NATIONS CONFERENCE: PROMOTING PROSPEROUS, RESILIENT TRIBAL NATIONS

The White House Tribal Nations Conference—the fifth of the Obama Administration—was held on Wednesday, November 13, 2013, in Washington, DC, at the United States Department of the Interior. The White House issued invitations to the leadership of all 566 federally recognized tribes. Secretary of Interior Sally Jewell welcomed tribal leaders representing more than 300 hundred tribal nations. The Conference included participation from President Obama, thirteen Cabinet members, and dozens of senior Administration officials.

## President Obama's Remarks

The President, speaking to tribal leaders, said, “Now, after I became President, I said that given the painful chapters and broken promises in our shared history, I'd make sure this country kept its promises to you. I

promised that tribal nations would have a stronger voice in Washington—that as long as I was in the White House, it would be your house, too. And for the past five years, my administration has worked hard to keep that promise—to build a new relationship with you based on trust and respect.”

President Obama further stated, “I had the privilege of some of you coming to the White House yesterday. As we made clear in the Executive Order earlier this year that established the White House Council on Native American Affairs, we have a unique legal and political relationship, one that's been affirmed many times in treaties, in statutes, and in the Constitution. That's the unique relationship we honor today. That's the relationship we're called upon to sustain for the progress of all of our peoples. And while we should be proud of

*President Barack Obama greets audience members after remarks during the 2013 Tribal Nations Conference at the Department of the Interior in Washington, DC, November 13, 2013 (Official White House Photo by Pete Souza).*



what we've achieved together in recent years, we also should be focused on all the work that we still have to do."

As one of the outstanding accomplishments of his administration, the President stated, "We've reauthorized the Violence Against Women Act, so tribes can prosecute those who commit domestic violence in Indian country, whether they're Native American or not." The reference to the VAWA tribal amendments was met with a strong applause of support and

appreciation by the several hundred leader and officials that filled the auditorium.

The White House Tribal Nations Conference was well attended by the Administration. Thirteen Cabinet members attended and addressed tribal leaders, including Attorney General Eric Holder. In speaking to tribal leaders, the Attorney General noted the historic partnership between the Justice Department and Indian tribes to support the inclusion of the tribal amendments

Photos, right: *Senator Heidi Heitkamp (ND) enjoys a moment with the Color Guard of the Native American Women Warriors.*

*Below: Phyliss Anderson, Chief of the Mississippi Band of Choctaw Indians; Deborah Parker, Vice Chair Woman of the Tulalip Tribes; and Terri Henry, Chairwoman of the Eastern Band of Cherokee Indians, pause on the steps of the Department of Interior the morning of the opening session of the White House Tribal Nations Conference.*



within VAWA 2013. The Attorney General stated, “We will not tolerate a world in which nearly half of all Indian women and girls have experienced rape, physical violence, or stalking by an intimate partner, and where Indian women are murdered at a rate that, in some places, is more than 10 times the national average.”

One of the many tribal leaders who engaged a panel of Cabinet members during the Conference was Juana Majel, Co-Chair of the NCAI Task Force, who raised important questions and encouraged the panel and everyone in attendance to continue the national momentum to increase the safety of Native women.

## JUSTICE DEPARTMENT ANNOUNCES THREE TRIBES TO IMPLEMENT SPECIAL DOMESTIC VIOLENCE CRIMINAL JURISDICTION UNDER VAWA 2013

WASHINGTON – Three American Indian tribes—the Pascua Yaqui Tribe of Arizona, the Tulalip Tribes of Washington, and the Umatilla Tribes of Oregon—will be the first in the nation to exercise special criminal jurisdiction over certain crimes of domestic and dating violence, regardless of the defendant’s Indian or non-Indian status, under a pilot project authorized by the Violence Against Women Reauthorization Act of 2013 (VAWA 2013).

### **Pilot Projects Allow Tribal Prosecution of Non-Indian Abusers for the First Time in More Than Three Decades**

“This is just the latest step forward in this administration’s historic efforts to address the public safety crisis in Indian country,” said Attorney General Eric Holder. “Every day, we’re working hard to strengthen partnerships with tribal leaders and confront shared challenges—particularly when it comes to protecting Indian women and girls from the shocking and unacceptably high rates of violence they too often face. With the important new tools provided by the Violence Against Women Reauthorization Act of 2013, these critical pilot projects will facilitate the first tribal prosecutions of non-Indian perpetrators in recent times. This represents a significant victory for public safety and the rule of law, and a momentous step forward for tribal sovereignty and self-determination.”

Although the provisions authorizing the special jurisdiction take effect generally in March 2015, the law also gives the Attorney General discretion to grant a tribe’s request to exercise the jurisdiction earlier, through a voluntary pilot project. The authority to approve such requests has been delegated to Associate Attorney General Tony West. Associate Attorney General West today congratulated tribal leaders on this



historic achievement in letters to the three tribes.

“The old jurisdictional scheme failed to adequately protect the public—particularly native women—with too many crimes going unprosecuted and unpunished amidst escalating violence in Indian country,” stated Associate Attorney General West. “Our actions today mark a historic turning point. We believe that by certifying certain tribes to exercise jurisdiction over these crimes, we will help decrease domestic and dating violence in Indian country, strengthen tribal capacity to administer justice and control crime, and ensure that perpetrators of sexual violence are held accountable for their criminal behavior.”

