

Cover: *Reclaiming Our Power*, a basket created by acclaimed Cherokee weaver Shan Goshorn in honor of the historic VAWA 2013 amendment restoring criminal jurisdiction to Indian tribes over non-Indians in cases of domestic violence. The basket graces the cover of NIWRC's new resource book, *Safety for Native Women: VAWA and American Indian Tribes*. The interior of this double-weave basket is woven with high statistics of violence directed at Indian women on tribal lands by non-Natives. The paper text is washed with purple, black, and blue paint to emphasize the severity of this violence. The exterior is woven with the language of the amendments restoring jurisdiction and recognizing the inherent right of tribes to protect Indian women. The women figures are wrapped in intertribal shawls, metaphorically indicating how the new provisions in this Act will serve to wrap around Native women like a protective shield and untie the hands of tribal courts to dispense justice.

The National Indigenous Women's Resource Center presents...

Women are Sacred

June 1-3, 2015
Rapid City, SD



"During this holiday season, the National Indigenous Women's Resource Center sends warm greetings! At the close of another year, we pause to appreciate the many historic gains we have witnessed with the passage of VAWA 2013. As we welcome the New Year, we pray that it brings increased safety for all women and a renewed dedication to strengthen the sovereignty of Indian nations."

Lucy Simpson
Executive Director



"Wishing you all the happiest of holidays and the best in the coming year. Our movement has made incredible gains over the last decade winning historic victories many said would be impossible. In the coming year, major national legal and policy issues are before us, and once again our movement will work to increase the safety of Native women and sovereignty of Indian nations. Enjoy!"

Jacqueline "Jax" Agtuca
Restoration Magazine Editor





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“Reclaiming Our Power”



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Dear Friends,

Since 2003, *Restoration* magazine has provided tribal leaders, advocates, and attendees with an update on emerging issues impacting the safety of American Indian and Alaska Native women. In the rush to meet deadlines and to bring these pages to life with news, beauty, and bits of wisdom from lessons learned, we can lose track of who we are. Yes, we are advocates, and tribal leaders, and criminal justice personnel responding to individual cases of Native women seeking safety. Yet, in a more strategic and global context, we are seekers of justice working to build a movement to end violence against women.

In this context, we are the extended family and legacy of Tillie Black Bear. After a lifetime of service to Native women, Tillie passed over to the spirit world on July 19, 2014. Since 1977, for over 35 years, Tillie focused her skills as an organizer on building a strong national movement for the safety of Native women and sovereignty of Indian tribes. Tillie is beloved and we are thankful for her leadership these many years. We are honored to dedicate this edition of *Restoration* to Tillie Black Bear, the grandmother of the movement for the safety of Native women in the United States.

This volume also provides highlights of the annual VAWA consultations held in Rapid City on October 15, 2014, for the Department of Justice and on October 16, 2014, for the Department of Health and Human Services. The Safety for Indian Women Title mandates that the U.S. Department of Justice conducts an annual consultation with Indian nations on issues concerning the safety of Indian women. A national consultation is the highest level of policy discussion between the United States and Indian nations as governments. This interaction on a nation-to-nation basis allows Indian tribes as governments to discuss critical issues that at the broadest level impact the safety of Indian women.

The NCAI Task Force on Violence Against Women has worked diligently to ensure that the reauthorization of each VAWA addresses barriers to the safety of Native women. Contained in the pages that follow are updates on the VAWA 2013 amendment restoring limited jurisdiction over non-Indians in cases of domestic violence to Indian nations, NCAI resolutions on the Family Violence Prevention and Services Act, Victims of Crime Act, and so much more.

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

Co-Chairs, NCAI Task Force on Violence Against Women



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



Lenora Hootch
Council Member, Native
Village of Emmonak

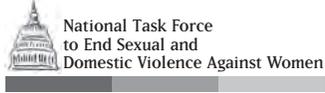
Pillars of Empowerment: Commemorating 30 Years of Life-Changing Legislation

The National Task Force to End Sexual and Domestic Violence Against Women (NTF) hosted *Pillars of Empowerment: Commemorating 30 Years of Life-Changing Legislation* to mark the anniversaries of the Family Violence Prevention and Services Act (FVPSA), Victims of Crime Act (VOCA), and Violence Against Women Act (VAWA). Mary Kay Inc. and The Mary Kay Foundation sponsored the event showcasing the public-private partnership that united congressional leaders and pioneers of the historic legislation. Attendees celebrated three decades of progress and re-committed to providing for new and more effective pathways to prevention, justice, safety, and healing.

“We still have a long and arduous road ahead before we declare that our beloved country, and globe, have prevented and indeed eradicated sexual, domestic, dating, and stalking violence,” says Pat Reuss, an NTF special advisor who led the effort to pass the Violence Against Women Act in 1994 and its reauthorizations. “We haven’t fully addressed this violence on tribal lands, in our prisons, among the immigrant community, or in our military, educational, and workplace arenas.” While lauding the great work of the past three decades, Reuss noted that violence against low-income survivors is often lost in the debate over the merits of public assistance and that violence against the elderly, the disabled, and LGBTQ individuals remains to be fully addressed. Reuss said, “Here at home at the local level, we have yet to fully fund any of these trailblazing laws and their important provisions. We continue to have bake sales to keep the rape crisis centers open.”

Mary Kay Inc. and The Mary Kay Foundation

Mary Kay has a long history of supporting the prevention of domestic abuse. As part of their Don’t Look Away campaign, Mary Kay granted \$1 million to support the nation’s first and only dating abuse text message helpline providing a safe and anonymous connection to a peer-trained advocate for support and information on healthy dating relationships. Additionally, The Mary Kay Foundation has donated \$34 million to domestic violence organizations since 2000 to help maintain critical services and programs for women, teens, and children who are survivors of domestic violence or dating abuse through an annual shelter grant program.



The National Task Force to End Sexual and Domestic Violence Against Women
Invites you to

Pillars of Empowerment

Commemorating 30 years of life-changing legislation

30 year anniversary of the
Family Violence Prevention and Services Act
and the Victims of Crime Act
20 year anniversary of the Violence Against Women Act

Wednesday, September 10, 2014
6-8 pm
National Museum of Women in the Arts
1250 New York Avenue NW, Washington, D.C. 20005

Space is limited. Please RSVP as soon as possible at:
www.nnedv.org/AnniversaryCelebration



Honored Guests

Sen. Patrick Leahy	Rep. John Conyers	Rep. Rosa DeLauro
Sen. Michael Crapo	Rep. Gwen Moore	Rep. Louise Slaughter
Sen. Patty Murray	Rep. Jim Costa	Rep. Jan Schakowsky
Sen. Tom Harkin	Rep. Ted Poe	Rep. Lois Capps
Sen. Amy Klobuchar	Rep. Donna Edwards	Rep. Lucille Roybal-Allard
Sen. Kirsten Gillibrand	Rep. Ileana Ros-Lehtinen	Rep. Chaka Fattah
Sen. Richard Blumenthal	Rep. George Miller	
Sen. Al Franken		
Sen. Barbara Mikulski		

“Unsung Heroes” Honored

During the event, Mary Kay recognized five “unsung heroes” who valiantly work in their communities with the help of programs funded by FVPSA, VOCA, and VAWA to address the heartbreak of sexual and relationship violence.

- Cherrah Giles – Secretary of the Department of Community and Human Services for the Muscogee (Creek) Nation (Jenks, OK)
- Cassie Luna – Technical Assistance Coordinator at The Network/La Red (Boston)
- Gretta Gardner – Chair of the Austin/Travis County Family Violence Task Force (Austin, TX)
- Luz Marquez – formerly with Sisters of Color Ending Sexual Assault, currently training to become a Sexual Assault Nurse Examiner (Troy, NY)
- Orchid Pusey – Associate Director at Asian Women’s Shelter (Oakland, CA)

About the Pillar Legislation

Family Violence Prevention and Services Act (FVPSA) – 30th Anniversary

FVPSA created the federal government’s first response to domestic violence when it was authorized in 1984. FVPSA supports lifesaving emergency shelter, crisis lines, counseling, safety planning, legal assistance, and preventive education to millions of adults and children annually. The act also established the National Coalition Against Domestic Violence Hotline and the DELTA prevention program, administered by the Centers for Disease Control. In 2011, domestic violence programs funded by FVPSA provided shelter and nonresidential services to more than one million victims. However, due to lack of capacity, an additional 170,069 requests for shelter went unmet.

Victims of Crime Act (VOCA) – 30th Anniversary

VOCA, authorized in 1984, compensates victims of crime by collecting fines and fees paid by criminals and distributing the money—primarily to victim services organizations and victim compensation funds. This funding has been used to establish and maintain our nation’s response to victims of all types of crimes, including domestic violence, sexual assault, and child abuse.

Now in its 30th year, VOCA annually provides funds to approximately 4,000 agencies nationwide to help

4 million victims in the aftermath of crimes. Despite the enormous growth of the balance of the Crime Victims Fund (22% annually over the last five years), the amount distributed by Congress to the states has stagnated (3% annually over the last five years).

Violence Against Women Act (VAWA) – 20th Anniversary

Since its original passage in 1994, VAWA has dramatically improved the national response to domestic violence, dating violence, sexual assault, and stalking. More victims report domestic violence to the police and the rate of non-fatal intimate partner violence against women has decreased by 53%. VAWA also saved nearly \$12.6 billion in net-averted social costs in just its first six years. In one state, Kentucky, protective orders alone are estimated to save at least \$85 million annually. VAWA’s programs support state, tribal, and local efforts to address the pervasive and insidious crimes of domestic violence and sexual assault. VAWA’s sexual assault services program is a frontline response to victims of rape—with collaboration between rape crisis centers, victim services providers, and law enforcement to better meet the needs of rape victims.

