

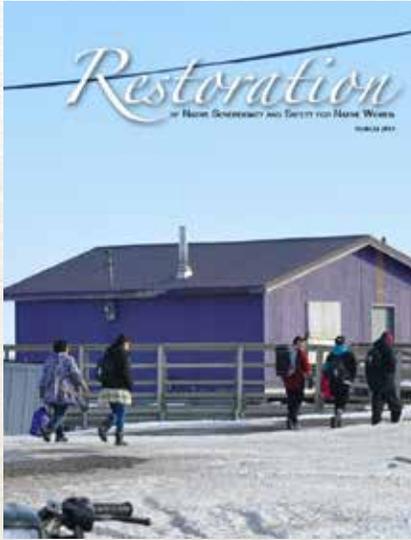
Restoration

OF NATIVE SOVEREIGNTY AND SAFETY FOR NATIVE WOMEN

JUNE 2014



National Indigenous Women's Resource Center



Cover: Village residents and regional training participants take a break and enjoy the warmth of the day. It was the final day of the Yup'ik Women's Coalition Regional Training or Yuut Kenkutellriit Ikayutellartuut (People Who Love Each Other, Take Care of Each Other) held in the beautiful village of Nunam Iqua ("end of the tundra"). Nunam Iqua (formerly Sheldon Point) rests on the south fork of the Yukon River near the Bering Sea in the Calista Region. It is located about nine miles south of Alakanuk and 18 miles southwest of Emmonak.

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5 Alaska Native Voices



40 UN Commission on the Status of Women 58th Session

"The National Indigenous Women's Resource Center extends its heartfelt appreciation to the dedicated Alaska Native tribal leaders and advocates. The Resource Center stands ready to support your efforts to increase the safety of Alaska Native women."

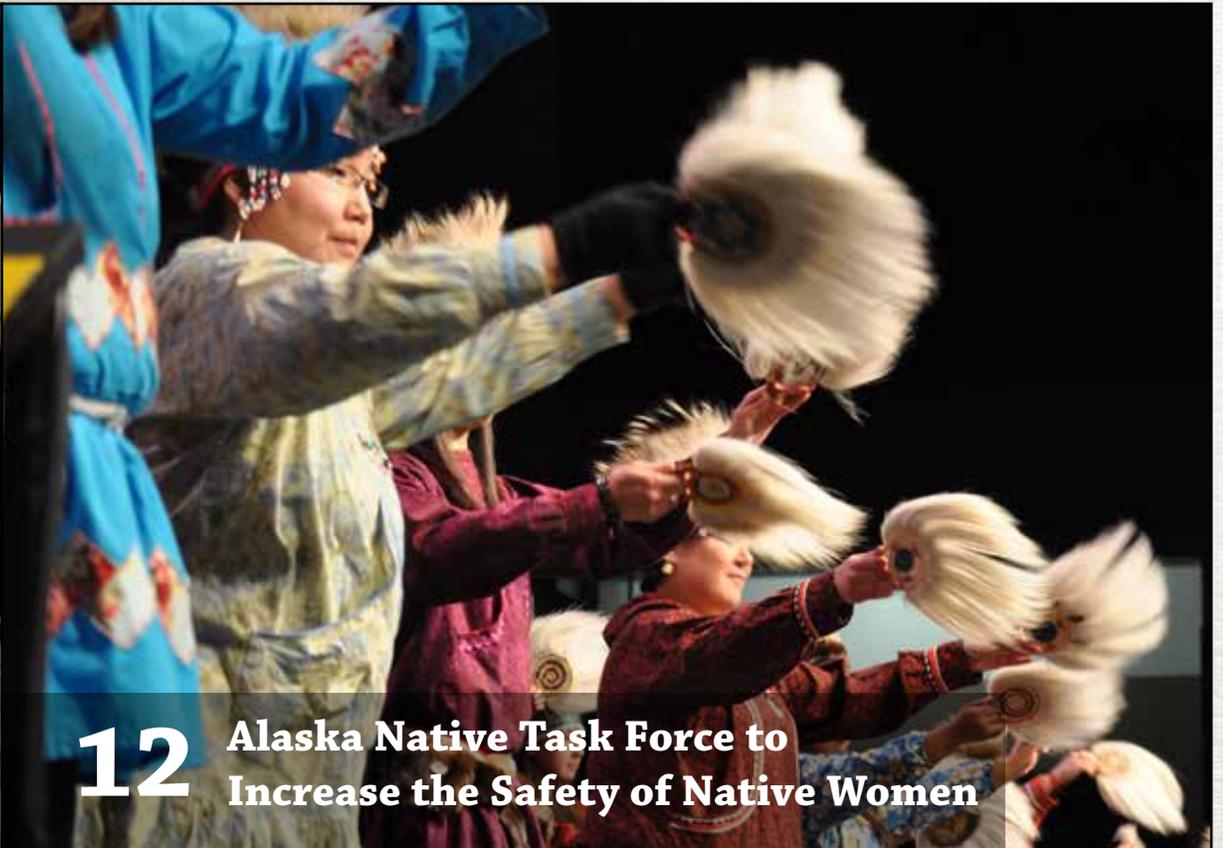
Lucy Simpson
Executive Director



"Understanding the impact of federal law on the everyday safety of Alaska Native women is the foundation to removing barriers to the safety of women in the villages. It is inspirational to support the grassroots movement of our sisters in Alaska as they steadily provide clarity on the pathway to change."

Jacqueline "Jax" Agtuca
Restoration Magazine Editor





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Dear Friends,

Welcome to Anchorage!

We are honored to dedicate this volume of the *Restoration Magazine* to the safety of Alaska Native women. In particular, we thank the lifelong advocates and dedicated tribal leaders who work daily to increase the safety of Native women and sovereign authority of their villages to protect women.

The Alaska Native women who share their stories on the following pages include: Lynn Hootch of the Village of Emmonak; Nettie Warbelow of the Village of Tetlin; and Tami Jerue of the Village of Anvik, who provides a village-based perspective to help to clarify the importance of local village control in protecting women on a day-to-day basis.

The last *Restoration Magazine* dedicated to Alaska was in June 2007 at the last NCAI national conference held in Anchorage. At that time, the national movement was focused on the impact of the Adam Walsh Child Protection and Safety Act on Indian tribes. Now seven years later, we return to Anchorage following the reauthorization of the VAWA in 2013 and passage of the Tribal Law and Order Act in 2010. As the national reforms to remove long-standing legal barriers to the safety of Native women continue to advance, we must be steadfast in our commitment to Alaska Native women and villages.

Lastly, at the Anchorage meeting of the Task Force, Terri will be ending her tenure as the co-chair of the Task Force and extends her heartfelt appreciation to all the readers of *Restoration* for their support and dedication to its efforts and that of the Task Force.

We hope this information will assist you in understanding the emerging issues impacting the safety of Native women and the national discussions on these issues.

Together, we can increase the safety of Native women and all victims.

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

My name is Lenora “Lynn” Hootch and I am Yup’ik Eskimo from the Village of Emmonak. I welcome you to Alaska the homelands of Alaska Native peoples.

I have lived in my Native village my entire life and am a mother of five children and grandmother of six. I have been actively involved in my community and tribal government, where I currently serve on the Emmonak Tribal Council. I am also an active member of the local church’s Parish Council and have previously served as a City Council Member, Village Vice Mayor, and Advisory School Board Member. As a Yup’ik woman, I would like to share the urgent crisis facing Alaska Native women and ask for your support in the struggle to end the violence.

Over the last 35 years, I have dedicated my life to working with my community, surrounding villages, the state, and allies in the lower 48 to uphold Yup’ik values, customs, and traditions in advocating for an end to violence against Alaska Native women. I am a founder and former director of the Emmonak Women’s Shelter, the only Native village-based shelter in Alaska operating since 1979. Concerned village members and volunteers like myself created the shelter—the second oldest known Native women’s shelter in the United States—because we saw a critical need to provide safety for women and their children victimized by domestic violence, sexual assault, and other forms of abuse. We opened the shelter to provide emergency shelter and assistance to victims and have helped women from all over the state for over 30 years. More often than not, our

efforts are on a volunteer basis and without funding.

The Village of Emmonak is a Yup’ik Eskimo Village with a population of approximately 800 enrolled tribal members. Emmonak is located in southwestern Alaska, approximately 200 air miles northwest of Bethel, Alaska, and 490 air miles northwest of Anchorage. There are no road systems in the entire region; the river is our highway. Our primary mode of transportation includes boats during the summer months and snow machines during the winter months. Winter trails connect villages by snow machine unless extreme winter weather makes travelling impossible. Depending upon the weather, villages may be inaccessible for days or even weeks.

In addition to serving Emmonak (which is located in the Wade



Lenora “Lynn” Hootch, Yup’ik, speaking at the Yup’ik Women’s Coalition Regional Training workshop in the Village of Nunam Iqua, Alaska. Lynn shared that the workshop provided “lots of sharing of yuyaraq - our way of life and how much it changes, lots of pain shared, lots of joy, laughter, tears.” She also urged participants to “listen to the wise words elders share...they’ve lived through so much, their words are our tools to survive.”

Hampton region), the shelter provides services to 13 federally recognized Yup'ik tribes/villages: Alakanuk, Chevak, Emmonak, Hooper Bay, Kotlik, Marshall, Mtn. Village, Nunam Iqua, Pilot Station, Pitkas Point, Russian Mission, St. Mary's, and Scammon Bay, respectively. The Wade Hampton region has approximately 7,800 residents most of whom are Yup'ik Eskimos. The villages are geographically isolated from each other and accessible by air or water, weather permitting.

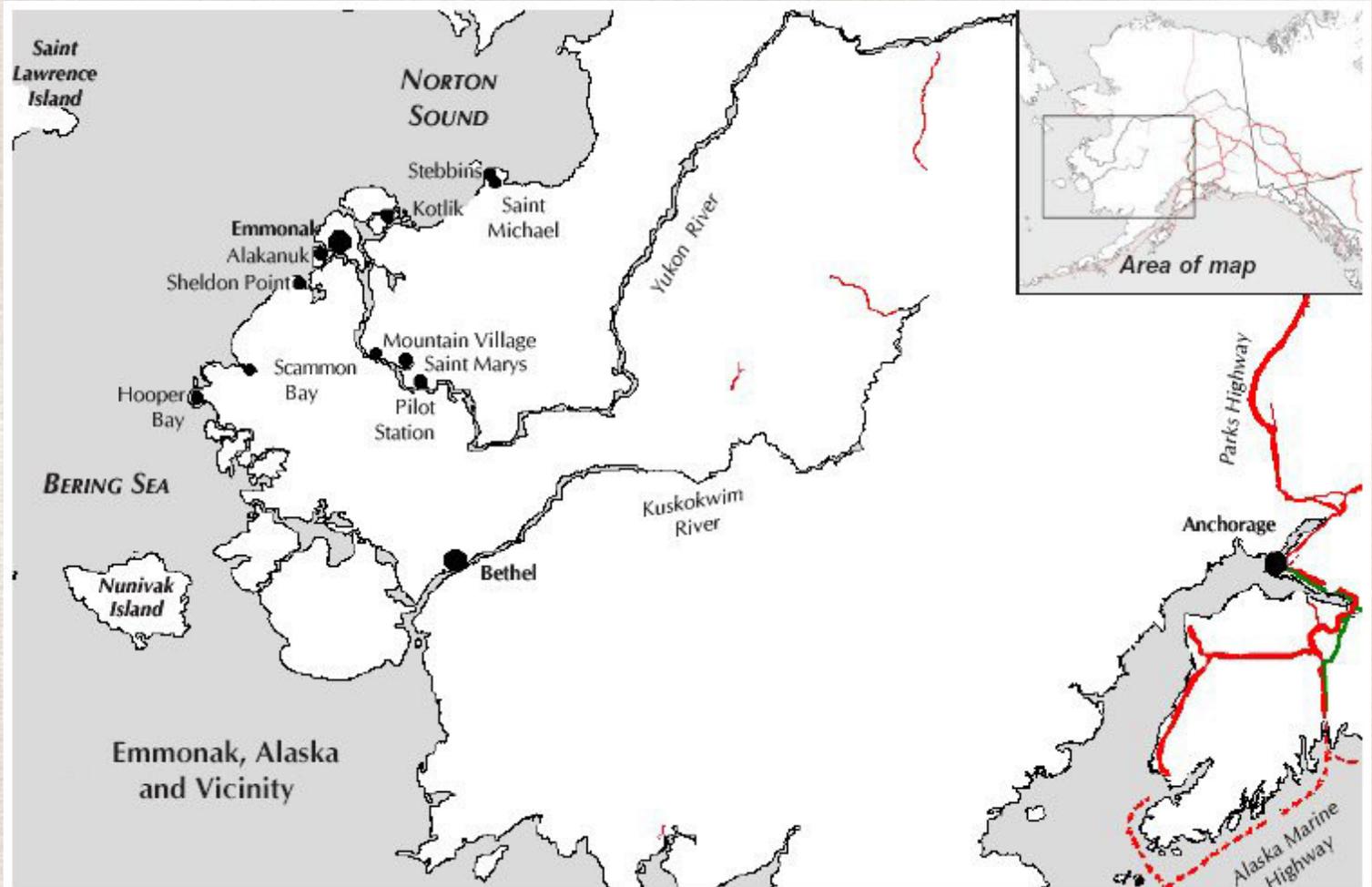
Since beginning my journey working and helping women in rural remote villages in Alaska, I have seen and heard countless stories with so much pain and have heard the crying voices of our Native women: our sisters, aunts, grandmothers, and children with nowhere to go for safety. In reality, in the villages there is nowhere to go except to local

churches (if doors are left open), inside willows, in steam baths, and/or fish smoke houses (caches). There are no resources available and many have no reliable police protection. Law enforcement is not available in many of our Yup'ik villages. We cannot just get into a car and drive away; we run, many times with five children behind us as we hide under our homes in the dark, cold winter months. Sometimes if we're lucky, we see a porch door open and run inside the house, not knowing whom the house belongs to or whether someone is home...this is to keep ourselves alive.