Since the Supreme Court’s 1978 opinion in *Oliphant v. Suquamish Indian Tribe*, tribes have been prohibited

from exercising criminal jurisdiction over non-Indian defendants. This included domestic violence and dating violence committed by non-Indian abusers against their Indian spouses, intimate partners, and dating partners. Even a violent crime committed by a non-Indian husband against his Indian wife, in the presence of her Indian children, in their home on the Indian reservation, could not be prosecuted by the tribe. In granting the pilot-project requests of the Pascua Yaqui, Tulalip, and Umatilla tribes today, the United States is recognizing and affirming the tribes' inherent power to exercise "special domestic violence criminal jurisdiction" (SDVCJ) over all persons, regardless of their Indian or non-Indian status, for crimes committed on or after February 20, 2014.

As described in the Department of Justice's *Final Notice* on the pilot project, the decision to grant such request are based on a diligent, detailed review of application questionnaires submitted by the tribes in December 2013, along with excerpts of tribal laws, rules, and

policies and other relevant information. That review, conducted in close coordination with the Department of the Interior and after formal consultation with affected Indian tribes, led the Justice Department to determine that the criminal justice systems of the Pascua Yaqui, Umatilla, and Tulalip tribes have adequate safeguards in place to fully protect defendants' rights under the Indian Civil Rights Act of 1968, as amended by VAWA 2013.

The Department of Justice is posting notices of the pilot-project designation on the Tribal Justice and Safety Web site ([www.justice.gov/tribal](http://www.justice.gov/tribal)) and in the Federal Register. In addition, each tribe's application questionnaire and related tribal laws, rules, and policies will be posted on the Web site. These materials will serve as a resource for those tribes that may also wish to participate in the pilot project or to commence exercising SDVCJ in March 2015 or later, after the pilot project has concluded.

## SCIA OVERSIGHT HEARING: SUPPORTING LOCAL CONTROL, REMOVING BARRIERS IN VAWA 2013



On February 12, 2014, the Senate Committee on Indian Affairs (SCIA) held an Oversight Hearing on the Indian Law and Order Commission's (ILOC) Report, "A Roadmap for Making Native America Safer," containing 40 recommendations for action.

These recommendations are intended to make Native American and Alaska Native nations safer and more just for all U.S. citizens and to reduce the unacceptably high rates of violent crime that have plagued Indian country for decades. This report reflects one of the most comprehensive assessments ever undertaken of criminal justice systems servicing Native American and Alaska Native communities.

Five panelists testified at the hearing: Kevin Washburn, Tim Purdon, Troy Eid, Affie Ellis, and Tamra Truett Jerue. The six Senators present included Chairwoman Maria Cantwell (WA), Vice Chairman John Barrasso (WY), Senator Lisa Murkowski (AK), Senator Mark Begich (AK), Senator Jon Tester (MT), and Senator Heidi Heitkamp (ND).

Of the issues discussed by the panelists and Senators, some of the highlights included 1) how and what changes within the federal justice system have been made to improve the response to crimes on tribal lands and make federal agencies more accountable for serving tribal lands; 2) ILOC findings and recommendations assessing the effectiveness of TLOA's provisions; 3) as ILOC Chairman Troy Eid stated in the report's preface, "The Commission sees breathtaking possibilities for safer, strong Native communities achieved through home-grown, tribally based systems that respect the civil rights of all U.S. citizens, and reject outmoded federal command-and-control policies in favor of increased local control, accountability, and transparency."

Federal officials, Mr. Washburn and Mr. Purdon, testified and were questioned about what and how changes within the federal justice system have been implemented since 2010. Mr. Purdon discussed the increase in federal Indian country prosecution caseload from 1,100 in 2009 to over 1,600 in 2012, a 54% increase, and stated that Tribal Special Assistant U.S. Attorneys (SAUSAs) who are prosecuting federal cases on tribal lands were making a difference, especially when they became a part of the tribal community. If

community members are the best positioned to ensure victim safety and offender accountability, then why not invest in community members? Indian tribes and Native people cannot afford to suffer further violence and loss of lives because outsiders are working hard to become part of the community.

Mr. Washburn expressed his appreciation for the report's specific recommendations, the need to consult



with tribes, and the four overarching principles he saw in the report that everyone needed to agree upon and discuss further, including: 1) tribal law enforcement needs to be equal partners and have access to all information that other law enforcement have access to; 2) all tribes have an interest in public safety, including those in Public Law 280 states like Alaska; 3) the federal government's strategic investment of funding within the Department of Justice that has helped to move things forward; and 4) public safety is more than law enforcement and includes lots of other issues and partners, with dramatic coordination challenges that must be addressed.

### **DOI Funding of Indian Tribes Under PL 280**

When Senator Murkowski questioned Mr. Washburn about whether or not the Bureau of Indian Affairs would be willing to submit a budget request that included funding for tribal law enforcement in Public Law 280 states, his response was:

“It’s a very difficult question and . . . a simple fiscal problem . . . We don’t necessarily have enough money to do everything the federal government needs to do for every constituency . . . we have an existing system, we’ve got exclusive responsibility with the tribes, the federal government with the tribes in ordinary Indian country type jurisdictions. In PL 280 states, the states have a responsibility and a delegation of federal authority. We feel like we need to focus our funding where it’s most needed, which is in those jurisdictions where tribes and the federal government have exclusive jurisdiction. That’s not a policy decision. It’s just a necessity based



on limited fiscal resources. The problem . . . I can't fully answer your question . . . especially under the Murray-Ryan budget scenario we have, we have to figure out where would we take the money from to fund Public Law 280 law enforcement states, tribes in those states, and that's a difficult question, so we have a limited amount of money, and where do we take it from is the question."