National Task Force to End Sexual and Domestic Violence Against Women (NTF)

The NCAI Task Force on Violence Against Women is a member of the NTF. The NTF represents millions of victims of domestic violence, dating violence, sexual assault, and stalking, and the professionals who serve them. NTF acts to bring about change through effective public policy initiatives to combat sexual and domestic violence. The full membership of NTF is comprised of a large and diverse group of national, tribal, state, territorial, and local organizations, as well as individuals committed to securing an end to violence against women. These member organizations are represented on the national level by the NTF Steering Committee. Members of the NTF include:

- ABA Commission on Sexual and Domestic Violence
- American Association of University Women
- Asian & Pacific Islander Institute on Domestic Violence
- Break the Cycle
- Casa de Esperanza
- Clan Star
- Futures Without Violence
- Institute on Domestic Violence in the African American Community

- Jewish Women International
- Legal Momentum
- National Alliance to End Sexual Violence
- National Center for Victims of Crime
- National Coalition Against Domestic Violence
- National Coalition of Anti-Violence Programs
- National Congress of American Indians
- National Council on Jewish Women
- National Domestic Violence Hotline

- National Network to End Domestic Violence
- National Organization for Women
- National Organization of Women of Color Ending Sexual Assault
- National Resource Center on Domestic Violence
- National Resource Sharing Project
- National Sexual Violence Resource Center
- YWCA USA

Pillars of Empowerment Unsung Hero Award Recipients

These individuals were honored at the Pillars of Empowerment event for their contributions to end domestic violence, dating violence, sexual assault, and stalking. They were selected from a wide field of nominations made by the National Task Force to End Sexual and Domestic Violence Against Women.

Cherrah Giles, Secretary of the Department of Community and Human Services for the Muscogee (Creek) Nation (Jenks, OK)

Cherrah is the Secretary of the Department Community and Human Services for the Muscogee Creek Nation in Oklahoma, the fourth largest tribe in the United States, which receives Office on Violence Against Women, FVSPA, and VOCA grant funding. As a social worker and a survivor of domestic violence, Cherrah understands the importance of tribal services and programs for teens and adults that focus on domestic and family violence prevention.

At the young age of 24, she was an elected official of the Muscogee (Creek) Tribal Council—leading a public life in which she spoke at hundreds of events while hiding her private abuse. Her personal experience has motivated her efforts to better indigenous communities so that Native women can live free of violence. Cherrah has been a key figure in working on behalf of Native women, testifying at House briefings on the passage of tribal amendments, organizing initiatives to support the reauthorization of VAWA 2013, and supporting the launch of *Sliver of a Full Moon*, a portrayal that celebrates and supports VAWA and the grassroots movement.

By sharing her own story and through her activism, Cherrah helps shed light on why Native women are in desperate need of services funded under the VAWA Tribal Government Grant Program. Cherrah resides in Jenks, OK.



September 10, 2014, Washington, DC – Cherrah Giles, accepting her Unsung Hero Award, expressed her deepest appreciation and thanked the National Task Force to End Violence Against Women for honoring her leadership and that of the national movement to increase the safety of Native women.

Cassie Luna, Technical Assistance Coordinator, The Network/La Red (Boston)

Cassie is the Technical Assistance Coordinator at The Network/La Red, where she has worked for almost three years, beginning her tenure as a volunteer.

One of her greatest achievements has been working on a three-year national Training and Technical Assistance project in partnership with the National Coalition of Anti-Violence Programs. The project supports mainstream domestic violence and sexual assault organizations to create equal access to LGBTQ survivors.

Cassie's other work includes leading an Office on Violence Against Women-funded project in collaboration with the Massachusetts Alliance of Portuguese Speakers, providing training and technical assistance to their domestic violence program so that it is more LGBTQ accessible. She is also participating in the Juntas Task Force to address domestic violence and sexual assault in Portuguese-speaking communities.

Most recently, Cassie has been working with TOD@S (Transforming Ourselves Through Organizing, Dialogue, and Services), a Boston-based collaborative to increase awareness of partner abuse in LGBTQ communities of color and increase and improve access to survivors of color. She has been recognized by the Massachusetts Asian and Pacific Islanders for Health organization for her activism as a queer Asian community member.

Gretta Gardner, Chair, Austin/Travis County Family Violence Task Force (Austin, TX)

Gretta has been the Chair of the Austin/Travis County Family Violence Task Force for the past four years, and under her leadership, the attendance and participation has increased. In her position at the Austin-area task force, she has worked to identify gaps and barriers to services and justice and has introduced the membership to national models and promising practices. As the Family Violence Director for Travis County Counseling & Education Service, she also works collaboratively with all local, state, and national agencies and organizations.

One of Gretta's most notable successes was planning, developing, and implementing the OVW Safe Havens Grant, for a supervised visitation safe exchange center called PlanetSafe, which has been operating for one year.

Gretta's local work includes annual Domestic Violence Awareness Month actions, including the development and implementation of an ongoing public awareness event that happens each October in Austin called the Stand Up for Safe Families Paddle Parade. She also collaborated with the University of Texas School of Law to propose a Resolution and Call to Action to Declare Freedom from Domestic Violence as a Human Right.

Luz Marquez, formerly with Sisters of Color Ending Sexual Assault (Troy, NY)

Luz joined the efforts to end sexual assault in 1997, with the New York State Coalition Against Sexual Assault. Later, as cofounder of the National Organization of Sisters of Color Ending Sexual Assault (SCESA), she balanced individual advocacy for victims of sexual assault with national work to ensure that the needs of women of color who experienced sexual assault were met with culturally appropriate responses. In particular, she co-led the fight to create a new grant program in the Violence Against Women Act. This program provides communities of color with the resources needed to maintain or develop culturally appropriate programs for victims of domestic violence, dating violence, sexual assault, and stalking.

As a survivor of childhood sexual assault, Luz has been a staunch advocate for programs that support the individual needs of survivors of sexual violence. Luz has recently embarked on returning to school in hopes of becoming a Sexual Assault Nurse Examiner, so that she can be at the front lines of helping women begin their process of healing after sexual assault.

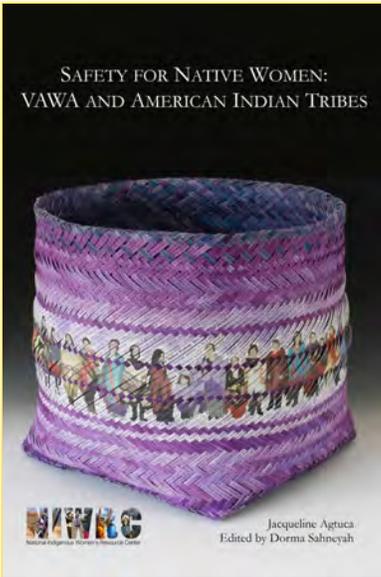
Orchid Pusey, Associate Director, Asian Women's Shelter (Oakland, CA)

Orchid works at the Asian Women's Shelter (AWS) and advocates for women experiencing intersectional violence and obstacles, and victimization as experienced by Asian-Pacific Islander (API) women and LGBT communities. Orchid served as Interim Executive Director and has worked for over 12 years at AWS. She was also nominated for her work addressing human trafficking especially with limited English proficient victims.

Orchid has developed and replicated violence prevention programs such as Chai Chats, a program building healthy relationship skills and cultures in API and other marginalized LGBT communities, and AWS's innovative Multilingual Digital Storytelling Project, a survivor-centered media advocacy initiative which brings previously unheard experiences of violence and survival into community and policy consciousness. She has also supported organizations nationwide with replicating AWS's Multilingual Access Model, a nationally recognized model of language and cultural access, making safety, support, and critical services accessible to survivors of domestic and sexual violence and human trafficking in over 40 languages and dialects.

Safety for Native Women: VAWA and American Indian Tribes

National Indigenous Women's Resource Center
By Jacqueline Agtuca, Edited by Dorma Sahneyah



The Violence Against Women Act (VAWA) is celebrated as landmark federal legislation that fundamentally changed the response of the United States to violence against women. While the impact of VAWA on the federal and state governments is often discussed, the relationship of VAWA to Indian tribes and the safety of Native women is not.

The purpose of this book is to provide the perspective of the tribal grassroots movement for the safety of Native women on the significance of VAWA and specifically the Safety for Indian Women Title. Through this publication, we hope to increase the awareness of the VAWA tribal provisions, review the impact of VAWA upon the response of Indian tribes to such violence, and shed light on unaddressed legal barriers to the safety of Native women.

We hope to provide readers with a greater understanding of the complex political relationships in which the epidemic of violence against Native women is rooted, how it has developed over time, and how it continues in America today. In particular, this book provides readers with a tribal perspective of four political relationships that forged a national movement for the safety of Native women:

- The relationship of the tribal grassroots movement for the safety of Native women to the passage in 1994 and reauthorizations of the Violence Against Women Act in 2000, 2005, and 2013.
- The relationship of the colonization of American Indian tribes and Alaska Native Villages to contemporary violence committed against Native women.
- The relationship of the Tribal Title of VAWA to the sovereignty of Indian tribes and enhancing the safety of Native women.
- The relationship of certain federal laws to the vulnerability of Native women as a population to violent victimization, and the lack of justice services for their protection.

In this context, this book attempts to share the impact of U.S. laws and policies upon the safety of American Indian and Alaska Native women.