For too long, there has existed inadequate law enforcement and no infrastructure to address domestic and sexual violence in many of our rural Native villages. In addition, the State of Alaska has failed in its responsibilities by not providing adequate law enforcement and

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

Alaska has the highest rate of sexual assault in the country, and the rate of violence against Alaska Native women is more than double that of any other population of women. Given the rate and severity of sexual violence against Alaska Native women, including in Emmonak, it is essential that the United States Department of Justice, Office on Violence Against Women launch an initiative to address this crisis. While sexual assault occurs in all



communities, the stark reality is that the crisis facing Alaska Native women should and cannot continue to be ignored.

I would like to share some final thoughts and stories with you from survivors in the Yup'ik region area. These are but a few of the countless tragic stories that did not receive justice. These untold stories are those of women who were silenced during their difficult lives and of women who lost their lives because no protection was offered. When these victims first tried sharing their stories, only their mouths moved. I could not hear their words but only saw tears streaming from their eyes. Our shelter has assisted such tragedies as:

- children found weeping near their mothers suffering from

serious, life-threatening or in some cases, deadly injuries from domestic violence;

- women repeatedly raped by numerous men at one time;
- elderly mothers suffering violence at the hands of their husbands; and
- mothers with their children hiding along the river and under trees for safety, often during the cold, winter months.

Thank you for taking the time to listen to our concerns, the voices and cries of our people. The Village of Emmonak looks forward to working with our allies on a national and international level to strengthen tribal sovereignty and increase the safety of Native women in Emmonak and across the State of Alaska. In addition, we support building

alliances to enhance and promote the voice of Alaska Native survivors, advocates, and tribal leaders at the village, state, and federal levels. By working together we stand stronger in our advocacy efforts for equal access to justice, local village--based solutions to local village problems, and access to services and advocacy designed by and for Native women. I have spent much of my life focusing on this issue. Like so many other women now involved in this movement and our mothers before us, we really have no choice. Domestic violence, rape, suicide, and now sex trafficking are threatening the future of our villages. Our people are living in peril.

Quayana Cak'naq,
Lenora "Lynn" Hootch

My name is Nettie Warbelow and I'm Athabascan from the beautiful village of Tetlin.

Thank you for allowing me to share the current reality of life in the village, especially the reality of our sisters who face extremely high rates of domestic and sexual violence. The challenges and barriers are many as we continue to struggle with limited or no resources, limited law enforcement, and systems that are not working for us as Athabascan people.

Tetlin Village is a traditional village, originated by the Athabascan people traveling seasonally between fishing and hunting camps. The village is located on the Tetlin River, approximately 20 miles away from Tok Junction between the Tanana River and Tetlin Lake, and has a population of about 370 members. Tetlin is the only village in the Tok area, which does not only rely on

a haul road system; access is by boat, snow machine, or airplane depending on climatic conditions.

The complexity of its social problems goes beyond the isolation of the village. Physical conditions are impacted by extreme weather conditions; the lack of basic necessities of shelter, food, and fuel; the absence of transportation with which to obtain services; and the lack of a dedicated first responder within the village for domestic violence and sexual assault. Responders to these crimes end up being any tribal employee whether or not it's in their job description. Although Tetlin Village has a Family Violence Prevention and Services Act Grant, the amount received has been cut for the last two years and does not provide adequate services for the people. Incidents of death due to domestic violence remain underreported because of the co-

occurrence of alcohol and drug abuse; and generational learned behavior is listed as the primary cause of domestic violence, suicide, and homicide.

Tetlin also has a Tribal Family Youth Specialist for Child Welfare who experiences a very demanding caseload and is overwhelmed with numerous court proceedings, child placement, and domestic violence and sexual assault cases. The closest shelter is located in Fairbanks, Alaska, which is approximately 226 miles from Tetlin, so access by women from the village is often not possible due to the high cost of airfare. The village of Tetlin does provide safe homes for short periods of time.

Regarding law enforcement, Tok Junction is the closest hub that houses an Alaska State Trooper's office, and it takes up to six



Nettie Warbelow (second from left) with fellow advocates taking a break during AFN 2013 convention.

hours for the troopers to respond to a crime within Tetlin. The Tok Clinic does not provide sexual assault forensic examinations; therefore, the victim has to travel by ambulance or airplane to Fairbanks, Alaska, (the closest hub to Tetlin) for a forensic

education is critical and necessary to provide prevention, awareness, and the feeling of safety to Tetlin and its members.

The TFYS/DV/SA Advocate can only do so much and with the funding as it currently stands;

regions to provide services. Tetlin Village currently does not and has not received any sort of funding from the State of Alaska or OVW to support domestic violence and/or sexual assault services within Tetlin.

“The challenges and barriers are many as we continue to struggle with limited or no resources, limited law enforcement, and systems that are not working for us as Athabascan people.”

exam. Most of our victims do not seek help due to confidentiality concerns and the humiliation of going through long processes in the legal system. In addition, due to limited budget constraints, Tetlin does not offer an after-care program for women and children who have been victimized. Continued

unfortunately, direct services often do not reach victims who are in most need of services. There is no funding from the State of Alaska or no collaboration/communication from the State of Alaska with Alaska tribes regarding domestic violence and sexual assault occurring within the different villages and

Tetlin Village has a fully functioning tribal court, which focuses on problem solving and strategic planning within the community to prevent crime and violence. The tribal court has made every effort to work with the Alaska State Troopers and state court systems. Today, this system between the tribes and



the State of Alaska is not working to track offenders/perpetrators to protect our victims. We have invited the state courts to work with us relating to the tracking system, but this has not been established as a priority by the State of Alaska as a collaborative effort despite our repeated efforts to reach out to the state.

Furthermore, Tetlin Village has a written code of tribal ordinances and is a product of many minds and many hours of work. Through the knowledge gained from listening to our grandparents and elders, these individuals were able to construct this code, which reflects the traditional values of the Tetlin people. Moreover, as a result of our combined and thoughtful efforts to address issues within Tetlin, our tribal court is a competent and strong court system, which is better structured than distant state courts to handle local prosecutions. The Tetlin Tribal Court currently handles domestic violence and sexual assault

cases. As such, the tribal court hears cases and can provide an order of protection, dissolve or modify an order of protection, and oversee protection order violations. Our tribal court orders are stamped with a Tetlin Tribal Court Stamp.

Finally, the proposed Alaska Safe Families and Villages Act of 2013 does not fully address the changes needed to truly address violence against Alaska Native women, and we would appreciate support to assist with strengthening any legislation to effectively increase safety in Alaska Native villages. Section 6 of the Act appropriately calls for the repeal of Section 910, Special Rule for the State of Alaska of VAWA 2013, and the Village of Tetlin strongly supports the repeal of Section 910; however, the remaining sections of the proposed Act are not supportive of villages to provide safety and justice for their communities.

All Alaska Native villages should

benefit from meaningful legislation that gets to the heart of providing greater protections for victims of domestic and sexual violence; however, the proposed Act does not go far enough to support Tribes at the local, village level. As written, the proposed Act focuses on Alaska villages implementing state law by “encouraging the State of Alaska to enter into intergovernmental agreements with Indian tribes in the state relating to the enforcement of certain state laws by Indian tribes.” Previous versions purported to “enhance existing tribal authority over domestic violence and child abuse and neglect.” The village of Tetlin would urge that the proposed Act be amended to enhance tribal authority in all Alaska Native villages, so that Alaska tribes can adequately address the extremely high rates of domestic and sexual violence occurring within Alaska’s villages.

Sincerely,
Nettie Warbelow

My name is Tamra Truett Jerue. I am Athabascan from Interior Alaska.

I live in the village of Anvik, a small Deg Hit'an Athabascan community. Anvik has been my home for 22 years. My husband, Carl Jerue, has served as the Village Chief for over 23 years. We have four children, four grandchildren, and have helped raise many nephews and nieces. I work for the Anvik Tribe as the Social Services Director, and like so many other Alaska Native people, we do all that we can round the clock to take care of our families and communities. I have dedicated my life in rural Alaska for over 30 years working on violence against women, tribal child protection, and substance abuse.

Anvik is a geographically remote tribe with 275 citizens, to whom we have the responsibility of protecting and serving. We have an active tribal court. We are not on the state's road system and travel in and out of the village by air, boat, or snow machine depending on the season, weather, and cost of transportation. Perhaps most importantly, Anvik has existed for generations independent from the United States and the State of Alaska. Our village receives little from the state. The government that operates in Anvik is our Village Council. The real question we answer every day is how do we govern and provide for our people and create a safe and healthy community despite the state.

When a woman in our village is beaten or raped, we respond to meet

her needs. As a community member, the Village Chief's wife, and a tribal employee, I am commonly called out 24 hours, 7 days a week to respond to a domestic violence call or "disturbance" that too often involves guns. Fortunately, I have resolved situations so that no one has been seriously harmed.

Lack of Law Enforcement

What I'm about to share with you is not easy and brings up so much uneasiness, anger, shame, and frustration. This is what we face in our villages across the state, and it hasn't always been this way. We are working together in our villages,



*Tami Jerue and (left to right) daughters Bryana Angulo, Devin Huffman, Elizabeth Jerue and son Chris Jerue in Fairbanks, April 24, 2014.
Photo: Takenya Rosetta.*

with each other across the state, and with our allies in the lower forty-eight to identify and remove the roadblocks to our safety. I ask you to join us and help to bring resolution and an end to violence against Alaska Native women. This is preventable and we can change what happens from here on forward.

For many years, Anvik had no local law enforcement, but in the last two years, because of a federal grant, we have been fortunate to have a Tribal Police Officer. We were also able to fill a long-vacant Village Public Safety Officer position, which is funded through the state. Many

other Alaska Native villages and its citizens are not as privileged. Prior to having our officers, I experienced too many instances of a lack of response by the state troopers because of bad weather preventing travel in/out of the village. At other times, the troopers deemed the incident not to be an immediate danger. And other times, there was just no trooper available to respond to our need, no matter how serious.

We also don't have 911, and often have to call several trooper posts only to get voice mail or answering machines. If you have 911 or law enforcement in your community, stop and close your eyes and picture

what would happen if you did not have law enforcement in your community. How would you respond, especially where violence has been or the serious threat of violence will be committed? How would you respond if your mother had just been beaten by your father, as you and your brothers

and sisters were forced to watch and listen? How would you respond if you just found your cousin or good friend naked, violated, and unconscious?

Watching the violence and such a poor response from the state is very frustrating. It creates resentment within the village against the state and in turn a lack of trust and also at times a lack of cooperation with law enforcement. In the end, we know that while the state has the authority to respond, in reality it most often does not and cannot since it is not present in our village. State troopers are not real when

a woman is being beaten or rape. While Anvik has a grant for law enforcement now, it might not in the future. The right to safety should not be a privilege for only those fortunate enough to have a grant writer to secure competitive, discretionary funds. The federal government has a trust responsibility to Alaska Native villages that it must and can uphold now. The lives of our mothers, sisters, daughters, and community are at risk. Human lives are at risk. These human lives are Alaska Native women, and yes, we deserve the same right to live in a safe community.

Local Control and Safety

Currently, when a crime occurs in which a woman is being beaten, the village responds to that cry for help, because she is our community member. As her relative and community member, we must stand with her. It is our responsibility, but this is a dangerous situation for the woman and for those protecting her and stopping the violence. Our village is the local government and it acts to protect our members. Recognizing this reality in all of our villages and restoring the legal authority of villages to respond to crimes and make decisions regarding the safety, health, and well-being of residents is an essential next step in addressing the issues of domestic violence, sexual assault, suicide, and substance abuse/alcohol-related deaths.

Villages need to exercise local control to respond to the violence. Alaska Native villages have not had adequate support to develop and sustain local responses to violence against women, especially supporting critical life-saving victim services. Formula funding to support the long-term development of local village-based justice responses is also important, as much as the policy reforms at the federal and state levels supporting local responses. Funding under the Violence Against Women Act and Family Violence Prevention and Services Act that has been available in the lower forty-eight has reached very few villages. Villages need their authority recognized and the resources and support from federal and state governments. Village-based responses to domestic violence and sexual assault should include, but not be limited to, the following: law enforcement, village courts, updated tribal laws on violence against women, safe shelters and housing, and sexual assault forensic and medical examinations.

The greatest legal barriers to the safety of Native women have been created by federal laws and policies that stripped the authority of our village to respond to

Statistics on Violence Against Alaska Native Women

According to the Indian Law and Order Commission report, Alaska Natives are disproportionately affected by crime, and these effects are felt most strongly in Native communities:

- Based on their proportion of the overall state population, Alaska Native women are over-represented in the domestic violence victim population by 250 percent; they comprise 19 percent of the population, but 47 percent of reported rape victims.
- On average, in 2003–2004, an Alaska Native female became a victim of reported sexual assault or of child sexual abuse every 29.8 hours, as compared to once every 46.6 hours for non-Native females. Victimization rates, which take account of underlying population proportions, are even more dissimilar: the rate of sexual violence victimization among Alaska Native women was at least seven times the non-Native rate.
- In tribal villages and Native communities (excluding the urban Native population), problems are even more severe. Women have reported rates of domestic violence up to 10 times higher than in the rest of the United States, and physical assault victimization rates up to 12 times higher.
- Between 2004–2007, Alaska Natives were 2.5 times more likely to die by homicide than Alaskans who reported “White” as their race, and 2.9 times more likely to die by homicide than all Whites in the United States.

Sources:

Justice Research Center, University of Alaska Anchorage: <http://justice.uaa.alaska.edu/research/index.html>

Alaska Bureau of Vital Statistics:

2003 Annual Report (http://dhss.alaska.gov/dph/VitalStats/Documents/PDFs/2003/annual_report/Web_Book2003.pdf)

2004 Annual Report (http://dhss.alaska.gov/dph/VitalStats/Documents/PDFs/2004/annual_report/2004web_book.pdf)

Intimate Partner Violence Against Athabaskan Women Residing in Interior Alaska: Results of a Victimization Survey, by Randy H. Magen & Darryl S. Wood (<http://justice.uaa.alaska.edu/research/2000/0026.aknativewomen/0026.02.ahtna.pdf>)

Alaska Native Health Status Report, by Kyla Hagan & Ellen Provost, Alaska Native Epidemiology Center and Alaska Native Tribal Health Consortium (<http://www.anthc.org/chs/epicenter/upload/ANHSR.pdf>)

Alaska Native Task Force to Increase the Safety of Native Women

domestic and sexual violence. We were then denied the resources to create a village-based justice system to keep our village safe. Local control is the alternative to a broken system that has not worked.