Understanding that the fiscal problem will probably not improve enough to support necessary law enforcement—federal, state, or tribal—then the ILOC's recommendation is even more justified to support local tribal responses to crimes. At the end of the day, after everyone—volunteers and outsiders—has gone back to their homes or moved on to other jobs outside of tribal communities, all that's left are the Native people who call their lands home.

Commissioner Affie Ellis who testified at the hearing stated that the report was "common sense" and that a common theme from what the Commission heard from those who testified at Commission's field hearings, especially about what is working for tribes, is "Look what we are doing . . . never did we hear, look at what other people, the federal government is doing for us." Commission Chairman Eid also stated:

"The issue is a failed federal system . . . the Indian country system and the PL 280 system, both are not producing the way they should. They will never be reformed, never in a way that meets the needs of local communities as they should, because in America local justice is what we all trust, having people self-govern, having people vote in their own officials . . . to be transparent, accountable, and accessible, and to deal with the budget reality on the ground in a multi-year fashion, not subject to some annual appropriation from a distant place. The dominant theme in this report is the failure of that system."

### **Commission Report Recognizes Local Control as the Solution**

Commission Chairman Eid responded to Senator Murkowski's question about what would work in Alaska with the following:

"We don't have to have an Indian reservation system

in Alaska to have self-governance. You could have some form of special jurisdiction. In fact we talk about this in the report, a special Indian country jurisdiction, just so long as the communities have territorial integrity and they can govern themselves and they can enforce their own laws and be governed by them. What I don't think works is the colonial model in Alaska, and when I say colonial I'm not trying to play to the crowd. My Dad grew up in a colonial system in Egypt and came here with \$100 when he was 17, so I kinda know about colonialism. The system in Alaska is not serving the people there because the state can never police it from afar.

When we were up there last time in December, the leaders came to us and said we just had a 12-year-old girl raped and it took them 4 days to come out to our village. That's not acceptable in our country, and I know it's not acceptable to you, and it just seems to be that if we can get past what I think is a misnomer . . . about "oh reservation system." No one is proposing to replicate anything in Alaska other than to say these are self-governing nations, that are federally recognized as such under federal law, enable them to be able to enforce their own laws and be governed by them.

Don't fight with the people when you're a state government. There's no reason for it. I have great respect for the State of Alaska and for the people there and for the officials that have to make the hard calls, but they shouldn't be fighting with the tribal nations there. They should say here's a tribal court, here's what we need to enforce a restraining order. Now we're going to enforce it, and if there's a problem with the requirements being met, help train them help get them up to that standard, but don't try to hold it down, try to build it up, and I think that is coming in Alaska and with your leadership and Senator Begich's leadership, I think that this can happen and am optimistic about it."

### **Village Recommendations as the Path Forward**

The last panelist, Tami Truett Jerue, a longtime Alaska Native woman's advocate testified before the Senators about the daily challenges she faces in her village and how her community has responded to ensure victim safety and accountability the best way they can. Speaking for the Native Village of Anvik and Tanana Chief Conference and its member Alaska Native Villages, Ms. Jerue made specific recommendations for strengthening local control of villages to increase the safety of Alaska Native women. Senator Murkowski

expressed her absolute support for the report's clarification that Alaska Native tribal courts were included in VAWA 2013 Section 905 clarifying orders of protection, which the State of Alaska has also confirmed they will honor on the condition that the orders are registered.

As the heart of federal legislation to increase safety of Native women, VAWA must also reach and extend the same lifesaving protections to in Alaska Native women. "No one would deny the need to increase safety for Alaska Native women in light of the epidemic levels of violence we face. The challenge is to agree on a plan of action." The report of the ILOC and the panelists seem to conclude that action plan is to support local control. Under VAWA 2013, Ms. Jerue recommended three essential reforms to strengthen local control of the villages to respond to domestic violence and sexual assault:

1. Amend Section 904 to include all Alaska Native Villages by striking Indian country
2. Repeal Section 910 to end the special rule restriction on Alaska Native Villages
3. Amend Section 905 to strike (b) limiting the applicability section due to the confusion it has created in terms of restricting the authority of Alaska Native Villages to issue protection orders

Tribal consultation and timely implementation of the report's recommendations, especially of supporting local control over local crimes, are the roadmap to a safer Native America. Until this happens, tribal communities will continue to suffer the rates of crimes that we see in war-torn countries, especially the violence perpetrated against Native women and children. As the report's Executive Summary states, "It is time for change." Senator Heitkamp stated at the opening of the hearing, "There should be no solution off the table."

To download a copy of the ILOC report, go to: <http://goo.gl/1VHYUr>

## April Is Sexual Assault Awareness Month



Tickets for the 2014 DC W.A.R. (Walk Against Rape) can be found at the following link. General admission and donations are open until April 5th. T-shirts, goody bags, and organizations wishing to sponsor and have their logos on all merchandising are available through March 19th.