“Reclaiming Our Power”

NIWRC extends our heartfelt appreciation to Shan Goshorn, Eastern Band of Cherokee Indians, for use of the image of her double-weave basket named “Reclaiming Our Power.” The basket is woven with high statistics of violence directed at Indian women on tribal lands by non-Natives. These facts include: 3 out of 4 Native women will be physically assaulted in their lifetime; Native women are 10 times more likely to be murdered than any other group of women; 1 in 3 Native women will be raped in their lifetime; and 88% of crimes against Indian women are by non-Natives, but tribal courts lacked the authority to prosecute them until the VAWA 2013 amendment.

The paper text is washed with purple, black, and blue paint to emphasize the severity of this violence. The exterior is woven with the language in Sections 904, 905, and 910 of the reauthorization of the Violence Against Women Act (VAWA) of 2013. This language recognizes the inherent right of tribes to protect Indian women who suffer specific abuse by non-Native abusers on tribal lands. Prior to the enactment of this law, non-Natives could act without fear of prosecution for these crimes.



“It was important to me for this basket to be a community project, so I sent out an e-request and received responses from over 50 Native women from across the Northern Hemisphere. I requested images of women wearing street clothes (to indicate how violence happens at any time) and of females of all ages (to show how this can happen to our daughters, our sisters, our mothers, our grandmothers, our friends). I obscured individual faces to illustrate the anonymity of the victims and the widespread pervasiveness of this violence. All the figures are wrapped in intertribal shawls, metaphorically indicating how the new provisions in VAWA 2013 will serve to wrap around us like a protective shield and untie the hands of tribal courts to dispense justice.” —Shan Goshorn

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Safety for Native Women: VAWA and American Indian Tribes

The National Indigenous Women's Resource Center is honored to dedicate this book to Tillie Black Bear, 1946–2014, the grandmother of the movement for the safety of Native women in the United States. On July 19, 2014, during the final preparations to send this book to print, our beloved sister passed over to the spiritual world. Words cannot convey the legacy that Tillie gifted to our movement. With a deep and heartfelt appreciation, we dedicate *Safety for Native Women: VAWA and American Indian Tribes* to Tillie Black Bear.

NIWRC would also like to thank the many people who aided in the conception, production, and completion of this book. In particular NIWRC would like to extend our warm appreciation to the following individuals who have walked the VAWA journey discussed on the pages of this book.

To the leadership and unrelenting determination of the NCAI Task Force on Violence Against Women Co-Chairs to enact VAWA 2013 with the tribal amendments: Terri Henry (2010–2014) and Juana Majel Dixon (2003–present). Words cannot describe the commitment your leadership provided and will continue to provide to the national movement for the safety of Native women—from the midnight teleconferences, to traveling on zero notice, and for your patience in the process of educating members of Congress and national policymakers. The lifesaving reforms made under the VAWA are largely a historical statement to your leadership.

To all the Native women who traveled far from their homelands to share their stories of survival under the public eye and educate Congress on the urgent need for the lifesaving amendments to the VAWA 2013 Safety for Indian Women Title, specifically Cherrah Giles, Diane Millich, Billie Jo Rich, Lisa Brunner, and Deborah Parker. To the NIWRC federal partners at the ACF Family Violence Division, HHS, specifically to Shena Williams for her efforts to build a strategic partnership with Indian tribes and the NIWRC. To the Strong Hearted Native Women's Coalition for the pilot review of the text during the VAWA Tribal Leaders Symposium, held September 18, 2013.

To the wonderful NIWRC consultants: Jacqueline “Jax” Agtuca for her authorship and skills as a political strategist in our movement's VAWA journey; Maria Magallanes for her assistance with copy editing; and Tillie Black Bear for her strategic leadership and guidance that helped this project become a reality.

Lucy Simpson,
Executive Director, NIWRC

Safety for Native Women: VAWA and American Indian Tribes

A powerful presentation of the impact of colonization of American Indian tribes on the safety of Native American women and the changes to address such violence under the Violence Against Women Act. This essential reading reviews, through the voices and experiences of Native women, the systemic reforms under the Act to remove barriers to justice and increase Native women's safety. It places the historic changes witnessed over the last twenty years under the Act in the context of the tribal grassroots movement for safety of Native women. Legal practitioners, students, and social justice advocates will find this book a useful and inspirational resource to creating a more just, humane, and safer world.

Paperback \$19.99

All proceeds will support NIWRC efforts to increase the safety of Native women.

Order Books: <http://goo.gl/EHpp57>

Special Domestic Violence Jurisdiction Opens to Indian Country in Six Months

Get Ready Now!

Over the past year, 40 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—are now authorized by the Attorney General to exercise SDVCJ on an accelerated basis during the pilot period. These three 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.

Looking Ahead to March 7, 2015

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 three in-person meetings to discuss best practices on responding to domestic violence and enhancing criminal procedures necessary to successfully implement SDVCJ.

While continuing to work on the implementation of VAWA 2013 and SDVCJ, we must remain focused on our ultimate goal of ending 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)?



October 29, 2014, NCAI Atlanta panelists provide an update on the exercise of special domestic violence criminal jurisdiction authorized by VAWA 2013. The panel included representatives from the three tribes currently exercising criminal jurisdiction over non-Indians including (right to left) Pascua Yaqui Attorney General Alfred Urbina, Pascua Yaqui SA/DV Prosecutor and SAUSA Sharon Jones Hayden, Tulalip Tribes Reservation Attorney Michelle Demmert and Pascua Yaqui Assistant Chief Prosecutor O.J. Flores.

Special Domestic Violence Jurisdiction Opens to Indian Country in Six Months

ITWG Meeting, December 9–10, 2014, Aqua Caliente, CA

The fourth VAWA Intertribal Working Group meeting will be held on December 9–10, 2014, at Agua Caliente, CA. The Department of Justice has helped to form a tribal workgroup to collaborate and share information on how to implement the new tribal criminal authority over non-Indian domestic violence offenders under the Violence Against Women Act. The tribal workgroup has been very successful so far, with three pilot projects already in full implementation and enforcing tribal law—at the Pascua Yaqui Tribe, the Confederated Tribes of the Umatilla, and the Tulalip Tribes.

On March 7, 2015, most tribes under the VAWA 2013 special domestic violence tribal jurisdiction amendment will be eligible to implement the law without the need for approval from the Department of Justice. Now is the time to get ready to protect your community by updating tribal codes and getting your court systems and police officers ready. Some funding is available to assist with travel costs. Please contact Virginia Davis at vdavis@ncai.org or John Dossett or jdossett@ncai.org at NCAI if you have any questions or would like to join the workgroup.

Participating Tribes of the ITWG

Cherokee Nation
Chickasaw Nation
Colorado River Indian Tribes of the Colorado River
Indian Reservation
Confederated Tribes of the Umatilla Indian
Reservation
Eastern Band of Cherokee Indians
Eastern Shawnee Tribe of Oklahoma
Fort Peck Assiniboine and Sioux Tribes
Gila River Indian Community of the Gila River Indian
Reservation
Hopi Tribe of Arizona
Kickapoo Tribe of Oklahoma
Menominee Tribe of Wisconsin
Mississippi Band of Choctaw Indians
Muscogee (Creek) Nation
Nez Perce Tribe
Nottawaseppi Huron Band of the Potawatomi
Oneida Tribe of Indians of Wisconsin
Pascua Yaqui Tribe of Arizona
Passamaquoddy Tribe
Pauma Band of Mission Indians
Penobscot Indian Nation

Pokagon Band of Potawatomi Indians
Prairie Band Potawatomi Nation
Pueblo of Isleta
Pueblo of Laguna
Pueblo of Santa Clara
Quapaw Tribe
Quinault Indian Nation
Sac and Fox Nation
Salt River Pima-Maricopa Indian Community
Sault Ste. Marie Tribe of Chippewa Indians
Seminole Nation of Oklahoma
Sisseton-Wahpeton Oyate of the Lake Traverse
Reservation
Spokane Tribe
Standing Rock Sioux Tribe
Suquamish Indian Tribe of the Port Madison
Reservation
Three Affiliated Tribes of the Fort Berthold
Reservation
Tulalip Tribes of Washington
White Earth Nation
Winnebago Tribe of Nebraska

VAWA 2013 - 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.

Alliance of Tribal Coalitions to End Violence (ATCEV)

The ATCEV is a nonprofit organization formed by Tribal Coalition leadership to support and strengthen the work, services, and activities the Tribal Coalitions provide to Native domestic and sexual violence programs. The need to formally organize the ATCEV was borne out of discussions among Tribal Coalition leadership as a way to deliver a collective, unified voice of the Tribal Coalitions, and to further assist and fortify the Tribal Coalitions in the work they do to support Native communities and end violence against Native women. Collectively, the Tribal Coalition leadership has over 150 years of experience in nonprofit Tribal Coalition management and victim services. Through peer networking, both in-person and via telephone conferencing, the ATCEV will serve to reduce isolation and will provide a format for sharing information and strategies for addressing issues specific to the Tribal Coalitions and the programs they serve. The opportunities provided by the ATCEV, as well as training and technical assistance provided by OVV, will help build the capacity and sustainability of the Tribal Coalitions.

The ATCEV serves as a hub for sharing Tribal Coalition resources, including but not limited to:

- Policies
- Training curricula
- Programmatic ideas and best practices
- Outreach strategies
- Speaker identification/information
- Contractor identification/information (i.e., web developers, graphic artists)
- Nonprofit development and sustainability
- Federal compliance strategies
- Audit requirements and preparedness
- Development of a 40-hour tribal advocacy training curriculum

The members of the ATCEV include:

American Indians Against Abuse, Inc. (AIAA), located in Hayward, Wisconsin, serves 11 tribes geographically encompassing the entire state, including the Bad River, Red Cliff, Lac Courte Oreilles, Lac de Flambeau, Sokaogon and St. Croix Chippewa, Ho-Chunk Nation, Menominee Nation, Oneida Nation, Forest County Potawatomi, and Stockbridge-Munsee Mohican Nations.