The Alaska Task Force to Increase the Safety of Native Women

At the Annual Convention of the Alaska Federation of Natives (AFN) in October 2013, our tribe along with other Alaska Native tribal governments submitted a resolution entitled Protect Alaska Native Women. The unanimously adopted resolution presents a framework for addressing the epidemic of violence against Alaska Native women. We look forward to leading the work as longtime advocates with our allies, including tribal coalitions, AFN, NCAI, and NIWRC, supporting us over the long term. By working together across the state to strengthen an alliance of advocates and leaders dedicated to identifying and implementing legal and policy reforms to increase the safety of Native women, we will end violence against Native women.

We have survived for thousands of years and will continue to survive. I ask for the sake of our women and children for the federal and state governments to do what's right. Do not turn your back to the glaring violence that is happening in our villages.

“Hear Our Voices Calling Out for Justice”

by Tamra “Tami” Truett Jerue
Social Services Director
Anvik Tribe

At the Alaska Federation of Natives (AFN) annual convention in October 2013, a resolution was unanimously passed to create a Task Force to Increase the Safety of Native Women. “Everyday I see domestic violence destroy part of our village . . . our future . . . the Task Force is finally a way for us to work together across villages and nationally to make the changes needed,” said Tami Jerue.

As the Alaska Native Task Force begins its journey to increase the safety of Alaska Native women, allies across the country and around the world stand ready to assist. At the Native Women’s Leadership Institute held in April in Seattle, Alaska Native advocates presented their concerns and issues. The participants by consensus agreed to respond to any call for action needed by their Alaska sisters. “We are committed to supporting any call to action that increases safety for Alaska Native women,” said Carmen O’Leary, Executive Director, Native Women Society of the Great Plains. “Changes are needed to support villages to strengthen local responses and accountability of offenders and of systems with the responsibility to protect women.”

The Task Force faces complicated legal challenges that are the foundation of the lack of response to the violence committed against Alaska Native women on a daily basis. Many of these issues were identified in the November 2013 Indian Law and Order Commission’s Report. “Native women and their families are depending on all of us to figure out how to end the violence and affirm their right to live safe from abuses,” said Tami Jerue. “How many more lives will be traumatized or lost before we make changes in laws, policies, and social norms?”

Increasing the safety of Alaska Native women depends on everyone working together to identify and reform a broken system that allows perpetrators to commit violence. Lessons learned from the past 11 years of the NCAI Task Force on Violence Against Women are guiding lights for the work facing the Task Force as it begins tackling urgent law and policy reforms impacting the safety of Alaska Native women.

In particular, the four principles of the NCAI Task Force that guided organizing efforts to birth the tribal provisions and amendments in VAWA in 2005 and 2013 are worth reviewing. These principles are consistent with one of the AFN’s major goals to “advocate for Alaska Native people, their governments, and organizations with respect to federal, state, and local laws.” The four principles are:

1. Recognition of the unique legal and political status of American Indian and Alaska Native tribal governments;
2. Addressing the barriers created by Public Law 280 impeding the full exercise of tribal responses to violence against women crimes;
3. Balancing the reform of federal and state justice systems’ responses to violence against women with strengthening of tribal beliefs and ways of living that respect women; and

“AFN applauds the dedicated advocates on behalf of Alaska Native women. Your work can make a difference. It is time to break the cycles of violence which impact too many of our relationships and families. AFN supports further legislation accompanied by adequate funding and innovative ideas which can make a difference.”

Julie Kitka, President
Alaska Federation of Natives



4. Serving as an information bridge for tribal leaders and community members to understand and participate in the movement to increase the safety of Native women.

The theme for the October 23–25, 2014, annual convention in Anchorage, AK, is “Rise As One,” which speaks to the strength of the grassroots movement to end violence against women that brought together a

diverse group of organizations and entities to achieve law and policy reform through the Violence Against Women Act of 2013. Plans are underway for the Alaska Task Force to Increase the Safety of Native Women to meet at the convention.

Department of the Interior Proposes Regulations to Make Trust Land Acquisitions for Alaska Natives

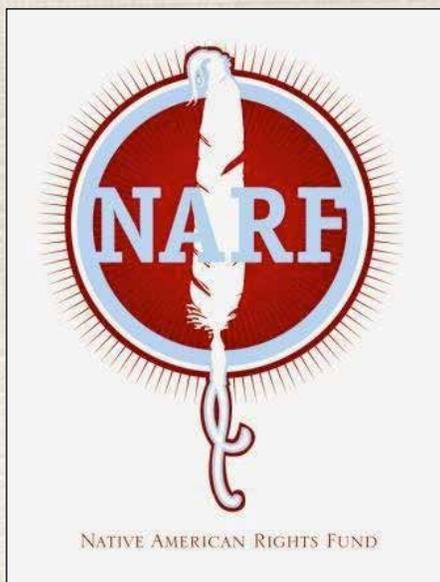
The Department of the Interior issued a proposed regulation today authorizing petitions for lands to be taken into trust status on behalf of Alaska Native Tribes and individuals. Kevin Washburn, Assistant Secretary of Indian Affairs, announced the long standing regulatory prohibition on Alaska petitions would come to an end. The proposed regulation comes nearly one-year after the historic court victory for Alaska Native Tribes in *Akiachak Native Community, et al. v. Salazar*, which affirmed the ability of the Secretary of Interior to take land into trust on behalf of Alaska Tribes and also acknowledged the rights of Alaska Tribes to be treated the same as all other federally recognized Tribes.

In 2006, four Tribes and one Native individual—the Akiachak Native Community, Chalkyitsik Village, Chilkoot Indian Association, Tuluksak Native Community (IRA), and Alice Kavairlook—brought suit challenging the Secretary of the Interior’s decision to leave in place a regulation that treats Alaska Natives differently from other Native peoples. On behalf of our clients, NARF and Alaska Legal Services Corporation sought judicial review of 25 C.F.R. § 151 as it pertains to federally recognized Tribes in Alaska. This federal regulation governs the procedures used by Indian Tribes and individuals when requesting the Secretary of the Interior to acquire title to land in trust on their behalf. The regulation barred the acquisition of land in trust in Alaska other than

Comments on this proposed rule must be received by June 30, 2014. *Comments on the information collections contained in this proposed regulation are separate from those on the substance of the rule.* Comments on the information collection burden should be received by June 2, 2014 to ensure consideration, but must be received no later than June 30, 2014.

for the Metlakatla Indian Community or its members. Plaintiffs argued that this exclusion of Alaska Natives—and only Alaska Natives—from the land into trust application process is void under 25 U.S.C. § 476(g), which nullifies regulations that discriminate among Indian Tribes. The State of Alaska intervened to argue that the differential treatment is required by the Alaska Native Claims Settlement Act (ANCSA). The District Court for the District of Columbia agreed with Plaintiffs on all counts.

Today's announcement from the Department of the Interior, along with the District Court's ruling last year, will allow Alaska Tribes to begin petitioning the Secretary to have their tribally-owned fee lands placed into trust status. With such status, Alaska's Tribal governments will have the opportunity to enhance their ability to regulate alcohol and generally protect the health, safety, and welfare of tribal members.



For more information, please contact Heather Kendall Miller or Matthew N. Newman in NARF's Alaska office at (907) 276-0680.

A Roadmap for Making Native America Safer

*A Report to the President and Congress of the United States
Indian Law and Order Commission*

In November 2013, the Indian Law and Order Commission (ILOC or Commission) released its findings and recommendations in a report, *A Roadmap for Making Native America Safer*. The report, released by a nine-member volunteer commission, and which took over two years to compile, presented 40 bold recommendations that provide stirring possibilities for Indian tribes to pursue in order to ensure public safety within their respective communities.

Local Control and Accountability for Indian Tribes

The prevailing theme underscored throughout the entire ILOC report “is to provide greater local control and accountability” to Indian tribes concerning the public safety and welfare of their communities and villages. The Commission further asserts that “more lives and property can and will be saved once tribes have greater freedom to build and maintain their own criminal justice systems.” In order for Indian tribes and villages to ensure the health, safety, and well-being of its members, including the safety of Alaska Native women and children, the authority of Indian tribes must be enhanced and restored. The existing reality is that the State of Alaska's current centralized law enforcement and justice systems do not work for the remote villages of Alaska. As the Commission noted, problems with safety in tribal communities are severe, but they are “systematically the worst in Alaska.”

Recommendations for Justice for Alaska Natives

With respect to Alaska, the Commission's findings served as a call for critical and urgent action to improve public safety—once again reemphasizing support for local control. The unanimous view of the Commission found that the “problems in Alaska are so severe and so large, that continuing to exempt the state from national policy change is wrong [and that] the public safety issues in Alaska [including] law and policy . . . beg to be addressed.” In Chapter 2, *Reforming Justice for Alaska Natives: The Time Is Now*, the Commission made several urgent recommendations:

2.1: Congress should overturn the U.S. Supreme Court's decision in *Alaska v. Native Village of Venetie Tribal Government* by amending ANCSA to provide that former reservation lands acquired in fee by Alaska Native villages and other lands transferred in fee to Native villages pursuant to ANCSA are Indian country.

Currently, the exclusion of Alaska Native villages from the definition of “Indian country” separates villages from other federally recognized tribes and puts them at a severe disadvantage regarding public safety, among other concerns. In order to increase the safety of Alaska Native women, local control and authority of Alaska Native tribes/villages must be restored and strengthened.

- The current definition prevents villages from using VAWA to protect women.
- The current definition prevents villages from accessing law enforcement resources needed to respond to domestic violence, sexual assault, and other crimes against women.

2.4: Congress should repeal Section 910 of Title IX of the Violence Against Women Reauthorization Act of 2013 (VAWA Amendments), and thereby permit Alaska Native communities and their courts to address domestic violence and sexual assault committed by tribal members and non-Natives, consistent with the lower 48.

Alaska Native women are disproportionately victimized at the highest rates across the country. According to the ILOC report, Alaska Native women “are over-represented in the domestic violence victim population by 250 percent; they comprise 19 percent of the population, but 47 percent of reported rape victims.” Furthermore, Alaska Native women “have reported rates of domestic violence up to 10 times higher than in the United States [and] the rate of sexual violence victimization among Alaska Native women was at least seven times the non-Native rate.”

VAWA 2013 included a special provision, VAWA Sec. 910: Special Rule for the State of Alaska, which provided that VAWA 2013 does not grant expanded jurisdiction to Alaska Native tribes, with the exception of the Metlakatla Indian Community, Annette Island Reserve.

Fundamentally, VAWA 2013 denies Alaska Native women equal protection when a Native woman is married to a non-Native person and an incident of violence occurs. To increase the safety of Alaska Native women, VAWA must reach and extend the same life-saving protections to the remote, off-road villages in Alaska, especially with the unconscionable rates of violence being committed against Alaska Native women.

2.5: Congress should affirm the inherent criminal jurisdiction of Alaska Native tribal governments over their members within the external boundaries of their villages.

By recognizing the inherent authority of Alaska Native tribal governments, Alaska tribes will be able to exercise greater local control within

Background of the Tribal Law and Order Act

Prior to “contact,” Indian tribes retained all inherent sovereign powers and negotiated from positions of strength. Tribal communities knew how to collectively govern themselves in a way that was respectful of all involved. Women were treated as sacred, but if they experienced violence from another, justice was swift and upheld by the entire community or village. However, as time progressed, the United States systematically began to interfere, dictate terms, and ultimately erode the authority of Indian tribes.

Congress has since passed several measures that lend support in strengthening tribal governments. The Tribal Law and Order Act (TLOA) of 2010 and the Violence Against Women Act (VAWA) of 2013 provided protections for Native women by supporting and recognizing the inherent sovereignty of Indian tribes. TLOA helps to address crime in tribal communities and places a strong emphasis on decreasing violence against American Indian and Alaska Native women. Among other important provisions, the TLOA increased federal accountability and tribal authority, and called for the establishment of a Tribal Law and Order Commission to make recommendations for improving public safety among tribal communities and villages in response to epidemic crime rates, including domestic and sexual violence against Native women.

According to the ILOC, TLOA has three basic purposes:

First, the Act was intended to make federal departments and agencies more accountable for serving Native people and lands. Second, TLOA was designed to provide greater freedom for Indian tribes and nations to design and run their own justice systems. This includes tribal court systems generally, along with those tribal communities that are subject to full or partial state criminal jurisdiction under P.L. 83-280. Third, the Act sought to enhance cooperation among tribal, federal, and state officials in key areas such as law enforcement training, interoperability, and access to criminal justice information.

their jurisdiction to properly adjudicate criminal matters and hold perpetrators accountable. Understanding and responding to violence against Alaska Native women requires an adherence to the government-to-government

relationship between Indian nations and the United States, including the United States' obligation in fulfilling its trust responsibility. To ensure the safety of Alaska Native women, Alaska Native tribes will require a restoration of legal authority

over perpetrators as well as additional resources to strengthen governmental responses to such crimes, including crimes of domestic and sexual violence.

National Platform Discussions Highlight Violence Confronting Alaska Native Women

Since the 1970s, the grassroots movement for the safety of Native women has monumentally matured with each passing decade. To continue the maturation of the movement, over the last year, tribal leadership and advocates have gathered at two focused leadership discussions to engage in dialogue to develop a national platform to identify and address barriers that must be removed for Native women to be safe. Both gatherings produced overwhelming consensus that the safety of Alaska Native women is a national issue that all must unanimously support.