To register for the walk, go to <http://goo.gl/TVrkDh>

# VAWA 2013 AND THE INDIAN LAW & ORDER COMMISSION

The Tribal Law and Order Act (TLOA), signed into law by President Obama in July 2010 with bipartisan support, provides greater freedom for tribes to design and run their own criminal justice systems. TLOA created the Indian Law and Order Commission (ILOC), an independent advisory group to help with the greatest challenges to securing equal justice for Native Americans living and working on Indian lands. The VAWA 2013 extended the ILOC until January 2014.

The ILOC was required by the TLOA to submit a report to the President and Congress with recommendations intended to make Native American and Alaska Native nations safer and more just for all U.S. citizens and to reduce the unacceptably high rates of violent crime that have plagued Indian country for decades.

“When Congress and the Administration ask why the crime rate is so high in Indian country, they need look no further than the archaic system in place, in which federal and state authority displaces tribal authority and often makes tribal law enforcement meaningless.” —ILOC Report

The ILOC Report, titled “A Roadmap for Making Native America Safer,” was submitted to the President and Congress in November 2013. The report reflects one of the most comprehensive assessments ever undertaken of criminal justice systems servicing Native American and Alaska Native communities. The Senate Committee conducted an oversight hearing on the report on February 12, 2013.



The UCLA American Indian Studies Center serves as the sole repository for the Indian Law and Order Commission's materials:  
<http://aisc.ucla.edu/iloc>

Photos: Indian Law and Order Commission briefing in the Indian Treaty Room at the White House, November 14, 2013.

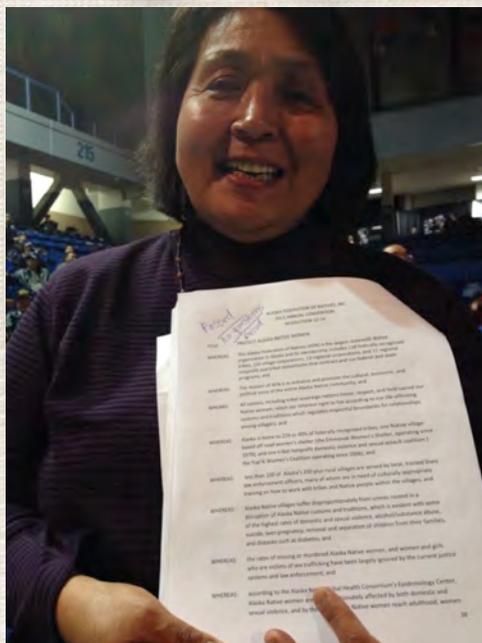
# ALASKA FEDERATION OF NATIVES AND ADVOCATES ORGANIZE TO INCREASE SAFETY OF WOMEN

In 1966, Alaska Natives representing 17 Native organizations gathered for a conference to address Alaska Native aboriginal land rights and formed the Alaska Federation of Natives (AFN). Today, the AFN is the largest statewide Native organization in Alaska. Its membership includes 178 villages (both federally recognized tribes and village corporations), 13 regional Native corporations, and 12 regional nonprofit and tribal consortiums that contract and run federal and state programs. AFN is governed by a 37-member board, which is elected by its membership at the annual convention held each October. AFN's mission is to enhance and promote the cultural, economic, and political voice of the entire Alaska Native community.



Life-changing alliances to increase the safety of Alaska Native women were established at the most recent annual convention of the AFN, October 24–26, 2013, in Fairbanks, Alaska. Alliances among longtime grassroots Alaska Native women's advocates, and tribal leaders and organizations were made that will effect long overdue law and policy reforms to uphold Alaska tribal sovereignty and increase Native women's safety. NIWRC and the National Congress of American Indians have been honored to support this important work.

**Pre-AFN Unity Meeting to Review VAWA 2013.** A Unity Meeting on the Violence Against Women Act and Protecting Alaska Native Women, marked the first of its kind as a pre-meeting to the last annual AFN Convention. We engaged with over 50 participants from villages, tribal organizations, and state and federal agencies in interactive discussion that included: 1) an overview of the Violence Against Women Act 2013 and clarification about applicability to Alaska of all sections of the Act except for Section 904, which returned concurrent tribal limited criminal jurisdiction over non-Indian offenders; 2) the scope of violence against Alaska Native women from village-based advocates; and 3) defining Alaska Native-specific issues that needed to be addressed by the national grassroots movement and tribal, state, and federal governments to meaningfully effect change and end these crimes and injustices.



Left: Lynn Hootch holding AFN resolution, *Protect Alaska Native Women*, after unanimous vote to adopt, Oct. 26, 2013.

Below Left: Speaking with Alaska Governor Sean Parnell.

Below Right: Speaking with Senator Mark Begich.



Right: AFN attendees Lynn Hootch, Priscilla Kameroff, Joann Horn of the Native Village of Emmonak.

Below: Tami Jerue, Native Village of Anvik, at AFN VAWA Unity Pre-Meeting held October 22, 2013.