Coalition to Stop Violence Against Native Women (CSVANW), located in Albuquerque, New Mexico, works to bring together Native advocates working in Indian communities in New Mexico to provide assistance and support to Native women who have been battered or sexually assaulted. Organized in 1996, the coalition provides a forum for support, organizing, sharing information resources, and networking opportunities. csvanw.org

First Nations Women's Alliance (FNWA) is located in Devil's Lake, North Dakota. The mission of the FNWA is to strengthen tribal communities by creating a forum for leaders to come together to address the issues of domestic violence and sexual assault. The FNWA is committed to ending all forms of violence by providing culturally relevant services and resources and by facilitating the provision of those services by others in our communities. nativewoman.org

Hopi-Tewa Women's Coalition to End Abuse, located in First Mesa, Arizona, is a leading voice to end sexual assault and domestic violence on the Hopi Reservation. Founded in 2008 by Hopi and Tewa women representatives of several villages and communities, the coalition is a nonprofit organization that provides advocacy support to tribal and nontribal government agencies. The Hopi Tewa Women's Coalition to End Abuse is committed to advocating for a coordinated and effective response system that creates a safety net toward building healthy communities, while embracing the strength of our cultural values and traditions.

Mending the Sacred Hoop, located in Duluth, Minnesota, works from a social change perspective to end violence against Native women and children while restoring the safety, sovereignty, and sacredness of Native women in their tribal communities by providing domestic violence help. Mending the Sacred Hoop is committed to strengthening the voice and vision of Native peoples through grassroots efforts to restore the leadership of Native women. mshoop.org

Minnesota Indian Women's Sexual Assault Coalition (MIWSAC), located in St. Paul, Minnesota, strives to create awareness and build resources in our communities statewide to influence social change and reclaim our traditional values as Native women. miwsac.org

Montana Native Women's Coalition (MNWC) was created in 2007 and is located in Glasgow, Montana. The MNWC undertaking is to improve urban, rural, and Native American community responses to victims of sexual and domestic violence and provide culturally based training, technical assistance, and programming assistance to tribal advocacy, programs, and communities. MNWC is committed to healing, sisterhood, and bringing voice to Native women. MNWC seeks to organize collective efforts by developing and strengthening collaborations between Native leaders and state/federal representatives who administer and manage funding, programming, and resources for sexual and domestic violence. MNWC is also committed to creating social change through the elimination of institutional, cultural, and societal violence against Native women and children. montananativewomanscoalition.com

Native Alliance Against Violence (NAAV), created in 2009 and located in Norman, Oklahoma, serves the 38 tribes located in Oklahoma and their 24 tribal domestic violence and sexual assault programs. www.OklahomaNAAV.org

Native Women's Society of the Great Plains (NWSGP), located in South Dakota, offers a vision that ends domestic and sexual violence against Native women. NWSGP works to support and strengthen sisterhood and local advocacy and program development efforts through culturally specific education, technical assistance training, and resource implementation. The geographical service area of the Society includes tribes in southern Minnesota, Montana, Wyoming, North Dakota, South Dakota, northern Nebraska, and Iowa. nativewomenssociety.org

Restoring Ancestral Winds Coalition (RAW), located in Utah, is a new coalition that will advocate for healthy relationships and educate Utah tribal communities on issues surrounding stalking and domestic, sexual, dating and family violence. RAW also will provide training to service providers engaged in similar work and collaborate with Great Basin community members and stakeholders on these issues.

Seven Dancers Coalition (SDC), located in Hogsburg, New York, is a Native American coalition of professionals from all over New York State working to better the lives of Native American women. The major areas of focus are domestic violence, sexual assault, teen dating violence, stalking, and sex trafficking. sevendancerscoalition.com

Southwest Indigenous Women's Coalition (SWIWC), located in Mesa, Arizona, primarily works with tribes and tribal DV/SA nonprofits in Arizona to increase their capacity to address and respond to the domestic and sexual violence occurring in their respective service areas. SWIWC promotes safety, justice, victim-centered advocacy, offender accountability, and healing through training, technical assistance, policy, and resource development. swiwc.org

Strong Hearted Native Women's Coalition, Inc. (SHNWC) is located in Valley Center, CA. By honoring our women ancestors, the SHNWC advocates for women and their families by promoting safety and a traditional nonviolent lifestyle. strongheartedwomen.org

Uniting Three Fires Against Violence (UTFAV) is located in Sauté Ste. Marie, MI. The mission of UTFAV is to unite and empower Native American communities in Michigan to end domestic violence and sexual assault. UTFAV provides resources for safety and advocacy to ensure the physical, mental, spiritual, and emotional well-being of Native Americans victimized by violence. unitingthreefiresagainstviolence.org

Wabanaki Women's Coalition (WWC) is located in Maine. The mission of the WWC is to increase the capacity of tribal communities to respond to domestic and sexual violence. The WWC serves the Aroostook Band of Micmacs, Houlton Band of Maliseet Indians, Passamaquoddy Tribe at Indian Township, Passamaquoddy Tribe at Pleasant Point, and the Penobscot Indian Nation. wabanakiwomenscoalition.org

Washington State Native American Coalition Against Domestic Violence and Sexual Assault-WomenSpirit Coalition (WSC) is located in Olympia, WA. The WomenSpirit Coalition's mission is eliminating violence against Native women and promoting the well-being of Native families and communities. WSC envisions a nation where Native women may live safely. WomenSpirit serves the 29 federally recognized tribal nations in Washington State. womenspirit.net

Yupik Women's Coalition (YWC), located in Alaska, strives to promote safety of women through education and advocacy. The YWC is committed to organizing community efforts to end violence against women and children within Yup'ik villages through strengthening the traditional Yup'ik beliefs and teachings that have guided our people for thousands of years. yupikwomen.org

12th Women Are Sacred Conference

**Rapid City,
South Dakota**

Please join NIWRC at our 12th Women Are Sacred Conference, June 1-3, 2015, to honor the life work of Tillie Black Bear (1946-2014).

Tillie's teachings will be woven throughout the Conference, as we continue to ground our grassroots movement and put into action what Tillie taught us about ending violence against women, including treating each other as relatives and being compassionate, respectful, and responsible to and for each other.

We look forward to a Women Are Sacred Conference that continues to:

- Inspire the development and implementation of tribal-specific responses to responding and ending violence against Native women
- Advocate for change through the removal of institutional barriers to women's safety

For updated information and registration, please check our website in the coming months:
niwrc.org.

The National Indigenous Women's
Resource Center presents...

Women are Sacred

**June 1-3, 2015
Rapid City, SD**



National Indigenous Women's Resource Center
National Resource Center to Enhance Safety of Native Women and their Children

July 19th National Tillie Black Bear Women Are Sacred Day

We thank you for your life's work to end violence against Native women and children.

The United States has been blessed with the leadership of many great women; such leadership is often found across communities and generations. Tillie Black Bear is one such woman. A member of the Sicangu Lakota Nation, Tillie believed in the teachings of the White Buffalo Calf Woman, and one of the first teachings she brought to the Lakota people was that even in thought women are to be respected. Her steadfast leadership was rooted in the clarity of her beliefs and dedication to Native peoples and women.

Grandmother of the Battered Women's Movement

In 1978, Tillie began her national movement building by testifying at the first U.S. Commission on Civil Rights hearings on wife beating; building organizations like the National Coalition Against Domestic Violence, South Dakota Coalition Against Domestic and Sexual Violence, and White Buffalo Calf Woman Society; and providing leadership to found the National Indigenous Women's Resource Center. Tillie's leadership in federal legislation included the Violence Against Women Act, Family Violence Protection and Services Act, inclusion of Indian tribes, and a new VAWA tribal coalition program. Tillie led a Wiping of the Tears Ceremony at the Senate

building, and as part of the NCAI Task Force helped restore jurisdiction over non-Indians to Indian tribes. She received a long list of awards, including recognition from three U.S. presidents.

Tillie's understanding of social change, organizing, movement building, and making relatives are her legacy. For her lifelong dedication to building a national movement to increase the safety of Native women, Tillie is known as the grandmother of our movement for the safety of Native of Native and the national battered women's movement. A mother, grandmother, and auntie or friend to all who met her more than once, Tillie, with her visionary leadership, helped pave the way





“In 1978, Tillie was the first Native woman to organize a national movement and educate Congress on domestic violence. Tillie leaves a strong legacy of tribal grassroots organizing. We are honored and challenged to continue to build our movement for safety. Tillie inspired millions of other Americans from all walks of life to end domestic and sexual violence. We would like to celebrate Tillie’s life with a national day to honor her life’s work.”

—Lucy Simpson, Executive Director, National Indigenous Women’s Resource Center





for organizing a national domestic violence movement. Tillie led the movement forward in her dual quest to achieve the restoration of sovereignty for Native people, and safety for all survivors of violence.

Honoring Tillie’s Life’s Work

As we pause to honor and reflect on Tillie’s life, the National Indigenous Women’s Resource Center asks all those concerned with the safety of Native women to commit to an action to celebrate Tillie’s life and the beginning of the battered women’s movement—by

declaring July 19th National Tillie Black Bear Women Are Sacred Day. Recommended actions for July 19th National Tillie Black Bear Women Are Sacred Day include:

- A Day of Service and Unity
- A Day of Reflection, Self Care, Wellness, Perseverance, Vision, Generosity, and Love
- A Day of Making Relatives and Thankfulness
- Office closures in commemoration of the Grandmother of the Battered Women’s Movement



**Call to Establish July 19th as
National Tillie Black Bear Women Are Sacred Day**

To join the call for creating July 19th National Tillie Black Bear Women Are Sacred Day, please join this campaign:

<http://goo.gl/Y6FulG>

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. 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

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.