The Viejas Institute Platform

Last August 2013, NIWRC organized a Leadership Institute Part I: A Strategic Discussion on the Development of a National Platform to Increase the Safety of Native Women & Sovereignty of Indian Tribes at the Viejas Band of Kumeyaay Indians' Resort. Native women's leaders, advocates, and tribal coalitions came together with NIWRC to: 1) reflect on the national platform that guided the grassroots movement to achieve VAWA 2005 and 2013; 2) reflect on how the movement was organized to successfully build a national groundswell to hold federal lawmakers accountable; 3) discuss future challenges in sustaining the movement's

growth; and 4) discuss foundations of a national platform to guide the movement to increase safety for Native women. Overwhelmingly, participants walked away with a sharper vision, renewed focus, and energy to work together to effect long-term change toward restoring tribal sovereignty to increase Native women's safety.

The Viejas Institute created the foundation for dialogue on a national platform that served as the basis for a Leadership Institute Part II, held in Seattle, WA, in April 2014. The Seattle platform included critical discussions to increase the safety of Native women in Alaska, the absence of a tribal allocation under the Victims of Crime Act (VOCA), outstanding tribal needs and gaps in the Family Violence Prevention and Services Act (FVPSA), findings from the November 2013 Indian Law and Order Commission (ILOC) Report, and effective use of theater and social media to raise awareness and shed light on critical changes necessary in law and policies that serve as roadblocks for tribes to protect women.

The Seattle Institute Platform and Safety for Alaska Native Women

Joann Horn, Emmonak Women's Shelter Director, said, "Participating in the Seattle Leadership Institute has made it clear that we must be focused now more than ever before on working with our tribal governments to secure a safer future for our children, grandchildren, and generations to come. Too many of our women suffer in silence and we must come together to send the message that they do not have to suffer in silence any more. For many whose voices are silenced, we have the responsibility for voicing their needs."



Viejas Leadership Institute Part I, August 2013. Native women's advocates, coalition directors/staff/board members, and NCAI and NIWRC staff/consultants enjoying time with Viejas Chairman Anthony Pico and First Lady Pico.



Longtime Alaska Native women’s advocates engaging in continued discussion with tribal coalitions from the lower forty-eight on ways to support change to increase Alaska Native women’s safety. From left to right: Nettie Warbelow, ICWA Coordinator and Advocate, Tetlin Village; Priscilla Kameroff, Emmonak Women’s Shelter and Yup’ik Women’s Coalition Board President; Christine Teganlakla, Yup’ik Women’s Coalition Outreach Coordinator; Joann Horn, Emmonak Women’s Shelter Director.

Alaska Native advocates and tribal leaders are developing a platform for change specific to the challenges, strengths, and realities of Alaska Native villages and the extremely high rates of violence that Alaska Native women face. The Alaska Native platform will identify foundational barriers to women’s safety, clear pathways to remove roadblocks and replace them with local village-based solutions, and also prioritize concrete action by key players and allies regionally, nationally, and internationally. Several issues identified by Alaska Native advocates include the exclusion of Alaska Native villages from the definition of “Indian country”; a reliance and dependence on state and federal justice systems, which are largely absent from villages on a daily basis, to protect Native women; and lack of support for tribal authority and resources to protect Native women from violence within their villages. As a result of both Institutes, the Alaska Native Women’s Resource Center committee and other advocates are

working collectively to continue the development of an Alaska Native platform to serve as a roadmap for making Alaska safer for women.

Working together, the grassroots movement for safety is in the best position to effect lasting change for women and tribal nations now and for the future seven generations. In the guiding words of our movement mothers about how to effect changes that are needed, Tillie Black Bear called for change “beyond the shelter doors”; Juana Majel asked tribal coalitions, “What changes do you want to see?”; and Terri Henry referenced that it is easier to break one stick versus breaking a bundle of sticks—concluding that working together in a unified way only makes us stronger in our work.

Seattle Leadership Institute Part II, April 2014. Native women’s advocates and tribal coalitions continuing to build unity and consensus with the ongoing development of a national platform.



VAWA Intertribal Working Group: Positioning Special Domestic Violence Criminal Jurisdiction for Action

Over the past year, 39 tribes have worked in collaboration as part of the Intertribal Technical-Assistance Working Group (ITWG) on Special Domestic Violence Criminal Jurisdiction (SDVCJ) to implement VAWA 2013. Three of the participating tribes—the Pascua Yaqui Tribe, the Confederated Tribes of the Umatilla Indian Reservation, and the Tulalip Tribes—have now

been authorized by the Attorney General to exercise SDVCJ on an accelerated basis during the pilot period.

Effective February 20, 2014, the three approved tribes are able to exercise their sovereign power to investigate, prosecute, convict, and sentence both Indians and certain non-Indians who commit crimes of

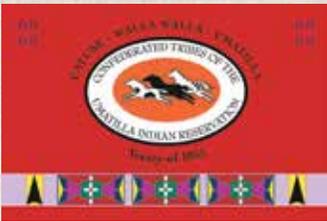
domestic violence, dating violence, or violation of protection orders. The approved pilot tribes had to notify their communities—including, sending press releases to print and electronic media in their respective communities—that the tribes would soon commence prosecuting SDVCJ cases.

Pascua Yaqui Tribe



Since the February 20, 2014 effective date, the Pascua Yaqui Tribe has worked to develop training to update its law enforcement officers as well as court personnel. Pascua Yaqui Tribal Police are already using SDVCJ to protect Native women. Tribal Police have made several arrests of non-Indian alleged domestic violence offenders. Four cases are in various stages of investigation, three have federal implications and one is set for trial. With an active SDVCJ docket, the Pascua Yaqui Tribe knows that the rest of Indian country—and the nation—is watching.

Confederated Tribes of the Umatilla Indian Reservation



Since the February 20, 2014, effective date, the CTUIR legal offices continue to closely examine their codes and procedures for any necessary amendments to clarify the scope of its SDVCJ authority. The CTUIR was at the forefront in implementing the provisions of the Tribal Law and Order Act of 2010—and one of the first to utilize the Bureau of Prisons Pilot Project to sentence the violent offender to 790 days in federal prison. Like the Pascua Yaqui Tribe, the CTUIR also has a Special Assistant United States Attorney (SAUSA). (The Tribal SAUSA Pilot Project seeks to train tribal prosecutors in federal law, procedures, and investigative techniques to increase the likelihood that every viable violent offense against Native women is prosecuted in either federal court or tribal court, or both.) The CTUIR is committed to public safety and protecting the community.

Tulalip Tribes



Since the February 20, 2014, effective date, the Tulalip Tribes are working together within the government to develop applicable forms, procedures, and orders. Along with Pascua Yaqui and Umatilla, Tulalip continues to share information and resources with participating tribes of the ITWG. And, while there have been no arrests, Tulalip Tribes will be ready. Tulalip's domestic violence and sexual assault prosecutor was recently designated as a Special Assistant United States Attorney (SAUSA). Furthermore, Tulalip Tribe Court supports the tribes' vision that "together we create a healthy and culturally vibrant community" in its practice of judicial excellence.

Looking Ahead

With three tribes approved to exercise SDVCJ on an accelerated basis, other tribes are working together with the approved tribes through the ITWG to continue

to discuss best practices, training needs, and resource development. The ITWG—along with Justice and the Interior partners—has held teleconferences, topical webinars, and two in-person meetings, as

the group worked together to discuss best practices on combating domestic violence and criminal procedures necessary to successfully implement SDVCJ. As this magazine goes to print, a third in-person

Frequently Asked Questions: A Refresher

WHAT CAN TRIBES DO UNDER THE NEW LAW?

Tribes can choose to exercise their sovereign power to investigate, prosecute, convict, and sentence certain non-Indians who assault Indian spouses or dating partners or violate a protection order in Indian country. VAWA 2013 also clarifies tribes' sovereign power to issue and enforce civil protection orders against Indians and non-Indians. The law is voluntary and does not change the responsibility of the federal or state governments to prosecute crimes in Indian country.

WHEN DOES THIS NEW LAW TAKE EFFECT?

Although tribes can issue and enforce civil protection orders now, generally tribes cannot criminally prosecute non-Indian abusers until at least [bold] March 7, 2015. However, a tribe can start prosecuting non-Indian abusers sooner than March 7, 2015, if the tribe applies to participate in the Pilot Project, and is approved by the Attorney General (as have the Pascua Yaqui Tribe, Confederated Tribes of the Umatilla Indian Reservation, and Tulalip Tribes).

WHAT IS THE APPLICATION QUESTIONNAIRE?

The 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 during the Pilot Project. It was published by DOJ on November 29, 2013. (<http://www.justice.gov/tribal/docs/appl-questionnaire-vawa-pilot.pdf>)

WHAT CRIMES ARE COVERED?

Covered offenses will be determined by tribal law. But tribes' criminal jurisdiction over non-Indians is limited to the following, as defined in VAWA 2013:
Domestic violence;
Dating violence; and
Criminal violations of protection orders.

The crime must occur within the Indian country of the tribe, the victim must be a Native person, and the defendant must have sufficient ties: such as living, working, or having an intimate relationship on the reservation.

WHAT MUST A TRIBE DO TO PROTECT DEFENDANTS RIGHTS UNDER THE NEW LAW?

A tribe must—

- Protect the rights of defendants under the Indian Civil Rights Act of 1968, which largely tracks the U.S. Constitution's Bill of Rights, including the right to due process.
- Protect the rights of defendants described in the Tribal Law and Order Act of 2010, by providing—
 - Effective assistance of counsel for defendants;
 - Free, appointed, licensed attorneys for indigent defendants;
 - Law-trained tribal judges who are also licensed to practice law;
 - Publicly available tribal criminal laws and rules; and
 - Recorded criminal proceedings.
- Include a fair cross-section of the community in jury pools and not systematically exclude non-Indians.
- Inform defendants ordered detained by a tribal court of their right to file federal habeas corpus petitions.

WHAT SHOULD TRIBES DO TO GET STARTED?

Use the resources available from the ITWG on ncai.org/tribal-vawa to 1) explore whether exercising jurisdiction over non-Indians makes sense for their community, and 2) assess what needs to be done in the following areas:

Code Revisions, Jury Selection, Defendants' Rights, Victims' Rights and Safety, Court/Judicial Requirements, Law Enforcement Training, Detention, Domestic Violence Best Practices.

Another valuable resource is to review the applications of the approved Pilot Project tribes at justice.gov/tribal/vawa-pilot-2013.html.

meeting is scheduled for May 28–29, 2014—hosted by the Pascua Yaqui Tribe at its Casino Del Sol Resort. This will be the first in-person meeting of the ITWG since the Attorney General approved three tribes to exercise SDVCJ as a part of the pilot project.

While continuing to work on the implementation of VAWA 2013 and SDVCJ, we must remain focused on our ultimate goal of eradicating violence against Native women and ask ourselves: Where does Indian country want to be on March 7, 2015, when the tribal provisions

take full effect? What will Indian country want to look back and see in another five years? Safer communities? Stronger tribal justice systems? Improved interagency communication (tribal, federal, state)?

Tribal Consultation Update

The U.S. Department of Justice (USDOJ), Office on Violence Against Women (OVW) will soon invite tribal leaders from across the nation to attend its ninth Annual Violence Against Women Government-to-Government Tribal Consultation. One of the VAWA 2013 Amendments to the Annual VAWA Consultation mandates that the Attorney General provide 120 days' notice to the Indian tribes of the date, time, and location of the annual consultation.

On April 23, 2014, the USDOJ OVW held a conference call to discuss potential locations and dates for the 2014 VAWA Tribal Consultation. The first half of October 2014 is currently under consideration and OVW recommended the cities of Bismarck, ND, or Rapid City, SD, as the Great Plains area has not yet been represented for the annual tribal consultation. OVW will send out another meeting notice in the near future to finalize the 2014 date and location.

The purpose of the Violence Against Women Government-to-Government Annual Consultation is to solicit recommendations from tribal government leaders on the following:

- Enhancing the safety of American Indian and Alaska Native women from domestic violence, dating violence, sexual assault, stalking, and sex trafficking;
- Strengthening the federal response to the crimes of domestic violence, dating violence, sexual assault, and stalking; and
- Administering grant funds appropriated for tribal governments and programs created to benefit tribal governments by the original VAWA and subsequent legislation.

If you are unable to participate, but would like to share your recommendations with OVW, please contact Ms. Lorraine Edmo at Lorraine.Edmo@usdoj.gov.

Past VAWA Tribal Consultation locations:

- 2013 - Washington, DC
- 2012 - Tulsa, OK
- 2011 - Santa Ana Pueblo, NM
- 2010 - Spokane, WA
- 2009 - St. Paul, MN
- 2008 - Palm Springs, CA
- 2007 - Albuquerque, NM
- 2006 - Prior Lake, MN



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, stalking and sex trafficking.
3. Strengthening the federal response to such violent crimes

“The consultation and coordination of states with Indian tribes in the development of state STOP formula grant implementation plans will be of particular concern during the consultation this year,”
Juana Majel, Co-Chair, NCAI Task Force on Violence Against Native Women.

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

The historic amendments of VAWA 2013 further strengthened this mandate and confirmed that the inclusion of a separate annual consultation continues to be essential to the implementation of VAWA with Indian tribes. This interaction on a nation-to-nation basis has allowed tribal governments and the United

States to discuss matters that at the broadest level impact the safety of Indian women, and to propose strategies to address these issues. The VAWA 2013 tribal amendments were the result of the concerns raised during the consultation process since 2006. Over the last eight years, tribal leaders have engaged the leadership of the USDOJ to raise the most serious roadblocks to the safety of Native women and to the ability of Indian tribes 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.

Supreme Court of the United States, *United States v. Castleman*

*Upholds VAWA No Guns for Those Convicted of Misdemeanor Domestic Violence,
Establishing Broad Definition of Domestic Violence*

The Case

In 2001, James A. Castleman, a Tennessee man, pleaded guilty to having “caused bodily injury” to the mother of his child. Under federal law, any person convicted of a misdemeanor crime of domestic violence involving physical force is prohibited from possessing, buying, or selling firearms and ammunition. Seven years later, it was discovered that Castleman and his wife were buying firearms and selling them on the black market. Mr. Castleman engaged in the unauthorized sale of firearms and was indicted under the federal gun law. At the time he argued that the firearms charges should be dismissed because his state conviction did not qualify as a crime of domestic violence. He argued that the state domestic violence law he pleaded guilty to did not require proof of physical force and therefore was not a crime of domestic violence.