### AFN Convention and Protect

#### Alaska. Native Women Resolution

Many of the AFN Convention's speakers, including Senator Mark Begich and Governor Sean Parnell, during the three-day annual AFN Convention that followed the Unity Meeting also addressed the issue of violence against Alaska Native women, calling for safety, justice, and the need for services especially in rural villages across the state. Alaska Native women's advocates and tribal leaders were fully engaged with Convention participants and speakers/policymakers, talking about the need for unity and action to remove barriers to women's safety, especially in rural remote off-road villages. The response from Convention participants was overwhelmingly supportive of the advocates and leaders who spoke out against violence against women.

**Protect Alaska Native Women Resolution.** Four villages submitted a resolution entitled Protect Alaska Native Women that called for responses from federal, state, and tribal governments, and included the formation of an AFN Task Force to Protect Native Women. On the Convention's last day, when delegates voted whether or not to adopt resolutions, and the Protect Alaska Native Women resolution came up for vote, longtime advocate and Director of the Yup'ik Women's Coalition Lenora "Lynn" Hootch said, "One man shouted out really strongly at that point, 'No more violence against our women!' After which the entire room clapped." The resolution was adopted unanimously with no questions!

Two nights of the Convention were *Quyana* Alaska, which AFN described as: "Our traditional dances remain the lifeblood of our culture and our communities: they sustain us and connect us



'No more violence against our women!'

with our rich cultural history." NIWRC staff and Alaska Native advocates participated in both nights and experienced and shared in the energy that radiated from the singers and dancers. Elders who walked slowly and carefully to the stage to join the singers and dancers, danced with such grace and life with the singers and other dancers. That life force is the same unstoppable life force that moves us all to work together to protect Native women. Now begins a clearer pathway for our movement to end violence against Alaska Native women! *Quyana!* (thank you in Yup'ik)

Article submitted by Lynn Hootch, Yup'ik Women's Coalition; Joann Horn and Priscilla Kameroff, Emmonak Women's Shelter; and, Paula Julian, NIWRC.



## AFN VAWA Pre-meeting

Prior to the AFN convention in Fairbanks, the following tribes, villages, and organizations came together and exemplified what movement building can accomplish to increase safety for Alaska Native women.

- Emmonak Women's Shelter
- Yup'ik Women's Coalition
- Village of Akiak
- Village of Anvik
- Village of Tetlin
- Kenaitze Indian Tribe
- Village of Dot Lake
- Alaska Federation of Natives (AFN)
- Tanana Chiefs Conference
- Former members of the Alaska Native Women's Coalition, a nonprofit dedicated to ending violence against Native women

## LAUNCH OF ALASKA NATIVE WOMEN'S RESOURCE CENTER PROJECT

In partnership with a committee of Alaska Native women's advocates, NIWRC is excited to kick off a two-year project that will support the work of longtime Alaska Native women's advocates and tribal leaders to end violence against Alaska Native women.



*Resource Center Committee Members enjoy a break from their planning session in Fairbanks, Alaska.*

### Resource Center Goals

The project will support the development of an Alaska Native Women's Resource Center that will provide Alaska Natives specific technical assistance and training in up to four villages and through the Alaska Federation of Natives Task Force to Increase the Safety of Native Women. Technical assistance will include the development of region-specific plans focused on tribal members identifying legal and policy reforms necessary to increase Native women's safety.

### Office on Violence Against Women Project

This is the first time since OVW began in 1995 that it has funded a regional technical assistance project in Alaska. Most, if not all, of the technical assistance that OVW has funded has been national in scope, so this says a lot for grassroots advocacy perseverance. Alaska Native advocates and tribal leaders changed the way OVW and the federal government conduct business. Congratulations!

### Alaska Native Women's Resource Center Development Committee Members:

#### WESTERN REGION

- Yup'ik – Emmonak Women's Shelter – Joann Horn (Native speaker)
- Yup'ik Women's Coalition – Lynn Hootch (Native speaker)

#### SOUTHEAST REGION

- Tlingit – Hoonah Indian Association – Candy Keown

#### INTERIOR REGION

- Athabascan – Village of Tetlin – Nettie Warbelow (Native speaker)
- Athabascan – Village of Anvik – Tamra "Tami" Truett Jerue (Native speaker)

#### NORTHERN REGION

- Inupiaq/Inupiat – Arctic Slope Regional Corporation – Kaktovik – Clarice Akootchook (Native speaker)
- Inupiaq/Inupiat – Shirley Moses (Native speaker)

For more information, please contact NIWRC Program Specialist Paula Julian at [pjulian@niwrc.org](mailto:pjulian@niwrc.org).

# INTERNATIONAL UPDATE

JANA L. WALKER AND KARLA E. GENERAL, ATTORNEYS, ILRC

Indian nations and Native women's and other Indian organizations and advocates continue to use international advocacy as part of a strategy to combat violence against indigenous women and restore safety to Native communities.

## INTERNATIONAL EXPERT GROUP MEETING

At an International Expert Group Meeting on sexual health and reproductive rights, held in New York on January 15–17, UN Special Rapporteur on the Rights of Indigenous Peoples, James Anaya, highlighted the role that extractive industries such as oil, gas, and mining operations play in increased incidents of sexual harassment and violence against indigenous women. Anaya also reported increases in sexually transmitted diseases for indigenous women attributed to the rapid increase of extractive workers in indigenous areas. For more information, visit <http://goo.gl/Rfw5G1>.



organizations in the United States, and supported by resolutions of the National Congress of American Indians and the Assembly of First Nations.