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 Passes Resolution Supports Establishing a Tribal Dedicated Funding Stream

At the June NCAI national conference in Anchorage, tribal leaders, victim service providers, and tribal coalitions passed a resolution supporting the creation of a tribal set-aside under VOCA. The resolution provides two 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. The resolution also supports an overall increase in the cap with inclusion of a set-aside for Indian tribes.

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 “Cap”

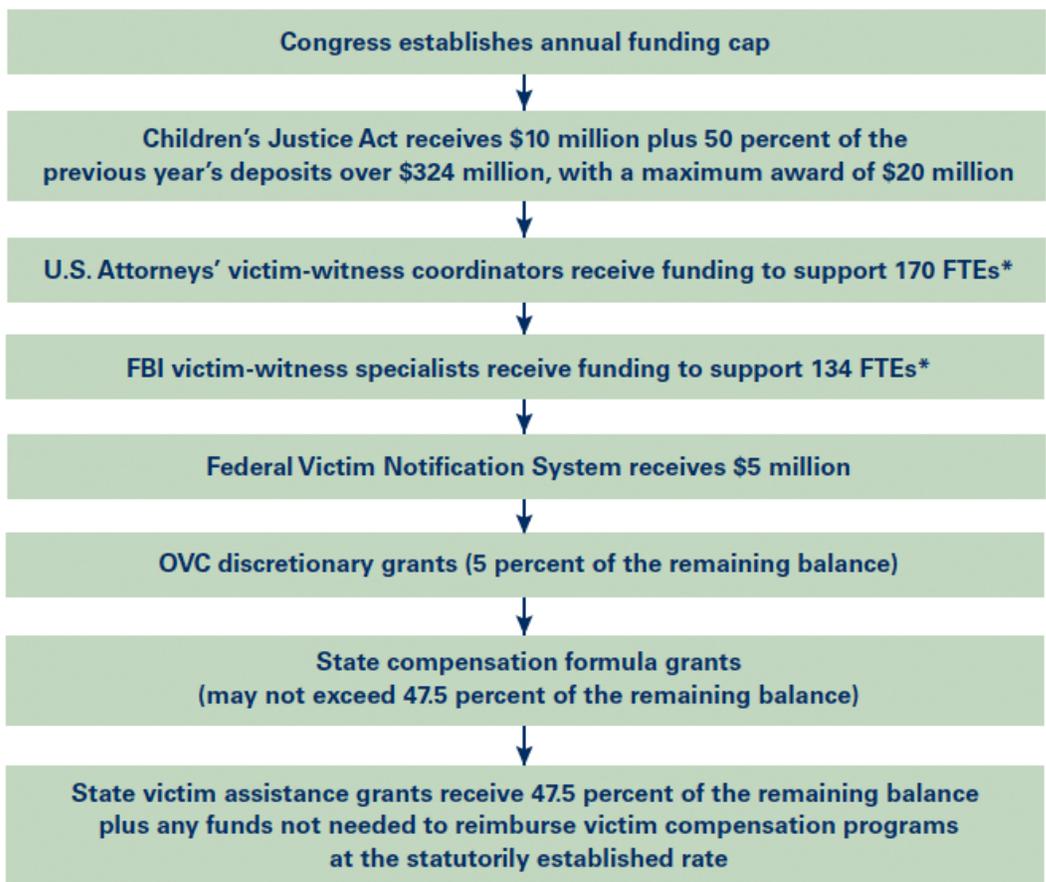
In FY 2000, Congress began limiting the amount of Fund deposits that could be obligated each year. By doing so, it hoped to provide a stable level of available funding for future years. Congress determines the annual limit, or “cap” on the amount to be released

from the Fund. Members of Congress and state victim service professionals are recommending that the Senate Appropriation Committee release additional funds from the Fund. These cap increase discussions however are separate from those involving inclusion of Indian tribes, like states, in fund distributions to support services for tribal crime victims.

Ending the Disparity

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

Figure 2. Crime Victims Fund Allocation Process



*Full-time employees.

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...”

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

Family Violence Prevention and Services Act Reauthorization 2015

Tribal Leaders Propose NCAI Resolution

“Since 1984, shelter programs for women fleeing abuse 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.”

The Family Violence Prevention and Services Act (FVPSA) is an essential component of our nation’s campaign to raise awareness about the epidemic of domestic violence that destroys the lives of so many within our tribal communities. Four years ago, on December 20, 2010, tribal leaders and advocates across the land celebrated as they watched President Obama sign the 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.

NCAI Atlanta Resolution ATL-14-028

The NCAI Task Force worked with tribal leaders, advocates, and tribal coalitions to submit a resolution, ATL14-028, supporting reauthorization of FVPSA including essential tribal amendments for consideration at the 2014 Atlanta conference. The NCAI voted unanimously in support of the resolution that will provide direction to NCAI staff and the NCAI Task Force on Violence Against Women to work toward

reauthorization in 2015. The resolution states the following support:

NOW THEREFORE BE IT RESOLVED, that the NCAI does hereby resolve to support reauthorization of the Family Violence Services Protection Act and increased FVPSA funding under the Health Services Appropriations bill; and

BE IT FURTHER RESOLVED, that the NCAI does hereby resolve to support amendments to increase the tribal set-aside in FVPSA; and

BE IT FURTHER RESOLVED, that the NCAI does hereby resolve to support amendments to the FVPSA to include Tribal Domestic Violence Coalitions; and

BE IT FURTHER RESOLVED, that the NCAI does hereby resolve to support a National Native Hotline/Helpline developed and run by Native advocates to provide information and culturally appropriate support and assistance to Native adult and youth victims of family violence, domestic violence, or dating violence;

Over the past 30 years, tribal programs have grown

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



Shena Williams, Program Specialist HHS ACF FVPSA Program, in the field, with NIWRC Program Specialists Rose Quilt and Dorma Sahneyah during a Montana site visit.

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 and Authorized Regional Resource Centers

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 has served as this national center. FVPSA 2010 also included major mandates to support increased emergency shelter and related services for victims of domestic violence within Indian



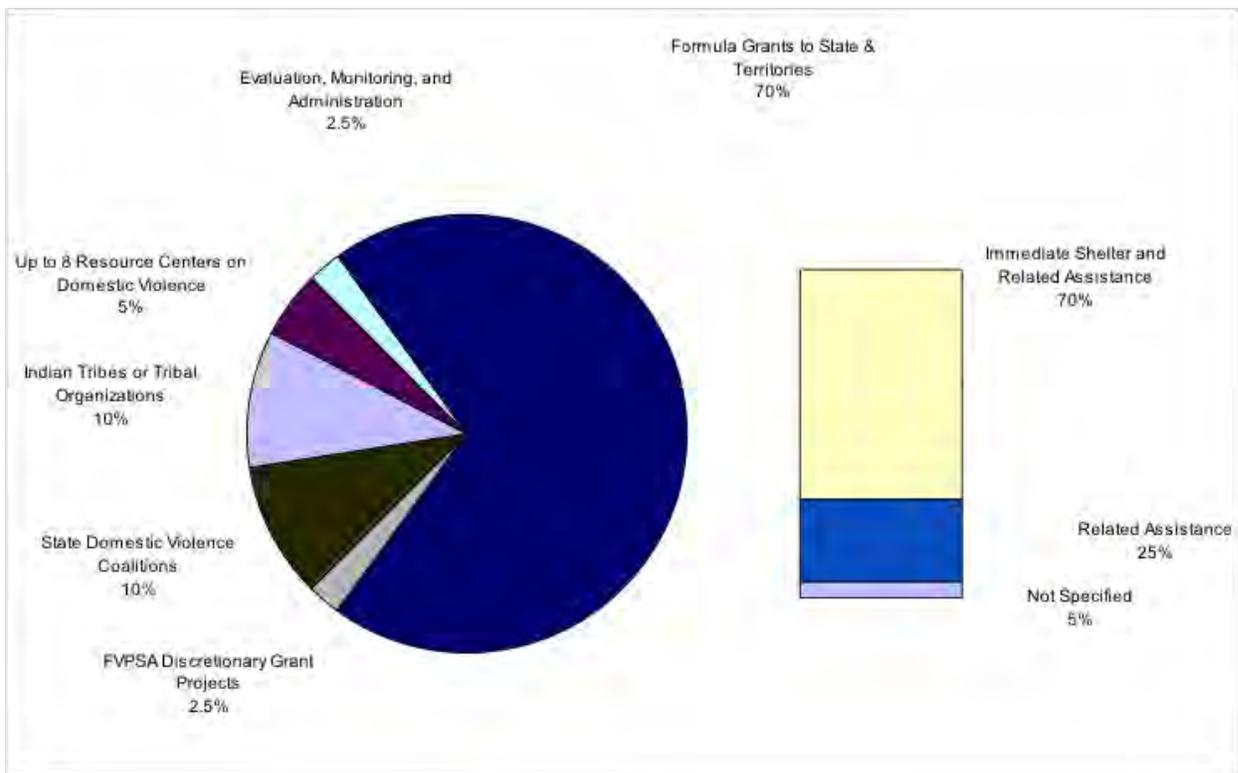
History of FVPSA

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. 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 signed FVPSA into law on December 20, 2010

Current FVPSA Distribution



nations and tribal communities. In addition, FVPSA 2010 for the first time created the Resource Centers to Reduce Tribal Disparities grant program, authorizing resource centers to be funded within states in which the population of Indians 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.