Meaning of “Domestic Violence”

Each tribe defines domestic violence in its specific tribal code, and the Castleman case requires that Indian tribes closely review their code to be consistent with the definition of domestic violence under the case.

In the Castleman case, the Supreme Court addressed the meaning of domestic violence and application under the federal gun laws, with the majority concluding that it encompassed acts “that one might not characterize as ‘violence’ in a non domestic context.” Justice Sonia Sotomayor, writing for six justices, stated that domestic



violence must be understood broadly to include “seemingly minor acts.” “Domestic violence is not merely a type of ‘violence,’” she said. “It is a term of art encompassing acts that one might not characterize as ‘violence’ in a non domestic context.”

The word violence standing alone connotes substantial force, she said, but that is not true of domestic violence. She gave examples of what might qualify as only domestic violence: pushing, grabbing, shoving, hair pulling, and “a squeeze of the arm that causes a bruise.” Justice Sotomayor wrote, that since Mr. Castleman had pleaded guilty to having “intentionally or knowingly caused bodily injury,” the physical force serious enough to amount to domestic violence could be assumed.

Firearms’ Role in Domestic Violence Homicide Cases

- Nearly one-third of all women murdered in the United States in recent years were murdered by a current or former intimate partner.
- Of females killed with a firearm, almost two-thirds were killed by an intimate partner.
- More than three times as many women are murdered by guns used by their husbands or intimate partners than by strangers’ guns, knives, or other weapons combined.

Source: National Task Force to End Sexual Violence Against Women.

Victory for Advocates

Numerous advocacy organizations filed amicus briefs supporting the VAWA gun prohibition provision, including Legal Momentum and the National Network to End Domestic Violence. “This ruling will literally save lives,” says Rita Smith, Executive Director of the National Coalition Against Domestic Violence. “We cannot express enough how important this ruling was today. Any other ruling would have significantly undermined women’s safety. Knowing that more than half of female intimate partners are more likely to be killed by a gun than any other weapon, today feels like an incredible victory.”

***Paroline v. United States*, April 23, 2014 VAWA Provision Upheld: Victims of Children Pornography Have a Right to Restitution**

This Supreme Court case addressed a victim's ability to obtain compensation for crimes committed against him or her. A federal law, the Crime Victims Restitution Act (CVRA), allows eligible survivors of sexual violence to obtain restitution—financial compensation for harm—from their abusers. Each individual—among hundreds and maybe thousands—found guilty of keeping and looking at images of a child being sexually abused must pay the victim something more than a “trivial” sum, but none of them can be required to pay for all that the victim has lost, the Supreme Court ruled on April 23, 2014, in a 5-to-4 decision. This case decided whether someone who possesses child pornography causes direct harm to the depicted child, or if only those who create the pornography actually victimize the child.

The Case

A Tyler, Texas, man, Doyle Randall Paroline, pled guilty to possession of 150–300 images of children engaged in sexually explicit conduct. Two images were of a child identified as “Amy,” whose uncle had sexually abused her when she was eight years old and then posted pictures displaying this abuse online, where Paroline obtained them. As an adult, Amy sought restitution from Paroline, even though he wasn't the originator of the pictures, citing federal mandatory restitution laws as the grounds for recovering losses. Amy testified, “My life and my feelings are worse now because the crime has never really stopped and will never really stop.”

Paroline was sentenced to 24 months of incarceration followed by release under supervision. Under a federal statute that mandates full restitution to victims of child pornography by those convicted of creating, distributing, or possessing such material, the government and Amy sought restitution in the amount of nearly \$3.4 million. The district court denied restitution and held that the statute required the government to prove that Paroline's possession of the images was the proximate cause of the injuries for which restitution was sought. The U.S. Court of Appeals for the Fifth Circuit reversed and held that Paroline was responsible for restitution for all the victim's losses even if his criminal acts occurred after the victim's losses. The court agreed that victims of child pornography have the right to recover restitution from a defendant who possesses images of their abuse—even if the defendant didn't create the images.

Supreme Court Holding

The Court ruled that victims should be compensated and defendants should be held accountable for the impact of their conduct on those victims. Defendants should only be made liable for the consequences and gravity of their own conduct, not the conduct of others. The ruling in the case of *Paroline v. United States* settled a dispute among lower courts on a mandatory law of restitution to victims of child pornography and refused to establish a specific formula for allocating the financial blame, telling federal trial judges to “do their best,” with a few suggestions for starting points. Justice Anthony M. Kennedy wrote the majority opinion.

The decision will spare Paroline from paying all of the nearly \$3.4 million that lawyers for Amy had demanded. The Court ruled that a federal district court judge must calculate how much to assess against Paroline personally. There is no doubt, Justice Kennedy wrote, that Paroline “was part of the overall phenomenon” of distributing and keeping images of the abuse of Amy. He should have to pay his share and, Kennedy said, it must be enough to send the message that his part in the crime was not victimless.

Lawyers for Amy had insisted that Paroline, like everyone who has her images and looks at them, contributes to her continuing injury, so each of them should be required to pay the full amount for her losses, in whatever multiples of individuals are found and prosecuted for having the pictures. The pictures of Amy being abused are among the most widely circulated child pornography images in this country and, apparently, around the world. The number of individuals possessing them—according to the Court—reaches into the thousands.

Only one Justice—Sonia Sotomayor—agreed with the demand for full restitution, but Sotomayor did so in dissent. Justice Sotomayor's dissent spoke only for herself, arguing that Congress had specified that restitution for the “full amount” of losses was mandatory, as part of the punishment for each one convicted of possessing child pornography involving the victim.

Congratulations Diane Humetewa on Historic Appointment to U.S. District Court for the District of Arizona

The National Indigenous Women's Resource Center extends its best wishes and congratulations to Diane Humetewa on her historic appointment to serve on the federal bench. On May 14 the U.S. Senate confirmed Ms. Humetewa as a district court judge for the U.S. District Court for the District of Arizona. Ms. Humetewa is the first Native American woman in the history of our nation to serve on the federal judiciary, and will be the only American Indian serving as an Article III judge in the federal judiciary. Ms. Humetewa was confirmed unanimously by the Senate. "It is exciting and inspiring to see trailblazing Native women like Diane Humetewa making history," said Lucy Simpson, Executive Director, NIWRC.

Diane Humetewa is a citizen of the Hopi Nation from the Village of Hotevilla and is of the Tobacco Clan. Her service to the Hopi Nation includes work as a prosecutor and an appellate court judge. Her ties to her culture and family run deep, and her desire that the justice system works for all is commendable. We expect that Ms. Humetewa will enrich the Arizona bench with her expansive legal experience and rich cultural background.

Ms. Humetewa was U.S. Attorney for the District of Arizona from 2006 to 2009. She was the first Native American female to be presidentially appointed to that position, where she presided over one of the largest U.S.

Attorney Offices with one of the highest case loads in the nation.

Ms. Humetewa legal career includes working in the private sector representing tribal government clients as a federal Indian law and natural resources law attorney.

She also served as an Assistant U.S. Attorney, prosecuting a wide variety of federal crimes, including violent crimes in Indian country, Native American cultural crimes, and archeological resource crimes. In 2001, she was promoted to Senior Litigation Counsel/Tribal Liaison where she fostered relationships between the office and Arizona's Indian tribes while managing a case load. She also supervised the U.S. Attorney's Victim Witness Program. In the 1980's, she helped to establish one of the first federal victim services programs in the nation.

Ms. Humetewa career also includes testifying before U.S. Congress and the U.S. Sentencing Commission. She has also served as counsel to the U.S. Senate Committee on Indian Affairs, counsel to the Deputy Attorney General for the U.S. Justice Department, as a member of the U.S. Sentencing Guideline Commission, Native American Advisory Committee, and as an Appellate Court Judge for the Hopi Tribe. She is a presidentially appointed member of the Board of Directors for the Morris K. and Stewart L. Udall Foundation, and a board member for The Nature Conservancy in Arizona and the National Indian Justice Center. She recently served as chairperson for the Arizona U.S. Magistrate Judge Merit Selection Committee.

"Ms. Humetewa's exceptional career, including her former role as U.S. Attorney, will serve her well as the first female Native American ever appointed to the federal judiciary and the only American Indian in the federal judiciary," said Mary Smith, National Native American Bar Association President.



Family Violence Prevention and Services Act Reauthorization 2015

The Family Violence Prevention and Services Act (FVPSA) is an essential component of our nation's campaign to raise awareness about the cruel epidemic 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 life-saving program."

On December 20, 2010, tribal leaders and advocates across the

land celebrated as they watched President Obama sign the Family Violence Prevention and Services Act (FVPSA) into law. Congress authorized the FVPSA from 2011 until 2015. Once again, tribal stakeholders are preparing to engage and support the FVPSA reauthorization effort.

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.

FVPSA 2010 Established National Indian Resource Center

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

"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."

FVPSA Funding Authorized at \$175 Million

- State formula to provide shelter and supportive services through subgrants to local domestic violence programs – local programs serve nearly a million adult and child victims annually – 70%
- Tribal formula to provide shelter and supportive services – 10%
- National and specialized training and technical assistance resource centers – 6%
- State Domestic Violence Coalitions to act as the information clearinghouses and coordinate state- and territory-wide domestic violence programs, outreach, and technical assistance – 10%
- Monitoring, evaluation, and administrative cost – 2.5%
- Discretionary projects – 1.5%

In addition the following are authorized under FVPSA:

- DELTA prevention grants authorized at \$6 million
- National DV Hotline authorized at \$3.5 million

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.

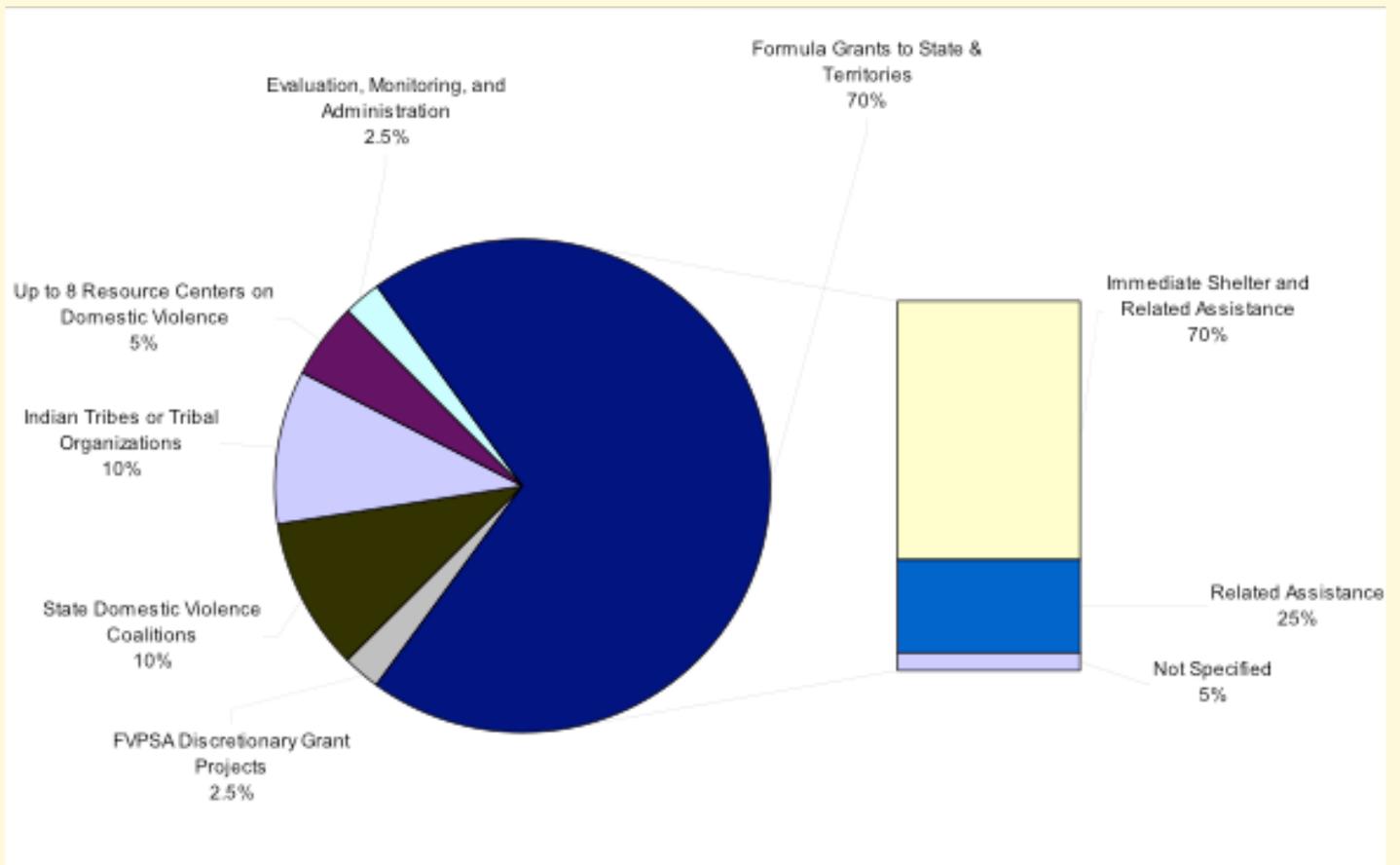
History of FVPSA

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 services like the White Buffalo Calf Woman Society on the Rosebud Reservation. FVPSA also funds emergency shelter, crisis hotlines, counseling services, victim assistance initiatives, and programs for underserved communities.

Legislative History

- FVPSA first authorized in 1984
- FVPSA expired in 2008
- 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.

Current FVPSA Distribution



No Dedicated Funding Stream for Indian Tribes in Victims of Crime Act

In 1984, Congress passed the Victims of Crime Act (VOCA), which serves as the major funding source for victim services throughout the United States. At the time of its passage, Congress did not include a dedicated funding stream for Indian tribes. Unfortunately, based on the 1984 legislation, only states are eligible to receive victim assistance and crime victim compensation grants.