## UNITED NATIONS WORLD CONFERENCE ON INDIGENOUS PEOPLES

Indigenous peoples and their governments have been working to shape the “concise action oriented outcome document” that will be adopted by the UN General Assembly at the World Conference on Indigenous Peoples, September 22–23, 2014, at the UN Headquarters in New York City. At least three priority recommendations have been endorsed by 72 Indian nations and 10 Indian and Native Hawaiian

The recommendations call for the UN to establish a new body responsible for promoting and monitoring implementation of the UN Declaration on the Rights of Indigenous Peoples and to provide indigenous governments and peoples with a new, regular, and permanent status for participating in UN activities. The third recommendation, additionally supported by the NCAI Task Force on Violence Against Women, Clan Star, Inc., and the National Indigenous Women's Resource Center, calls for three measures to combat violence against indigenous women: (i) convening a high-level conference on violence against indigenous women, (ii) requiring the new implementing and monitoring mechanism to pay particular attention to the rights of indigenous women and children, and (iii) creating a Special Rapporteur on the human rights of indigenous women and girls. For more information on the three-part recommendation to combat violence against indigenous women, refer to the supporting memorandum that follows.

To achieve successful adoption of the three priority recommendations, indigenous peoples and their governments have been approaching member countries of the UN because it is these countries that will ultimately vote to approve the outcome document of the World Conference. For instance, in October 2013,

the Indian Law Resource Center and tribal leaders participated in the Third Committee of the General Assembly session on Indigenous Peoples to inform countries about the recommendations and work to ensure an inclusive process for the voices of all indigenous peoples and governments in the preparatory process for the World Conference. In the next few months, there will be several other opportunities for such meetings and advocacy with countries.

### **1. March 10–21: Commission on the Status of Women (CSW), UN Headquarters, New York City**

The CSW is the principal global policymaking body dedicated to gender equality and the advancement of women. The priority theme for the 2014 meeting of the CSW is “Challenges and achievements in the implementation of the Millennium Development goals for women and girls.” MDG3 expressly deals with promoting gender equality and empowering women. The Indian Law Resource Center, NCAI and its Task Force on Violence Against Women, Clan Star, Inc., and the National Indigenous Women’s Resource Center are seeking to offer joint oral statements to the CSW that will focus on combating violence against indigenous women. For more information, visit <http://goo.gl/x6EcVJ>.

### **2. March 31–April 2: Global Preparatory Meeting on the World Conference, Mexico City**

Mexico will host a global preparatory meeting of invited states and representatives of indigenous peoples to contribute to the preparations for the World Conference. No further information is available at this time.

### **3. May 12–23: UN Permanent Forum on Indigenous Issues (PFII), UN Headquarters, New York City**

The UN PFII is an advisory body to the UN Economic and Social Council with a mandate to discuss indigenous issues related to economic and social development, culture, the environment, education, health and human rights. The special theme for the PFII’s 2014 meeting is “Principles of good governance consistent with the United Nations Declaration on the Rights of Indigenous Peoples: articles 3 to 6 and 46.” A special half-day discussion on the World Conference will be part of the meeting. For more information, visit <http://goo.gl/McBdIV>.

### **4. Before June: Informal Interactive Hearing, UN Headquarters, New York City**

The President of the General Assembly, H.E. John Ashe, will convene an informal interactive hearing with representatives of indigenous peoples, the UN system, and others to receive input for the World Conference.

## **TREATY MONITORING BODIES AND STATES’ REVIEW**

The United States is a signatory to the International Covenant on Civil and Political Rights and the International Convention on the Elimination of All Forms of Racial Discrimination, important international human rights treaties. As a party, the United States is obligated to report periodically to UN treaty-monitoring bodies which review states for their compliance with the treaties.

### **1. International Covenant on Civil and Political Rights**

The United States was originally scheduled for review by the Human Rights Committee at its October 2013 session, but requested the review be postponed due to the government shutdown. The Committee is now set to review the United States for compliance with the Covenant on March 13–14, 2014, in Geneva, Switzerland. The Indian Law Resource Center, along with the NCAI Task Force on Violence Against Women, the National Indigenous Women’s Resource Center, and Clan Star, Inc. prepared a shadow report, “Combating Violence Against Indian and Alaska Native Women—United States Violations of the International Covenant on Civil and Political Rights through its Discriminatory Legal System,” detailing human rights violations of Native women by the United States through its discriminatory legal system. The report, which includes recommendations to address the epidemic levels of violence against Indian and Alaska Native women, is available at: <http://goo.gl/5xRvjh>.

### **2. International Convention on the Elimination of All Forms of Racial Discrimination**

In August 2014, the UN Committee on the Elimination of Racial Discrimination is expected to review the United States for its compliance with the International Convention on the Elimination of All Forms of Racial Discrimination during its 85th session in Geneva, Switzerland. The report of the United States was

submitted to the Committee on June 12, 2013, and is available at: <http://goo.gl/R92oSP>. To inform the United States' report, the NCAI Task Force on Violence Against Women, Sacred Circle, and the Indian Law Resource Center submitted joint comments to the State Department highlighting the epidemic levels of violence against Native women and systemic barriers in U.S. law contributing to this human rights crisis. Detailed information on the review process is not yet available, but we expect that shadow reports will be due two weeks prior to the session.