Welcome Kiicha: A Southern California Native Women's Healing Village

Mission of Kiicha

The mission of Kiicha is to provide and protect the physical, emotional, spiritual healing of Native women and their families through collaboration of services that promote healing and well-being. Kiicha just opened a safe home in San Diego County and will open a second location at the beginning of the coming year in Riverside County.

A Collaborative Effort

Through its collaborative partners, Kiicha will provide a safe home for Native women and their children who are victims of domestic violence, sexual assault, dating violence, and stalking. Kiicha is a multi-agency, multi-service facility that is centralizing, coordinating, and consolidating services across counties, governments,

and agencies in the Southern California region. Kiicha has brought together ALL the domestic violence, sexual assault, dating violence, and stalking service providers in the region who provide Native American specific services. The collaborative efforts also include other tribal agency service providers and tribal governments. Through Kiicha, victims will receive a safe location to heal and receive holistic, comprehensive services unique to their cultural needs.

“Kiicha is tremendous step forward in the advocacy services for Southern California Native Women encompassing 34 Tribal Nations, said Keely Linton, Operations Director for Strong Hearted Native Women's Coalition. “It is the first Native shelter located south of Fresno and developed in partnership with the following Tribal programs and Tribal governments: All Mission Indian Housing Authority, Soboba Band of Luiseno

Indians, La Jolla Band of Luiseno Indians, Cahuilla Consortium, Indian Health Council, Inc., Southern Indian Health Council, Riverside-San Bernardino County Indian Health, Inc., and Santa Ynez Band of Chumash Indians.”

Collaborative partners will work together to educate the community, provide services to the entire family, and work to keep our communities safe. Kiicha operates as a collaborative effort and as such does not have status as an independent tax-exempt entity. For funding purposes, one of the collaborative partners, the Strong Hearted Native Women's Coalition, Inc. (SHNWC, Inc.) a nonprofit tax-exempt organization established in 2005, serves as fiscal agent and primary contact.

Goals of Kiicha

Goal 1: To build a facility for victims and their children that will be safe and supportive. This includes having a special location or separate facility for male victims, and having a special location for children to interact and play.

Goal 2: To build a facility for perpetrators (in a separate location from the facility for victims).

Goal 3: To provide holistic, supportive services for the entire family to heal and receive care to live safe, healthy, self-sufficient lives. This would allow for vertical services so that victims and their families will be able to work with the same victim advocate, counselor, or other service provider that they have been with since the begin of their healing journey.

Bio Keely Linton



Keely Linton is an Íipay and Cupeno Native from the Mesa Grande Band of MissionIndians. She is a single parent of two children. She currently lives and works within her community. Keely obtained her Bachelors in Science degree from California State University, San Marcos. She began her career in domestic violence and sexual assault while working for the Indian Health Council, Inc. During her 10 years at the Indian Health Council, Inc. her time was devoted to working in collaborations outside the native community. She spent 6 years as the Coordinator for the North County Family Violence Prevention Center, a multi-agency collaboration, serving victims of domestic violence and sexual assault working with the San Diego County Sheriff's Department, the San Diego County District Attorney's office, and tribal governments. Keely provides community education on domestic violence and sexual assault. Including training service providers and other professionals.

She provides a cultural competency course to assist those working within the Native American population. Keely is currently the Operations Director for the Strong Hearted Native Women's Coalition and is devoted to her community to assist with the reduction in family violence and hopes to make policy changes within the local tribal governments she serves to better protect our families.

October 7, 2014, Rincon Indian Reservation – Germaine Omish-Lucero (right), Executive Director, Strong Hearted Native Women's Coalition, and Shyanne Boston (left), Domestic Violence Coordinator for Indian Health Peace Between Partners Program, enjoy a moment during the 2014 Tribal Leader's Symposium to prepare for the 2014 VAWA Consultation.

Strong Hearted Native Women's Coalition

By honoring our women ancestors, Strong Hearted Native Women's Coalition, Inc. (SHNWC) will advocate for women and their families by promoting safety and a traditional non-violent lifestyles. SHNWC was founded in 2005 to increase awareness of Sexual Assault, Domestic Violence, Youth Violence, and Stalking in North County of the San Diego County. Native women from 9 Indian reservations in North County are included in our membership. This would include; Rincon, Pauma, Mesa Grande, Santa Ysabel, La Jolla, San Pasqual, Los Coyotes, Pala, and Inaja/Cosmit. We are working within our Indian tribes to assist in creating the essential change needed to reduce Sexual Assault, Domestic Violence, Youth Violence, and Stalking to Native American women, their families, and their community. Follow SHNWC at <https://www.facebook.com/SHNWCInc>.



Third WORLD CONFERENCE OF WOMEN'S SHELTERS

Taking place for the first time in 2008 in Alberta, Canada, where it was hosted by the Alberta Council of Women's Shelters, the World Conference of Women's Shelters is a global initiative of the Global Network of Women's Shelters (GNWS) - a network founded as outcome of the First World Conference of Women's Shelters. The Second World Conference of Women's Shelters took place in Washington, D.C., USA, in March

2012, where it was hosted by the U.S. National Network to End Domestic Violence together with GNWS. The event gathered close to 1,500 participants from grass-root NGOs, practitioners and policy-makers, representing 80 countries, and including speakers ranging from Crown Princess Mary of Denmark to former President Bill Clinton, and actress Reese Witherspoon. The Second World Conference "catalyzed new legislation in a number of countries, new shelters (e.g. from 1 to 16 in Vietnam) and a number of international collaborations aimed at transferring new approaches."

Following the success of the First and Second World Conferences,

the Global Network of Women's Shelters plans to organize a third edition of the event. Federatie Opvang, the Dutch umbrella organization for women's shelters, has been tasked with organizing and hosting the **Third World Conference of Women's Shelters**, which will take place on **3-6 November 2015 in The Hague, Netherlands**. While still in discussion, the themes of the event will likely include: empowerment of women; financing and managing women shelters; new approaches in shelters; shelters and agency approach; and dealing with violence in organizations.

Federatie Opvang has developed a brochure to advertise the Third World Conference of Women's Shelters, which includes information on past World Conferences, and objectives for the upcoming Conference. The brochure, to be widely disseminated to raise awareness of the event, can be downloaded online - <http://goo.gl/CH1ohE>

NCAI Atlanta Conference Votes to Support National Native Hotline/Helpline

The National Domestic Violence Hotline (NDVH) was established in 1996 as a part of the Violence Against Women Act (VAWA). The NDVH provides support, crisis intervention information, and referral services to callers nationwide. The hotline operates around the clock, seven days a week, providing immediate support to enable victims to find safety and to live free of abuse.

The NDVH maintains a database of over 4,000 domestic violence programs that vary from state-to-state and even from community-to-community. The database is used to give callers information on what resources are available to them in their communities. Hotline advocates provide victims and anyone calling on their behalf with confidential, free-of-cost crisis intervention, safety planning, information, and referrals to agencies in all 50 states, Puerto Rico, and the U.S. Virgin Islands.

National Native Hotline/Helpline Needed

In 2012, the NDVH began collaborating with the National Indigenous Women's Resource Center (NIWRC) on an initiative aimed at enhancing hotline services and outreach to tribal communities and Alaska Native Villages. This collaboration resulted in a Native Women's Virtual Council comprised of Native women from Alaska and several lower forty-eight states to assist hotline advocates to better meet the needs of American Indian and Alaska Native women and callers. The initial focus was updating the hotline's database of information on tribal resources and identifying training needs of hotline staff on issues specific to Native victims of domestic and dating violence.

"It is important to acknowledge that Native women experience sexual and domestic violence at rates far greater than other women in this country," said Dorma Sahneyah, Program Specialist, NIWRC. There are few Native women-centered and Native women-led organizations to assist Native victims; the NIWRC and the NDVH with input from the Native Women's Virtual Council have agreed that a remedy to this problem is a National Native Domestic

Violence Hotline/Helpline developed and staffed by Native victim advocates. "A hotline/helpline run by Native organizations with support, as needed, from the National Domestic Violence Hotline will be more likely to be used by Native victims, who often have not had positive experiences looking for help from non-Native institutions," said Lucy Simpson, Executive Director, NIWRC.

NCAI Votes to Support Establishment of a National Native Hotline/Helpline

Funding for the Family Violence Prevention and Services Act (FVPSA), which authorizes the National Domestic Violence Hotline program, extends from 2011-2015. With reauthorization of FVPSA just one year away, obtaining support from tribal leaders for development of a national Native hotline/helpline is essential.

On October 31, 2014, the National Congress of American Indians, at its recent convention in Atlanta, Georgia, passed Resolution #ATL-14-028, supporting FVPSA's reauthorization for the next five years inclusive of a National Native Domestic Violence Hotline/ Helpline. The Resolution states, in part, that "while the rate of violent victimization of Native women is more than double that of other women in the United States, of the total contacts received by the National Domestic Violence Hotline in 2013 and from January to September 2014, only one percent (1%) identified as American Indian or Alaska Native, which is proportionately lower than the high level of victimization Native women suffer..."

The Resolution concludes with NCAI's resolve to support a Native hotline/helpline "developed and run by Native advocates to provide information and culturally appropriate support and assistance to Native adult and youth victims of family violence, domestic violence, or dating violence..."