Much has changed for the better in the relationship between the USDOJ and Indian tribes over the last three decades. In the words of Terri Henry, Chairwoman of the Eastern Band of Cherokee Indians, “This disparity has remained for the last 30 years and is a great injustice to tribal victims of crime. While so

much has been achieved under the Violence Against Women Act, the change must be across departments and funding streams. In FY 2013, we witnessed \$730 million distributed from the Fund with less than \$5 million reaching Indian tribes.”

It is well-documented by USDOJ research that American Indians and Alaska Natives suffer higher rates of violent victimization than any other population. Recent increases in the Crime Victims Fund (the Fund) have resulted in current balances in excess of \$10 billion. The total amount of deposits into the Fund for FY 2012 was a record \$2,795,547,045. The next closest year was 2010 when \$2.8 billion was deposited.

Discussions are underway to increase the amount of money released for distribution to assist victims of crime. Unfortunately, the discussions have not included amending VOCA to include Indian tribes.

\$10 Billion Dollar Excess, Call for a Permanent Tribal Set-Aside within VOCA

Since 2003, the NCAI Task Force has recommended that Congress create a tribal set-aside within the Fund for Indian tribes. This funding could greatly benefit Indian women victimized by domestic and sexual violence. As stated above, the Fund has a current reserve balance of approximately \$10 billion.

Given the crisis confronting American Indian women, the NCAI Task Force is calling for the immediate creation of a permanent tribal set-aside under VOCA. This request, while acknowledging the inclusion of the \$20 million tribal set-aside in the President’s FY 2015 budget, recognizes the need to establish a permanent dedicated VOCA funding stream for Indian tribes. A one-time inclusion in the annual federal budget does not sufficiently address the inequity and disparity resulting from the exclusion of Indian tribes from direct receipt and administration of funds under VOCA.

NCAI Resolution Supports Establishing a Tribal Dedicated Funding Stream

Tribal leaders, victim service providers, and tribal coalitions have drafted a resolution supporting the creation of a tribal set-aside under VOCA. The resolution provides two

Current Fund Disbursements

The FY 2013 the cap was \$730 million. The first \$10 million is used to improve the investigation and prosecution of child abuse cases. This \$10 million is divided between the U.S. Department of Health and Human Services (\$8.5 million) and Office for Victims of Crime (OVC) (\$1.5 million). The \$1.5 million is administered by OVC to help Native Americans improve the investigation and prosecution of child abuse cases, particularly child sexual abuse, on a competitive basis. The remaining Fund deposits are distributed as follows:

- 48.5 percent to state compensation programs
- 48.5 percent to state assistance programs
- 3 percent for discretionary funds to support demonstration projects, training, and other assistance to expand and improve the delivery of services to federal crime victims

The two small discretionary programs administered by the OVC on a competitive basis (Children’s Justice Act Partnerships for Indian Communities Grant Program and Tribal Victim Assistance) cannot be compared to the current state formula program. An “above the cap” amount for Indian tribes would balance the current disparity in the distribution of VOCA funds. Establishing a tribal set-aside so Indian tribes can administer victim service programs will go a long way in providing financial assistance and life-saving services to tribal victims of crime, including Native women and their children victimized by domestic and sexual violence.

options for creating the tribal set-aside. The first option proposes an “above the cap” tribal set-aside. The set-aside would be funded from the Fund’s reserve balances and would not impact amounts distributed to states or federal agencies. The second option is to create a 10 percent tribal set-aside from within the amount set by the cap.

Background of the Fund:

The Fund was established under the 1984 VOCA to help victims cope with the trauma and aftermath of violent crime. Rather than being funded by taxpayer dollars, each year millions of dollars are deposited into the Fund from criminal fines, forfeited bail bonds, penalty fees, proceeds from confiscated property, and special court assessments.

These dollars come from offenders convicted of federal crimes and range as low as \$20 from individuals to thousands from corporate defendants.

Understanding the Discussion to Increase the “Cap”

In FY 2000, Congress began limiting the amount of Fund deposits that could be obligated each year. By doing so, it hoped to provide a

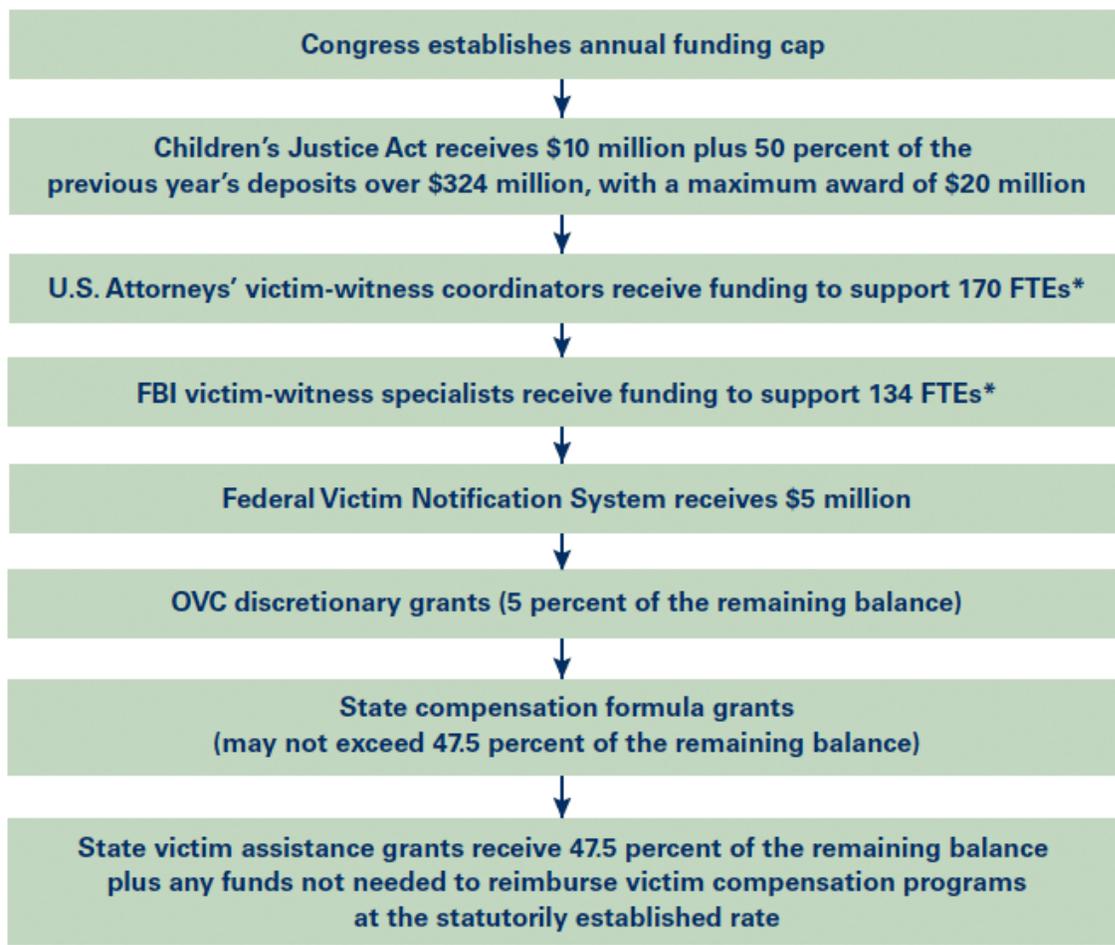
stable level of available funding for future years. Congress determines the annual limit, or “cap,” on the amount to be released from the Fund. Members of Congress and state victim service professionals are recommending that the Senate Appropriation Committee release additional monies from the Fund. Discussions about the cap increase, however, are separate from discussions about the inclusion of

Indian tribes, like states, in fund distributions to support services for tribal crime victims. The resolution also supports an increase in the cap with inclusion of a set-aside for Indian tribes.

Ending the Disparity

No dedicated tribal funding stream currently exists under the VOCA for Indian tribes to administer

Figure 2. Crime Victims Fund Allocation Process



*Full-time employees. *Chart provided at <http://www.ojp.usdoj.gov/ovc/pubs/crimevictimsfundfs/intro.html>

Due to the exclusion of Indian tribes from the VOCA legislation in 1984, distribution of funds is limited to federal agencies and the states. While Indian tribes do receive small amounts under the Children’s Justice Act (\$1.5 million) and OVC discretionary grants, it is unacceptable that Indian tribes are excluded from primary funding streams under VOCA. The NCAI resolution supports adding Indian tribes to be eligible for formula victim compensation and victim services funding. Thus, in the chart below the Crime Victims Fund allocation process would be changed to read “State and tribal compensation formula grants” and “State and tribal victim assistance grants...”

programs to compensate and provide assistance to tribal victims of crime. This lack of funding to Indian tribes is unacceptable given the high amount and severity levels of violence and lack of services for tribal crime victims. USDOJ

statistics document the well-known fact that violence against Indian women is more than double that of any other population of women; yet services are lacking or do not exist in many tribal communities. While states and territories receive

an annual formula amount from the VOCA Fund, the reality is that Indian tribes do not receive such an allocation.

Tribal Leadership Discussions and Concerns Regarding FVPSA

In the context of increasing shelter and related services for Native women victimized by domestic violence tribal leaders, advocates, and coalitions have discussed concerns and posed the following questions regarding outstanding gaps contained in the FVPSA and possible solutions to overcoming such gaps including:

1. Given the epidemic levels of violence and urgent need for shelter and related services why is the tribal formula set-aside only 10percent in contrast to the other allocations under FVPSA? Specifically the percentage authorized for services available to more than 550 Indian tribes is the same percentage authorized for 56 non-profit state domestic violence coalitions to primarily provide training and technical assistance.
2. Given the outstanding need for tribal-specific training and technical assistance why are tribal domestic violence coalitions not included as eligible entities under the FVPSA legislation like state coalitions?
3. Given the unprecedented levels of violence against Alaska Native women how can the FVPSA increase assistance to Alaska Native villages to enhance the village response and support local control? Is funding of an Alaska Native Women's Tribal Resource Center authorized under FVPSA 2010 being considered by the FVPSA office?
4. Given the lack of shelter and related services for Native women how can the National Tribal Domestic Violence Hotline increase its expertise, outreach and services to Native women? Is the FVPSA Office considering the establishment of a tribal specific hotline or other alternatives?

Tribal Leadership and Concerns Regarding VOCA

In the context of increasing services for Native women victimized by domestic violence, sexual assault, and sex trafficking tribal leaders, advocates, and coalitions have discussed the following concerns regarding outstanding gaps contained in the VOCA and possible solutions to overcoming such gaps including:

1. Given the high rates of victimization of American Indian and Alaska Natives why no tribal set-aside exist under the VOCA?
2. Discussions to raise the VOCA cap without inclusion of a tribal set aside indicating that policy makers may not understand that VOCA does not include Indian tribes to receive Victim Compensation or Victim Services from the Office for Victims of Crime.
3. Recommendations that states improve coordination with Indian tribes as an alternative to establishing a tribal set aside or in addition to a tribal set aside.
4. A solution to the above concerns being creation of a tribal set aside under VOCA to establish a dedicated funding stream for Indian tribes.

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.”

A Movement for Safety: Art & Culture

As a new addition to *Restoration Magazine*, the Art & Culture section welcomes Mary Kathryn Nagle as the section's contributing author. The role of art and culture is essential to building the national movement for safety of Native women, as we have witnessed the tremendous impact of grassroots theater through the national readings of *Sliver of a Full Moon*.

A Playwright's View

As Native people, we tell stories. Our stories teach us who we are. They feed us. They heal us. And they inspire us. For many of our tribal communities, life's most important

against Native women.

In 1978, the U.S. Supreme Court declared that Indian tribes no longer had jurisdiction to prosecute non-Indians who commit crimes on reservations. Native women were hit the hardest by the *Oliphant v. Suquamish* decision, since they are more likely than any other race to become victims of violent crimes such as sexual assault and domestic violence—and yet 88% of the perpetrators of these crimes against Native women are non-Native. The Supreme Court effectively stripped tribal governments of their ability to prosecute non-Natives and protect Native women in their own homes.

the entire government to hear. How could Congress deny tribal governments the right to protect Native women after hearing their stories?

But the thing about this form of art is that, as a playwright, you have no control. You start out taking interviews with one thought in mind, and six weeks later you realize you're involved in a project that is larger than life and taking you in a completely opposite direction.

Two days before I was scheduled to take my first interview, I received a text message from a friend: "VAWA passed!!!!"

"Change happens when we stand up and tell our stories."

lessons are taught in the stories we pass from generation to generation. As Native people, we have been telling stories for thousands of years.

It's time to take these stories out into the world. Although it's important to share our stories within our own communities, we can no longer afford to keep our stories to ourselves.

In February 2013, tribal leaders from several different American Indian nations lobbied in Washington, DC, for the reauthorization of the Violence Against Women Act (VAWA). More specifically, they asked Congress to pass a bill that would recognize the inherent sovereignty of American Indian tribes to prosecute non-Natives who come onto tribal lands and commit acts of domestic abuse

In February 2013, I traveled to Washington, DC, not to lobby or help with the effort of VAWA, but rather, to socialize with some friends. In the middle of a dinner, I found myself facing some important questions:

How can we share the stories of our Native women survivors?

Can you interview them?

Can you write a play?

My answer was YES. I was honored to take on this task. And during this dinner, our plan became clear. We would interview a group of survivors and transform their stories into a series of monologues that would become a play. We would then take the play directly to Congress and perform the monologues for

What?! No one thought that would happen!

The whole purpose behind taking these interviews and writing this play was to help the effort in getting VAWA passed—because everyone agreed the House would vote against it! Now that VAWA has passed with the tribal jurisdiction provision in it, what was the point of writing this play?

After much discussion, we decided to go forward with the interviews. As I listened to the stories of our women survivors, as I listened to their words, I realized this play was not what I thought it was.

The women I was interviewing were not only survivors. These women were warriors. They didn't just survive the violence that was



The Native Women's Society of the Great Plains developed this logo in honor of tribal women murdered or disappeared due to domestic and sexual violence. It is a reminder that violence against Native women impacts every tribal family and Indian nation.

inflicted upon them—they took their experiences, their stories of survival, and organized at the grassroots level to change the law at the national level.