### **3. Universal Periodic Review**

Similar to its review for compliance with international human rights treaties, the United States is also subject to the UPR process. Instead of human rights bodies reviewing countries for compliance with a specific treaty, however, the 193 UN member



states assess the human rights situation of a particular state every four years. Review of the United States' compliance is expected to be in April or May 2015, and shadow reports are tentatively due September 1, 2014.

## **NEWS UPDATE FROM INDIAN LAW RESOURCE CENTER COMBATING VIOLENCE AGAINST INDIGENOUS WOMEN PROPOSED RECOMMENDATIONS FOR THE WORLD CONFERENCE ON INDIGENOUS PEOPLES**

On September 22–23, 2014, the United Nations will host a World Conference on Indigenous Peoples of all countries of the UN, with the participation of indigenous peoples and non-governmental organizations. The result will be an action-oriented outcome document, which among other things, will pursue the objectives of the UN Declaration on the Rights of Indigenous Peoples.

### ***Violence Against Indigenous Women and Girls Is a Pandemic***

Actions to stop the horrendous violence against indigenous peoples, including the pandemic of violence being inflicted on indigenous women and girls, are critically needed. Indigenous women often suffer disproportionately high, multiple forms of discrimination, violence, and murder based not just on their gender, but also because they are indigenous and members of indigenous peoples' communities.

### ***UN Action Is Needed to End the Violence Now***

United Nations action is crucial to restore safety to indigenous women, children, and communities and to address indigenous rights in the UN Declaration. More than 70 Indian nations are urging the UN General Assembly to adopt recommendations at the World Conference, including a three-part recommendation to combat violence against indigenous women and children. That recommendation, which is also supported by indigenous and indigenous women's organizations such as the National Congress of American Indians Task Force on Violence Against Women, National Indigenous Women's Resource Center, Indian Law Resource Center, and Native American Rights Fund, is focused, reasonable, workable, and realistic for the United Nations. Its three actions would be valuable in protecting the rights of indigenous women globally today and tomorrow:

1. A decision to convene a high-level conference to examine challenges to the safety and well-being of indigenous women and children and to share perspectives and best practices on the realization of the rights of indigenous women and children under the UN Declaration with respect to protection against all forms of violence and discrimination;
2. A decision to require that a UN body for monitoring and implementing the Declaration give particular attention, on at least an annual basis, “to the rights and special needs of indigenous . . . women, youth, and children . . . in the implementation of the UN Declaration;” and
3. A decision to appoint a Special Rapporteur to focus exclusively on human rights issues of indigenous women and children, including but not limited to violence against them and on changing state laws that discriminate against them.

**Violence Against Indigenous Women and Girls Is a Human Rights Crisis**

Violence against women is discrimination and violates women’s human rights. An international policy and legal framework recognizes that states have an obligation to protect women from violence, hold perpetrators accountable, and provide justice and remedies to victims. The UN Declaration offers opportunities to restore safety and access to justice to indigenous women and girls. Violence against indigenous women and girls is addressed in Article 22(1), which calls for “particular attention” to “be paid to the rights and special needs of indigenous . . .

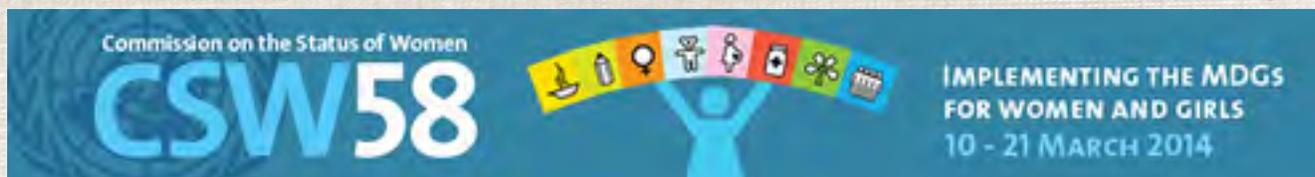
women” and children in implementing the Declaration. Article 22(2) goes on to call on states to “take measures, in conjunction with indigenous peoples, to ensure that indigenous women and children enjoy the full protection . . . against all forms of violence and discrimination.”

Indigenous women are especially likely to be targets for various forms of violence, including intimate partner violence, custodial violence by police, and murder, often at a much higher rate than non-indigenous women. Because data on violence against indigenous women and girls is scant, international experts have called on countries to strengthen both their legal frameworks on the rights of women and their policies addressing violence against indigenous women and girls. These experts also encourage “greater coordination among UN agencies, including with states and indigenous peoples, on the issue of violence against indigenous women and girls and the implementation of inter-agency programmes on these issues.”

**Take Action!**

**Support the safety and human rights of indigenous women and children everywhere and at the World Conference.**

**Please circulate these recommendations widely.**



The fifty-eighth session of the Commission on the Status of Women will take place at United Nations Headquarters in New York from March 10–20, 2014.

Representatives of Member States, UN entities, and ECOSOC-accredited non-governmental organizations (NGOs) from all regions of the world attend the session. Representatives of the NCAI Task Force on Violence Against Women will attend the CSW 58th session. The team of representatives will include Task Force Co-Chairs, Juana Majel and Terri Henry. The delegation is being coordinated by Jana Walker and Karla Genera, staff attorneys from the Indian Law Resource Center. See more at: <http://goo.gl/4LoMKn>

# 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 *Restoration of 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.”