Ninth Annual VAWA Consultation

October 15, 2014, Rapid City, South Dakota

Congress established in VAWA 2005 and strengthened in VAWA 2013 a specific mandate requiring that the U.S. Departments of Justice (USDOJ) and Health and Human Services (HHS) each consult annually with Indian nations on issues concerning the safety of Indian women and solicit recommendations concerning the following three broad categories:

1. Administering tribal funds and programs
2. Enhancing the safety of Indian women from domestic violence, dating violence, sexual assault, and stalking
3. Strengthening the federal response to such violent crimes

In preparation for each of the annual consultations, the NCAI Task Force on Violence Against Women has coordinated a preparatory caucus for tribal leaders, during which tribal leaders received a briefing and review of outstanding issues concerning the safety of Indian women. Over the last nine years, tribal leaders have

raised and engaged the USDOJ and HHS leadership in dialogue on the most serious roadblocks to the safety of Native women and on issues impacting the ability of Indian tribes to protect women. The Rapid City VAWA consultation was the ninth annual consultation since 2006.

Rapid City NCAI Tribal Leader Caucus Briefing
Provided below are concerns and recommendations discussed by tribal leaders and the NCAI Task Force on Violence Against Women in preparation for the 2014 Rapid City consultation. NCAI encourages all tribes to consider including the following points in their written testimony due December 1, 2014. Following the annual consultations, a developed list of recommendations regarding the implementation of VAWA is provided to the USDOJ, HHS and the White House.

1. Resources for VAWA Implementation
 - On March 7, 2015, tribes across the country will be able to begin implementing criminal jurisdiction over non-Indians pursuant to the VAWA 2013 criminal jurisdiction provision. Doing so will require resources for things like indigent defense, detention, and law enforcement training. We urge DOJ/DOI/HHS



"I started as tribal law enforcement and trained by Tillie Black Bear to understand domestic violence. I have seen the changes over the last ten years," Hawkeye Waln, Tribal Council Member, Rosebud Sioux Tribe, SD



Honorable Roxanne Sazue, Chairwoman, Crow Creek Sioux Tribal Council, Ft. Thompson, SD

to provide additional resources to tribes on an ongoing basis for VAWA implementation.

- Additionally, many tribes will begin the process of implementing VAWA by revising their tribal codes. For many tribes, this will require contracting with an attorney or dedicating a significant amount of a tribal attorney's time for this purpose. We urge DOJ/DOI/HHS to make funds available to tribes for criminal code revision in an efficient and streamlined way.

2. NCIC Access

- Too many tribes continue to experience barriers accessing the federal criminal databases. Last year, NCAI asked DOJ to create a high-level working group to address these barriers. If this has happened, we would like an update. To our knowledge, tribal criminal justice experts have not been included in these discussions, and we believe they are key to finding a lasting, workable solution. Addressing challenges for tribes to enter and obtain information from NCIC must be a priority for DOJ.

3. VOCA Funding

- The Victims of Crime Act (VOCA) is the largest source of federal funding for crime victims.

Currently, the fund contains more than \$10 billion, which is funded through fines collected in federal criminal cases. Unfortunately, Indian tribes are largely shut out of this funding stream. Consistent with NCAI Resolution ANC 014-048, we ask DOJ to advocate for an increase in the VOCA funding cap and the creation of a 10% set-aside in VOCA funding for tribal governments.

4. FVPSA Reauthorization

- Family Violence Prevention and Services Act (FVPSA) continues to be the federal government's only funding source dedicated to supporting lifesaving services provided by domestic violence programs/shelters. While some FVPSA funding stream set-asides are for tribes, most are allocated to state governments, some U.S. territories, and state and U.S. territorial domestic violence coalitions. FVPSA excludes Tribal Domestic Violence Coalitions entirely.
- FVPSA expires in 2015. We urge the federal government to support reauthorization of FVPSA in 2015 to include amendments that would increase tribal access to critical FVPSA funds.

5. Safety for Alaska Native Women

- NCAI appreciates DOJ's testimony in support of the Alaska Safe Families and Villages Act. We encourage DOJ to continue to actively support passage of the bill and to look for other opportunities for repeal of Section 910 of VAWA.
- We thank DOJ for the July 28, 2014, letter

from Associate Attorney General Tony West to the Alaska Attorney General reminding him of the state's obligation to give full faith and credit to tribal court orders of protection. We urge DOJ to follow up on this issue with the state and ensure that these lifesaving tribal court protection orders are enforced.



Honorable Herman Honanie, Chairman, Hopi Tribe, Kykotsmovi, AZ

“As I mentioned earlier, Florence Choyou is here with me today. Ms. Choyou’s daughter, Monica Choyou, was murdered in May 2009 by a non-Hopi Native man, with whom she was in a relationship. This individual before coming to the Hopi reservation had been banished from two other reservations for violence. Had this information been entered and accessible in a national criminal information database, perhaps her daughter’s life might have been protected. There continues to be issues with tribal entry into and access from federal criminal information databases, such as the NCIC system, which the federal government gives authority to the States to operate. We ask the Federal Bureau of Investigations and other relevant federal agencies work closely with the tribes to ensure full tribal access to NCIC and other related federal criminal database systems.”

“The Victims of Crime Act serves as the major funding source for victim services throughout the United States; however at the time of its passage in 1984, the Department of Justice did not allocate funds for victim services to Indian tribes. The Hopi Tribe supports the immediate creation of an “above the cap” tribal set-aside in VOCA for the administration of programs to compensate and provide assistance to tribal victims of crime.”

6. Bureau of Prisons Pilot
 - The Federal Bureau of Prisons Tribal Prisoner Pilot Program gives tribes the option to send violent offenders to federal corrections facilities. This Pilot Program expires in November 2014. We urge DOJ to advocate with Congress to make this Pilot Program permanent.
7. DOJ Grant Funding
 - For the past several years, DOJ has requested a flexible 7% tribal set-aside across OJP grant programs. While the set-aside has not been included in congressional appropriations, Congress has given OJP the increased flexibility it requested. We are concerned, however, that OJP has not initiated consultation with tribal governments about how to best implement the flexibility the Administration has repeatedly requested and, as a result, will continue to be unprepared to move forward with significant changes in future years.
8. The Disappeared – Response to Missing and Murdered Native Women
 - Since 2003, tribal leaders have raised the inadequate response of law enforcement agencies to missing persons reports of Native women that are often subsequently abduction, rape, and domestic violence homicide cases. We urge DOJ to establish a high-level working group to develop and institute a training protocol and alert system to increase the current response in such cases.
9. Grave Concern for the Impact of Extractive Industries Within the Bakken Region Upon the Safety of Native Women
 - The concerns for the increased danger to the safety of Native women created by the oil industry within the Bakken region have been expressed continuously during annual consultation. We encourage DOJ to continue and increase support for Indian tribes to respond to this crisis.

Consultation 2014: USDOJ Releases Three Framing Papers for Comment

In advance of the consultation, DOJ released a series of “framing papers” seeking input on specific questions at the Rapid City 2014 VAWA annual consultation. During the pre-consultation, tribal leaders caucus these framing papers were reviewed and discussed. Below are summaries of the framing papers and discussion in response to these papers. All Indian tribes are encouraged to submit written testimony concerning these framing papers to Lorraine Edmo, OVW Deputy Director for Tribal Affairs, at Lorraine.Edmo@usdoj.gov.

1. OVW framing paper on protection order registries:

- We appreciate the data shared by OVW and are encouraged to see that the number of tribal court protection orders entered into the NCIC protection order file has increased from 207 to 559 over the past two years. We would like to know how many individual tribes are entering protection orders and whether the overall number of tribes participating has also increased.
- Providing technical assistance and training to tribes about entering protection orders into NCIC would be valuable for those tribes who

have functional NCIC access. It is unlikely, however, to help those tribes who experience barriers to accessing NCIC, which is why the tribal protection order registry was originally authorized in VAWA 2005.

- In addition to providing technical assistance, we strongly encourage DOJ to redouble its efforts to address the persistent barriers many tribes and tribal courts experience accessing NCIC.
- ### 2. OVW framing paper on a tribal sex offender registry:
- We appreciate that the statutory provision directing OVW to fund the creation of a tribal sex offender registry does not provide detailed guidance about how the registry should operate. We have always acknowledge that whoever is funded to implement the registry will need to engage in a strategic planning process with tribes and will need to develop guidance and policies for operation of the registry.
 - Consistent with recommendations we have made every year since 2006, we encourage OVW to select an entity to implement the reg-

istry so that this process can begin.

3. OVW framing paper on the STOP Violence Against Women formula grant program that provides funds to the states:
 - OVW asked these same questions at last year's consultation. NCAI's response last year was: For states with Indian tribes, often the underserved population and the tribal population overlap. NCAI recommends that states engage in real dialogue with underserved communities and focus on solutions. States should create opportunities to discuss developed proposals for funding culturally specific services and activities as well as early informal scoping on issues relevant to underserved populations.

Real consultation is about dialogue, not a procedural requirement. States should focus on substantive goals and respect tribal sovereignty and the federal trust responsibility. In a nation-to-nation relationship, tribal consultation should be defined as a process of decision making that works in a cooperative manner toward reaching a consensus before a decision is made or action is taken. An understanding of the values of tribal cultures is needed in order to instill meaning into what are otherwise abstract principles. NCAI's experience is that tribal consultation works best when it is focused on a particular subject, and when the agency is forthcoming about the factors that affect its decision-making process. It is important to include decision makers as well as other community leaders.

Consultation 2014 Tribal Leaders Raise Concerns Regarding Tribal Court Protection Orders and Full Faith and Credit Provision

In the early 1990s, victims of domestic violence increasingly turned to protection orders as resources to engage the help of courts in managing the violence of abusive partners. Issued by a local court at the petition of a victim, a protection order offers a victim a broad range of relief, ranging from prohibiting an abuser from committing future abuse to ordering the abuser to leave the family residence, and even affording the victim

the ability to cross jurisdictional lines safely, if travel elsewhere offers enhanced safety for the victim and the children. Unfortunately, as expressed by many tribal leaders during the 2014 annual VAWA consultation, numerous states fail to recognize the validity of tribal court orders and in other cases require state registration of tribal court protection orders.