The women—our sisters—have been involved in change at the tribal level, within their states, and at the national level. For decades they have defended tribal women and children often standing alone. As a result of 35 years of organizing, their movement was at the point of an historic victory not only for the safety of women but for Indian nations. The movement restored a portion of our tribes' pre-1978 sovereignty to protect women in our own homes, a victory some said would never happen.

Suddenly I realized that the play I was writing wasn't about the violence that had happened to our women. No—this play was about our collective success in changing the law so that what happened to them would never happen to our daughters or our grandchildren.

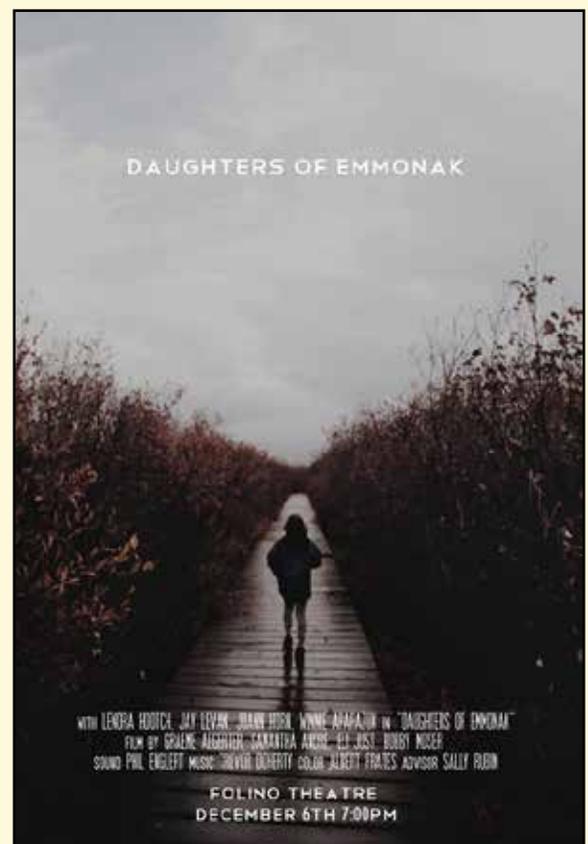
But the reauthorization of VAWA in 2013 is not the end. As we all know, the reauthorization that

Daughters of Emmonak

Daughters of Emmonak is a documentary film that spotlights Lenora “Lynn” Hootch’s lifelong work of bringing an end to domestic abuse in her rural village of Emmonak, Alaska. In 1982, Lynn worked with her village to open the Emmonak Women’s Shelter, which provides a safe place for women and children from Emmonak and surrounding villages.

This documentary showcases the invaluable potential of independent filmmakers to increase the safety of Native women. A team of four students used their skills and talents to produce an untold story and bring the world closer to the reality of Yup’ik women struggling to survive in their village.

Lynn has dedicated her life to reclaiming her people’s culture and traditional values as alcohol, drugs, and violence have torn through her community. Daughters of Emmonak brings these powerful stories to the fore, highlighting Lynn’s dream of a future where her grandchildren will walk the streets without fear.



View online at: <http://vimeo.com/82467170>

“You start out taking interviews with one thought in mind, and six weeks later you realize you’re involved in a project that is larger than life and taking you in a completely opposite direction.”

included the tribal jurisdiction provision doesn’t cover rape, sexual assault, or murder. Nor does it properly restore sovereignty in the tribes in Alaska to protect our Alaska Native sisters.

Now it’s time to share our stories with the international community. On September 22, during the United Nations World Conference on Indigenous Peoples, we will present *Sliver of a Full Moon*. Once again, the women warriors I interviewed will take the stage to play themselves for a world audience. I am honored to have worked with some incredible women: Lisa Brunner (White Earth Ojibwe), Diane Millich (Southern

Ute), and Billie Jo Rich (Eastern Band Cherokee).

The telling of our stories has ensured our survival since 1492. We no longer need to share our stories to survive. Now we share our stories to restore.

To learn more about *Sliver of a Full Moon*, please visit our website: sliverofafullmoon.org.

ARTS & CULTURE NEWS
Provided by Mary Kathryn Nagle
Arts and Culture Contributor



Sliver of a Full Moon is a portrayal of resistance and celebration. It is the story of a movement that restored the authority of Indian tribes over non-Indian abusers to protect women on tribal lands. Although thousands contributed to this victory, *Sliver of a Full Moon* follows the story of five Native women who took a stand and two Native men, including Congressman Tom Cole, who stood with them to win this victory.



Church Center of the United Nations
777 1st Avenue, E 44th St, New York, NY 10017
Monday, **September 22, 2014** | **6:30 pm**
For more info visit: sliverofafullmoon.org/#schedule

United Nations World Conference on Indigenous Peoples

September 22–23, 2014

New York City

The UN World Conference on Indigenous Peoples, which takes place on September 22–23, is an historic opportunity to take lasting and positive action in the UN to improve the lives of indigenous peoples around the world.

The major goal of the conference is to produce a concise action-oriented outcome document that will contribute to the realization of the rights of indigenous peoples. The document will also pursue the objectives of the UN Declaration on the Rights of Indigenous Peoples and promote achievement of all internationally agreed development goals. For more than a year, many Indian nations, organizations, and tribal coalitions in the United States have been advocating with UN member states to achieve action on following four recommendations:

1. Create an implementing and monitoring body

That the UN World Conference create an implementing and monitoring body with a mandate to promote and monitor implementation of the Declaration

and to encourage compliance with the obligations expressed in the Declaration. Such a monitoring and implementation body should have a mandate to receive relevant information, to share best practices, to make recommendations, and otherwise to work toward the objectives of the Declaration. The body should be made up of expert members, including indigenous experts. The General Assembly should establish a process, which would include including indigenous peoples' representatives, for elaborating the structure and mandate of such a body or mechanism at the earliest possible time.

2. Take actions to address violence against indigenous women

That the UN World Conference take the following actions to address violence against indigenous women:

- a. 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 on the Rights of



Indigenous Peoples with respect to protection against all forms of violence and discrimination;

- b. 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
- c. 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.

3. Take actions to protect indigenous peoples’ rights to their religious and cultural sites

That the World Conference take priority action to protect indigenous peoples’ rights to their religious and cultural sites, and recommend particularly that the World Conference requests the Office of the High Commissioner for Human Rights, the Human Rights

traditions, customs, and ceremonies. The recommended implementing and monitoring mechanism for the UN Declaration, when it is created, should also give priority attention to the protection of indigenous peoples’ religious and cultural sites.

4. Create an appropriate status for indigenous peoples within the United Nations system

That the UN World Conference create a distinct and appropriate status for indigenous peoples within the UN system in order to regularize and facilitate the participation of indigenous peoples in the work of the United Nations. Such a status within the UN system must give appropriate recognition to indigenous peoples represented by their own governments. The Permanent Forum on Indigenous Issues (or the Expert Mechanism on Rights of Indigenous Peoples), in consultation with states and indigenous peoples, should be given responsibility for elaborating a resolution on this matter for adoption by the General Assembly at the earliest possible time.

“Indian nations, organizations, tribal coalitions and advocates continue to use international human rights advocacy as part of a strategy to combat violence against indigenous women and children, to restore safety to Native communities, and to strengthen Indian nations.”

Jana Walker, Staff Attorney, Indian Law Resource Center.

Council, the Expert Mechanism on the Rights of Indigenous Peoples, the Special Rapporteur on the Rights of Indigenous Peoples, the UN Educational, Scientific, and Cultural Organization, and the Permanent Forum on Indigenous Issues to gather and share relevant information and best practices, conduct expert meetings and interactive panels, prepare studies, issue reports, and make concrete recommendations for the implementation of indigenous peoples’ right to maintain, protect, and have access and privacy to their religious and cultural sites and to manifest, practice, develop, and teach their spiritual and religious

Recent opportunities to achieve support for these recommendations

Several recent opportunities provided the opportunity for tribal leaders to support these recommendations from indigenous peoples and UN member countries, including:

May 9: State Department Consultation with Representatives of the U.S. Government, Federally Recognized Tribes, and NGOs and Other U.S. Indigenous Peoples to Discuss the 2014 World



INTERNATIONAL NEWS

Provided by Jana L. Walker and Karla E. General, Attorneys at the Indian Law Resource Center.

Since 2008 the Indian Law Resource Center has contributed to *Restoration Magazine* by reporting on international developments impacting the safety of Native women and sovereignty of Indian nations.



Conference, Washington, DC. Representatives from the State Department, federal agencies, and the White House met on May 9 with representatives of tribal governments and indigenous peoples regarding preparations for the World Conference. Tribal leaders voiced support for the four recommendations and urged the United States to lead other member countries in encouraging broad participation by indigenous peoples in developing the World Conference outcome document. When pressed by the State Department why a separate Rapporteur on indigenous women and children is needed, Terri Henry, Chairwoman, Tribal Council, Eastern Band of Cherokee Indians explained that “Special Rapporteurs have specific subject matter expertise, but where indigenous issues are concerned, there are critical, very particular things that those individuals simply must know. This is also why we’re asking for appropriate recognition by the UN as indigenous governments so we have the opportunity to participate and educate states as governments.” The

United States will host a follow-up call at the end of May and announce its plans to host a regional meeting in the coming months with Canada and Mexico.

May 12–23: 13th Session, UN Permanent Forum on Indigenous Issues (PFII), UN Headquarters, New York City. The PFII, an advisory body to the UN Economic and Social Council, meets annually and is mandated to discuss indigenous issues regarding economic and social development, culture, the environment, education, health, and human rights. On May 19, during a discussion on the World Conference, a joint oral statement will be offered presenting the four recommendations. The statement has the support of at least 80 Indian nations, 12 organizations, and four tribal coalitions. The statement and list of signatories is available at <http://indianlaw.org/worldconference>. The Indian Law Resource Center has organized a side event at the PFII on May 20 that will discuss the creation of an implementing and monitoring body for the UN Declaration. For more information about the PFII, visit <http://undesadspd.org/IndigenousPeoples.aspx>.



Informal Interactive Hearing, UN Headquarters, New York City. To receive input for the World Conference, the President of the General Assembly will convene an informal interactive hearing no later than June 2014 with representatives of indigenous peoples, the UN system, and others. This will be a critical opportunity to propose recommendations for the outcome document and to meet with and seek support from member countries.

Visit <http://undesadspd.org/IndigenousPeoples/WorldConference.aspx> for more information about 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 U.S. is obligated to report periodically to UN treaty monitoring bodies that review states' treaty compliance.

1. International Covenant on Civil and Political Rights (ICCPR)

In March 2014, the UN Human Rights Committee completed its review of the United States' compliance with the ICCPR. To inform the review, the NCAI Task Force on Violence Against Women, National Indigenous Women's Resource Center, Clan Star, Inc., and the Indian Law Resource Center submitted a shadow report calling attention to the epidemic levels of violence against indigenous women in the U.S., particularly Alaska Native women. The report asked the Committee to issue Concluding Observations to reform U.S. law and policy; ensure delivery of safety and justice in Alaska Native villages; and provide funding and training programs for tribal law enforcement and judicial systems.

In its Concluding Observations, the Committee expresses concern that Indian and Alaska Native women are at high risk of domestic violence and face obstacles to justice, and that law enforcement authorities are

Inter-American Commission on Human Rights Possible Thematic Hearing

Following the 2011 thematic hearing on "Violence Against Native Women in the United States" requested by the National Indigenous Women's Resource Center, Clan Star, Inc., the NCAI Task Force on Violence Against Women, and the Indian Law Resource Center, Commissioner and Rapporteur on the Rights of Women, Tracy Robinson, decided to produce a thematic report on the situation of discrimination against women in the Americas. The report is expected to be released this year. Opportunities for requesting future thematic hearings will be available for the 153rd Period of Sessions (October 23–November 7, 2014) and 154th Period of Sessions (TBD March–April 2015).

not legally bound to act with due diligence to protect domestic violence victims. The Committee specifically recommends that the U.S. fully and effectively implement VAWA and FVPSA to strengthen measures to prevent and combat domestic violence and ensure appropriate law enforcement response to domestic violence; to ensure effective investigation of domestic violence and prosecution of perpetrators; to ensure remedies for all domestic violence victims, and improve the provision of emergency shelter, housing, child care, rehabilitative services, and legal representation for women victims; and to assist tribal authorities in their efforts to address domestic violence. The Concluding Observations, the shadow report, and other related documents are available at http://tbinternet.ohchr.org/_layouts/treatybodyexternal/SessionDetails1.aspx?SessionID=625&Lang=en.

2. International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)

The UN Committee on the Elimination of All Forms of Racial Discrimination will review U.S. compliance with the ICERD during its session in Geneva, Switzerland, on August 11–29, 2014; the U.S. review is tentatively set for August 13–14. The United States' report was submitted to the Committee on June 12, 2013, and is available at <http://www.state.gov/j/drl/hr/treaties/index.htm>. To inform the U.S. 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 epidemic levels of violence against Native women and systemic barriers in U.S. law contributing to this human rights crisis. Shadow reports are due before July 25, 2014.

3. Universal Periodic Review (UPR)

The United States is also subject to the UPR process, within which the 193 UN member states assess the human rights situations of a particular state every four years. The UPR reminds states of their responsibility to implement and respect all human rights and fundamental freedoms. Review of the U.S. is expected in Spring 2015 and shadow reports are tentatively due September 1, 2014. In preparation, the U.S. held a consultation with tribes and others at the University of Oklahoma on April 24, 2014.

RECOGNIZING JAMES ANAYA, DEPARTING SPECIAL RAPPORTEUR

This June, James Anaya's term as the United Nations Special Rapporteur on the Rights of Indigenous Peoples comes to an end. As an independent expert appointed by the UN Human Rights Council, the Special Rapporteur examines and reports on rights of indigenous peoples with "special attention to the human rights and fundamental freedoms of indigenous women and children." Mr. Anaya leaves a legacy of promoting the rights of indigenous women, including measures to address the epidemic of violence against Native women and children in the United States.