National Indigenous Women's Resource Center

## 2014 Webinar Schedule

Indigenous Creation Story Series: Pele	March 4   1 pm – 2:30 pm MST
Traditional Ways of Healing: Hawaii	March 12   1 pm – 2:30 pm MST
Indigenous Creation Story Series: White Buffalo Calf Woman	March 19   1 pm – 2:30 pm MST
Intersections of Sexual Assault and HIV/HCV in Native Women	April 23   1 pm – 2:30 pm MST
Traditional Ways of Healing: Alaska	April 23   1 pm – 2:30 pm MST
Sexual Violence Against Native Elders	May 14   1 pm – 2:30 pm MST
Traditional Ways of Healing: (Region TBD)	May 28   1 pm – 2:30 pm MST
Domestic Violence: Economic Abuse	June 18   1 pm – 2:30 pm MST
Protecting Our Women	June 25   1 pm – 2:30 pm MST
Human Trafficking in Tribal Territories	July 9   1 pm – 2:30 pm MST
Innovative Strategies to Provide Housing to Indian Women and Children Who are Victims of Domestic Violence	July 23   1 pm – 2:30 pm MST
Strangulation and Suffocation in Indian Country	August 13   1 pm – 2:30 pm MST
Organizing to End Violence Against Women, Lands, and Our Environment	September 10   1 pm – 2:30 pm MST

Please visit our website for the most up to date schedule, details of each webinar, and registration: [niwrc.org/webinars](http://niwrc.org/webinars).

## 2014 Training Schedule

Native Women's Leadership Training	April 15-17   Seattle, WA
Children Exposed to Violence Training	May 6-8   Portland, OR
Criminal Justice Training	July 17-18   Columbia, SC

To see these training announcements, details and for the most up to date schedule please visit our website [niwrc.org](http://niwrc.org).



# Synergy: Addressing the Impact of Domestic Violence on Children

## Save the date!

The National Indigenous Women's Resource Center, in collaboration with the National Indian Child Welfare Association, Woman Spirit Coalition, and the Indian Country Childhood Trauma Center, is hosting a training institute on the impact of domestic violence on children in Portland, Oregon, May 6-8, 2014.

This training will be held at:

DoubleTree by Hilton Portland  
1000 Multnomah St  
Portland, OR 97232  
(503) 281-6111

Registration for the training, agenda, speakers, and more can be found on our website! [niwrc.org](http://niwrc.org)

### RESTORATION OF SOVEREIGNTY & SAFETY MAGAZINE, 2003-2014

Eleven years ago during the reauthorization process of the Violence Against Women Act, several national organizations came together to take a stand for the safety of Native women: Sacred Circle National Resource Center to End Violence Against Native Women, Clan Star, Inc., the National Congress of American Indians, and the National Task Force to End Sexual and Domestic Violence. It was recognized that to fully participate in the national movement to create the changes needed to increase safety for Native women, broad communication was essential. 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 National Congress of American Indians Task Force on Violence Against Women and the National Indigenous Women's Resource Center. It is produced and made available during national NCAI conventions and the annual USDOJ Tribal Consultation on VAWA.

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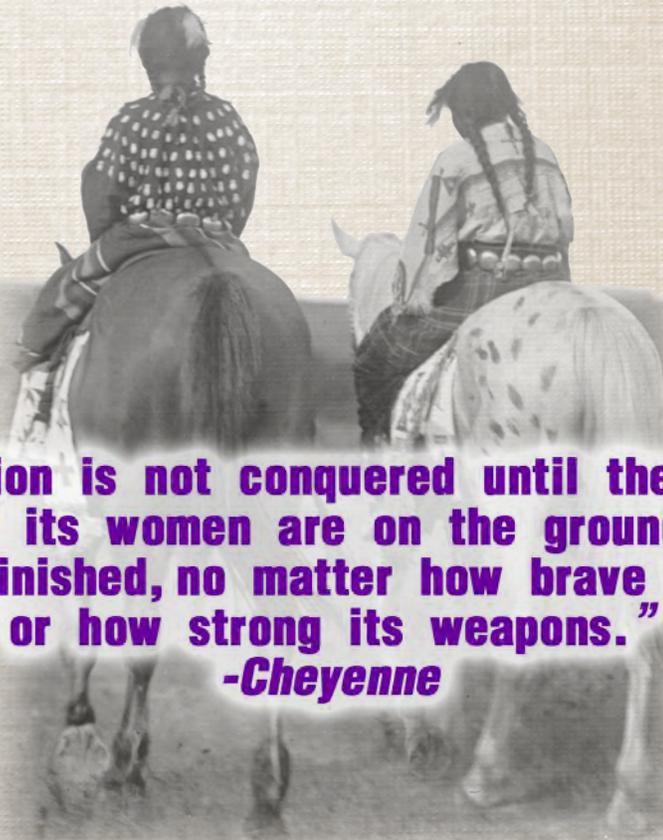
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*Restoration*  
OF NATIVE SOVEREIGNTY AND SAFETY FOR NATIVE WOMEN

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

*Violence Against Women Is Not Our Tradition*



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