In 2012, Mr. Anaya conducted his first official mission to examine the concerns of Native people in the United States in light of the UN Declaration on the Rights of Indigenous Peoples. He traveled around the country gathering information from tribal leaders, Native individuals, Native organizations, government officials, and others in Washington, DC; Tucson, AZ; Anchorage and Dillingham, AK; Portland, OR; Rosebud, SD; and Tulsa, OK.

Native women's advocates and Indian leaders testified about violence against Native women and the need to restore safety to these women and strengthen the ability of Indian nations to address these crimes locally. The Indian Law Resource Center, NCAI

Task Force on Violence Against Native Women, Clan Star, Inc., and National Indigenous Women's Resource Center submitted a paper to the Special Rapporteur about the epidemic levels of violence against American Indian and Alaska Native women and girls in the United States. The paper illustrates those areas of U.S. law that do not comport with standards



of international law and the UN Declaration, and specifically recommends restoring Indian nations' authority to prosecute non-Indians committing crimes in Indian country, particularly violent and sexual crimes against Native women, and clarifying that every tribe has full civil jurisdiction to issue and enforce protection orders involving all persons.

Following his visit, the Special Rapporteur presented his report to the UN Human Rights Council in late 2012, noting several ways to enhance indigenous self-determination to combat violence

against women and girls by: (1) avoiding blanket limitations by countries on the jurisdiction of indigenous peoples' authority, self-governance, and traditional judicial systems over cases of violence against women; (2) increasing indigenous peoples' participation in the design, delivery, and oversight of programs related to preventing and punishing violence against women; and (3) strengthening indigenous peoples' local governance capacity and justice institutions. Mr. Anaya specifically recommended that Congress place immediate priority on legislation to "extend protection for indigenous women against violence by . . . enlarging the law enforcement capacities of tribal authorities."

Mr. Anaya's report followed the 2011 report of Ms. Rashida Manjoo, Special Rapporteur on Violence Against Women, to the UN Human Rights Council after she visited tribal leaders and Indian women in Indian country. Her 2011 report is particularly important. It states that, in order to protect Native women's human rights, the United States should reconsider the jurisdictional barriers in federal laws, including the limits on tribal criminal authority. The report also highlights the failure of federal and state authorities to police and prosecute these violent crimes against Native women. Both Anaya's and Manjoo's reports helped move

the issue of violence against Native women in the United States to the domestic and global forefronts.

Special Rapporteurs Anaya and Manjoo also joined forces to play a significant role in putting international pressure on the United States when the Violence Against Women Reauthorization Act of 2013 was stalled in Congress. On February 19, 2013, the Rapporteurs jointly issued a press release calling on the United States to reauthorize VAWA. “We would like to reiterate the importance of reauthorizing VAWA in order to build upon its accomplishments and continue striving for more adequate responses from the authorities in providing protection to victims and ensuring accountability for perpetrators,” the UN Special Rapporteurs stressed. The timing could not have been better. The release came after the Senate had passed a bipartisan VAWA, right while the House was considering it, and just days before President Obama signed VAWA 2013 into law.

UN Special Rapporteurs and other UN mechanisms have a unique role to play in the development of U.S. law regarding the safety of Native



women. Through international advocacy, they not only educate and inform, but also strengthen our grassroots efforts by adding world pressure on the United States regarding its obligations to end the epidemic of violence against American Indian and Alaska Native women and children. The work of Special Rapporteurs Anaya and Manjoo show that such advocacy in the international system does not go unheard.

We thank Mr. Anaya for all his work to achieve justice for indigenous women and peoples worldwide, and welcome the recent appointment of the new UN Special Rapporteur on the Rights of Indigenous Peoples, Ms. Victoria Tauli-Corpuz, an indigenous Igorot woman from the Philippines. We look forward to working with her and Special Rapporteur Manjoo in restoring safety to indigenous women and strengthening the sovereignty of indigenous nations.

Online Resources

“Self-Determination and Self-Government: Using the UN Declaration to End Violence Against Native Women,” available at <http://www.indianlaw.org/sites/default/files/UsingUNDeclaration-EndingViolenceAgainstNativeWomen.pdf>.

“Report of the Special Rapporteur on the Rights of Indigenous Peoples, James Anaya,” at 9, A/HRC/21/47 (July 6, 2012), available at http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session21/A-HRC-21-47_en.pdf.

Addendum “The Situation of Indigenous Peoples in the United States of America,” A/HRC/21/47/Add.1 (Aug. 30, 2012), available at http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session21/A-HRC-21-47Add1_en.pdf.

UN Commission on the Status of Women 58th Session

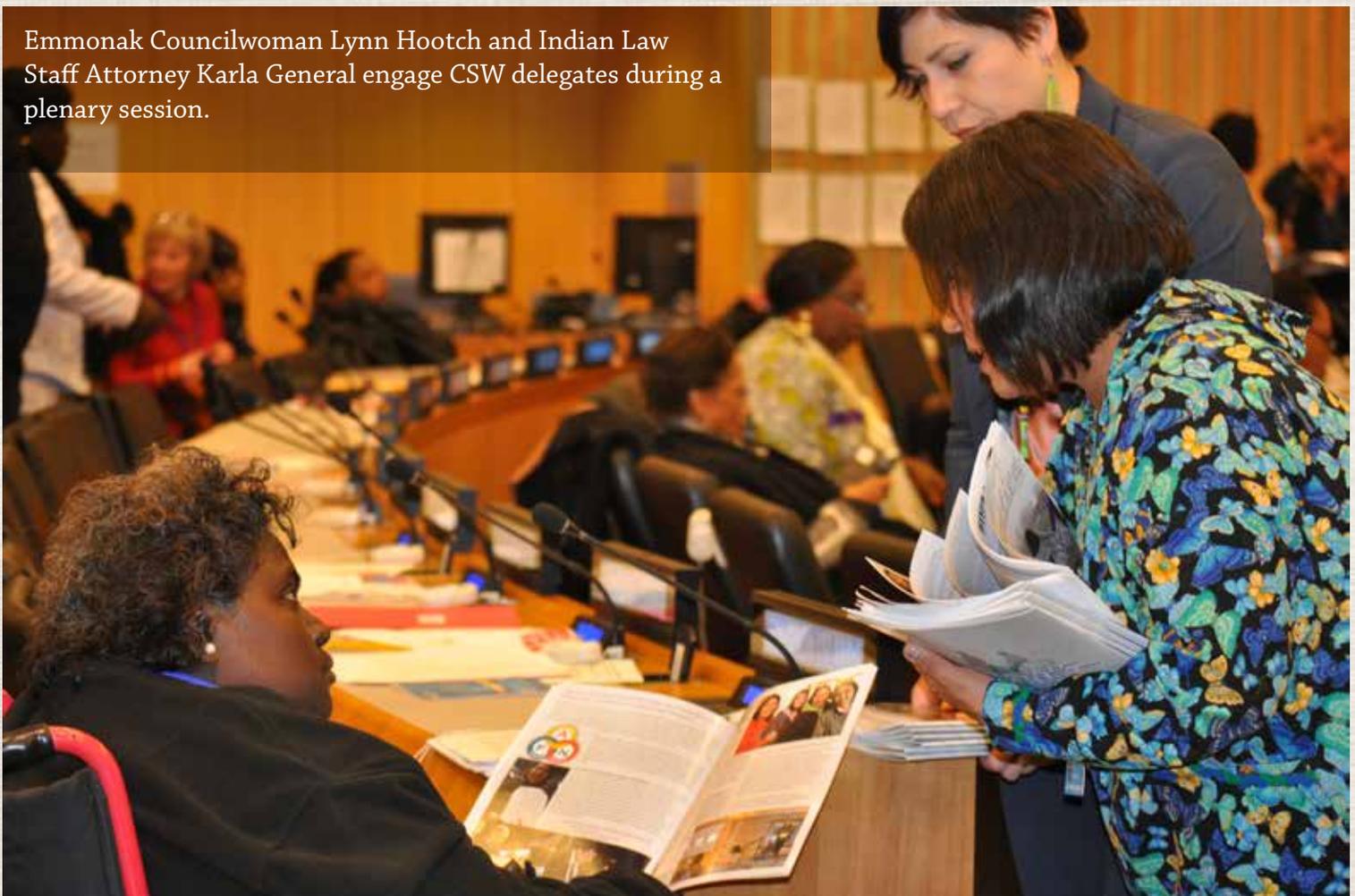
The Commission on the Status of Women (CSW) met in New York on March 10–21, 2014 to discuss challenges in the implementation of the Millennium Development Goals for women and girls. Composed of 45 member countries, the CSW is the global policy-making body for promoting gender equality and the empowerment of women. A tribal delegation of representatives from the National Indigenous Women’s Resource Center, NCAI Task Force on Violence Against Women, Native Village of Emmonak and Emmonak Women’s Shelter, and the Indian Law Resource Center attended.

The delegation worked to raise awareness about violence against indigenous women in the United States, particularly Alaska Native women; to seek support from states for concrete actions at the World Conference to address this violence; and to familiarize indigenous women with UN system advocacy. “This reminds me of when all of our elders gathers from the various villages of our region. They come together to make decisions for our well-being. The delegates here are discussing important issues for women around the world,” said Joann Horn, Alaska Native Village of Emmonak.

The delegation met with representatives of 19 states, the European Union, and Rashida Manjoo, the Special Rapporteur on Violence Against Women. On March 20, a joint oral statement was made to the CSW by the Indian Law Resource Center and NCAI, with the endorsement of the NCAI Task Force, National Indigenous Women’s Resource Center, and Clan Star, Inc. During Ms. Manjoo’s report, the discussion of the historic passage of the Violence Against Women Act tribal amendments received a spontaneous interruption of applause from the delegates and participants.

The statement and related materials are available at www.indianlaw.org. The Commission’s agreed conclusions, available at <http://www.unwomen.org/en/csw/csw58-2014/session-outcomes>, urge governments to “encourage the participation of indigenous women and girls in the World Conference,” and reference issues raised by the delegation’s advocacy, including the Millennium Development Goals’ failure to address violence against women and girls.

Emmonak Councilwoman Lynn Hootch and Indian Law Staff Attorney Karla General engage CSW delegates during a plenary session.



Ms. Rashida Manjoo, UN Special Rapporteur on Violence Against Women, commenting on the importance of the passage of the VAWA 2013 tribal amendments.



Appreciation for Terri Henry NCAI Task Force Co-Chair, June 2010–2014



In June 2010, Terri Henry became Co-Chair of the NCAI Task Force on Violence Against Native Women. At the time, Terri served as a Tribal Council Member for the Eastern Band of Cherokee Indians. This year, Terri was elected to the honored position of Chairwoman of the Eastern Band. Given the increased responsibilities of this leadership position, Terri will be leaving her position as the NCAI Task Force Co-Chair.

Terri played an instrumental role in the creation of the NCAI Task Force in 2003. For more than a decade, Terri has played a leadership role for the Task Force at the tribal, regional, national and international levels. Terri has attended every Task Force meeting since its creation more than 11 years ago.

Since 2003, we have witnessed historic changes in federal law and policies that Terri helped to make possible. Terri provided essential leadership in the reauthorization of VAWA 2005 that witnessed the establishment of a tribal title within VAWA. During the difficult struggle to enact the tribal amendments of VAWA 2013 and restore tribal jurisdiction over non-Indians, she stepped forward to lead the effort in Washington, DC. In addition, Terri provided leadership for the passage of the Tribal Law and Order Act in 2010 removing the one-year sentencing limitation on tribal courts.

Working collaboratively to build a national movement since 1996, Terri's efforts have made a real and historic difference in the everyday lives of Native women. We extend to Terri our deepest appreciation for her dedication and tireless commitment to the safety of Native women and sovereignty of Indian nations. We wish her well in her position as the Chairwoman of her nation.



Lucy Simpson
Executive Director
National Indigenous Women's Resource
Center



Jacqueline Pata
Executive Director
National Congress of American Indians

Upcoming Webinars

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, webinar details, or to register: niwrc.org/webinars.

Upcoming Training

Criminal Justice Training

August 19-21 | Columbia, SC

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.

Editorial Content Jacqueline "Jax" Agtuca

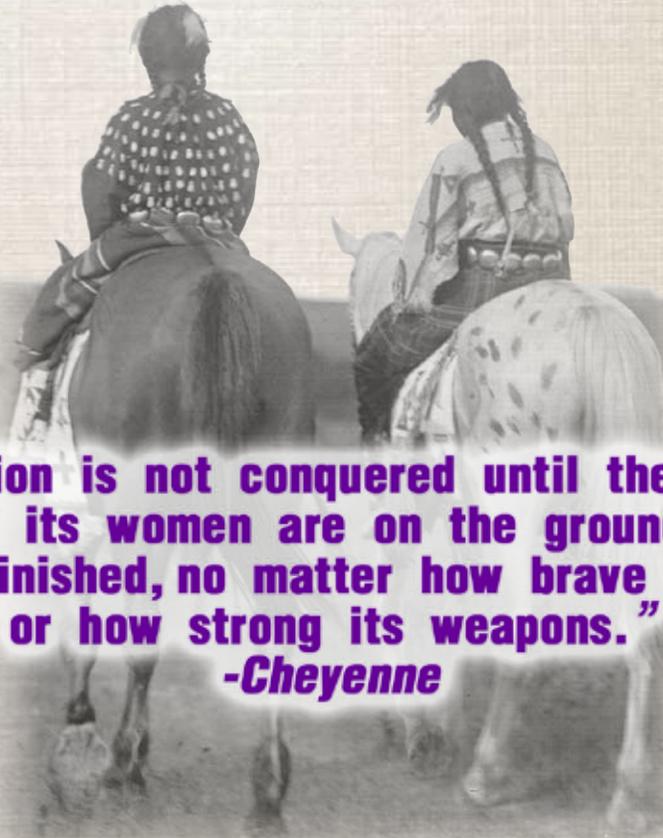
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**“A Nation is not conquered until the hearts
of its women are on the ground.
Then it is finished, no matter how brave its warriors
or how strong its weapons.”
-Cheyenne**

Violence Against Women Is Not Our Tradition



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