October 15, 2014, Rapid City, SD, 2014 VAWA Annual Consultation – Nikki Finkbonner (right), Coordinator, Lummi Victims of Crime; and Andrea Johnson (left), advocate, travel on a plane filled with other tribal representatives attending the consultation.



As the tribunals of sovereign nations, tribal courts have the authority to issue and enforce civil protection orders, as has been recognized by Congress in the Full Faith and Credit Provision of the Violence Against Women Act. This provision requires states and tribes to recognize sister jurisdictions' protection orders—and guarantees that the states and tribes will enforce each other's orders as if they were their own. Thus, under the Full Faith and Credit Provision, states must recognize valid tribal protection orders and enforce them when victims take their orders with them into the states.

All that is required for enforcement to take effect is that the victim presents a tribal court order that meets the following:

- The order must be valid. A court authorized to do so under tribal law must have issued the tribal court order. Additionally, the order must have not yet expired at the time the victim seeks enforcement in another jurisdiction. The court's authority and the starting and ending dates of the protection order should be stated clearly on the face of the order, to make it easier for enforcement in another jurisdiction.
- The person who is subject to the protection order (the abuser) must have due process. This means the abuser whose actions are prohibited or restricted by the terms of the tribal court order must have reasonable notice and an opportunity to be heard. In other words, enforcement of the order depends on whether the person subject to the protection order has had or will have his day in court to present his side of the story. The Full Faith and Credit Provision includes *ex parte* protection orders (temporary orders issued without the participation of the alleged abuser), so long as the *ex parte* order is served on the alleged abuser and so long as a full hearing that will give the alleged abuser an opportunity to make his case is scheduled within a reasonable period of time.
- Mutual protection orders may not be enforceable in other jurisdictions. Many times when an alleged abuser (respondent) comes into court to participate in a protection order hearing initiated by the victim, the respondent will demand that the court issue a mirror order against the victim. Sometimes call "mutual protection orders" or "cross-petitions," these orders are not enforceable under the Full Faith and Credit Provision if the petitioner had no prior notice that the respondent would make such a demand

in court. The petitioner is also entitled to due process, which means that the respondent must first provide notice to the petitioner that he will file a cross-petition; the notice is essential for giving the petitioner an opportunity to prepare for the accusations brought by the respondent. If no such notice is provided, the order is not enforceable across jurisdictional lines.

"It is important to note that the Full Faith and Credit Provision does not require the victim to file or register the tribal protection order in state court, unless the victim chooses to do so," said Rob Valente, National Domestic Violence Hotline consultant. "Under federal law, the person protected by the valid tribal protection order merely needs to present it to state law enforcement and request that the order be enforced."



"The county police do not recognize our tribal court orders of protection. Sometimes when the advocates go to county court to file Full Faith and Credit, the office is closed. Unfortunately, when we do file Full Faith and Credit, we have to hand deliver the order to the county sheriff office without knowing if the order was entered into the system. These added steps are barriers. They consume hours of precious staff time. While we are waiting for the county to register an order of protection days can pass forcing a victim in fear of violence to needlessly wait without protection," Nikki Finkbonner (opposite page, right), Coordinator, Lummi Victims of Crime.

Additionally, the Full Faith and Credit Provision prohibits the state in which the victim seeks enforcement of the tribal protection order from notifying the respondent that the victim has filed or registered the order in the state. This is to protect the safety of the victim, in case she does not want the abuser to know her location.

The Full Faith and Credit Provision of the Violence Against Women Act is a powerful tool for victims of domestic violence. When state courts and tribal courts properly understand the parameters of the Full Faith and Credit Provision, Native victims are able to travel freely from tribal to state jurisdictions without fear of losing the protections granted to them by their tribal courts.

Alaska Isn't Different

By Mary Kathryn Nagle

When I first sat down to write *Sliver of a Full Moon*, I had very little knowledge of Alaska. I had never been there. I had never visited the bustling streets of downtown Anchorage, nor had I seen firsthand the beauty of the Yukon Delta, complete with its moose, fish, smokehouses, and families that trace their lineage to the land for thousands of years. I had never been to the land of the Midnight Sun, and I knew very little about her people. I knew even less about the contemporary “law” that governs their lives.

When I first sat down to write *Sliver of a Full Moon*, I knew that Section 910 of the 2013 reauthorization of the Violence Against Women Act (VAWA) existed. I knew that Alaskan tribes and villages were carved out. I knew the law didn't “apply” to them. But I didn't know why.

This past June I traveled to Anchorage for the first time. I was dazzled by what I saw—and by the incredible people I met. I traveled to the Village of Emmonak and met Lynn Hootch, Joann Horn, and Priscilla Kameroff—three Native women who have dedicated their lives to creating, and maintaining, the only domestic violence shelter in the state of Alaska that serves Native women. I met with Tami Jerue from Anvik and Nettie Warbelow from Tetlin about their daily struggles just to keep Native women safe in a state that refuses to honor protection orders issued by tribal courts. I quickly realized Section 910 has to be eliminated. And we had to add an Alaskan voice to *Sliver of a Full Moon*.

As a playwright, I tell stories. I am a storyteller. And it is with great gratitude that I received this gift from my grandmother. But in order to tell a story, you have to understand why you are telling it. At first, I didn't know the answer to the question my play was now asking: Why had Alaska been carved out?

When I asked, all I heard was that “Alaska is different.” Not satisfied with this answer, I dug a little deeper. I returned to my roots.

As a child, I spent my summers escaping the Oklahoma heat inside my grandmother's living room, listening to her stories. Of all the stories she told me, one remains firmly implanted in my mind. Whenever she would tell this story, her faces would swell with pride. She would gesture to the photos of the two men that hung permanently affixed to her wall. The two men, Major

Ridge and John Ridge, my grandmother explained, were my great-grandfathers. John Ridge was her great-grandfather, and Major Ridge his father.

In 1832, President Andrew Jackson tried to exterminate our people. My grandfathers, along with Principal Chief John Ross, took the Cherokee Nation's case all the way to the Supreme Court. Together, they demanded justice. As a result of their efforts, Chief Justice Marshall issued his decision declaring the Cherokee Nation to be a sovereign nation with the right to exist within its own borders (*Worcester v. Georgia*). President Jackson, however, refused to enforce the Supreme Court's decision.

Instead, President Jackson forced my people to walk along the Trail of Tears to Oklahoma—where my grandmother would one day tell me this story. Along the way, more than 4,000 Cherokee died. When my family arrived in this strange new land we now call Oklahoma, our fellow Cherokee brutally assassinated my grandfathers. Because in the end they agreed to sign a treaty and move peacefully to Oklahoma, they were considered traitors. Today they are buried just a few rows down from my grandmother in the Cherokee Cemetery near my grandmother's allotment land.

This cemetery lies in the northeastern corner of our Cherokee Nation reservation. However, as a result of the 1887 Dawes Act (an act that took lands away from tribes and gave them to white settlers), the Cherokee Nation today legally “owns” less than 1% of our original reservation lands.

In 1978, the United States Supreme Court issued a decision (*Oliphant v. Suquamish Tribe*) declaring that Indian tribes no longer have jurisdiction over non-Natives who commit crimes on tribal lands. This colonial legal framework may have stripped us of our lands—and temporarily our jurisdiction—but it will never take our sovereignty.

After visiting Alaska, I can't think of anything that makes Alaska “different.” Truly, how can leaders, policy analysts, or other officials claim that Alaska is different?

Because what happened to my people in 1839 didn't happen to the Alaskan Natives until 1959? Because Congress passed the Dawes Act to give all of our land

to white settlers in 1887, but didn't pass Alaska Native Claims Settlement Act (ANCSA) until 1971? Because the Supreme Court took away my tribe's jurisdiction in 1978, but didn't take away the jurisdiction of the 229 federally recognized Alaskan tribes until it decided *Venette* in 1998?

And that's what makes the new ending of *Sliver of a Full Moon* so tragic. Alaska isn't different. Alaska is exactly the same.

You can see our Alaska Native sisters in their recent New York appearance in *Sliver of a Full Moon* on September 21, 2014, at Joe's Pub by visiting the following link on YouTube: <http://youtu.be/iMVeYMj7EJY>

ARTS & CULTURE NEWS

Provided by Mary
Kathryn Nagle
Arts and Culture
Contributor



Alaska Women Describing What it Meant to be Part of *Sliver of a Full Moon* and to Have Alaska Native Voices Included

My grandmother used to say we are like an iceberg. We have to stick together. If we shatter and fall apart, we break into pieces and melt away. We have to stay connected because behind us are our children, our grandchildren, our tribes . . . our future. I want to see my grandchildren grow up understanding their rights as human beings, as indigenous people recognizing they have permanent rights to exist without violence and have the same protection as any human being.

—Lenora Hootch

*Being a part of *Sliver of a Full Moon* brought me to another level with my journey in my advocacy work for women and children in Alaska. I am truly inspired by the characters and the story that was brought forth. A big thank you to Mary Kathryn Nagle, Madeline Sayet, and all involved for the opportunity to be a part of *Sliver*.*

—Nettie Warbelow

*Including the Alaska voices in *Sliver of a Full Moon* made it more powerful and more meaningful. We are making a difference toward our future generations and toward making our people understand that we as Native people have our rights just like everyone else.*

—Joann Horn

Thank you. The time is now to embrace our similarities. We can't allow the differences to keep us from justice.

—Tamra Truett Jerue

World Conference on Indigenous Peoples: A Historic Achievement to Advance Indigenous Peoples Rights

By Jana L. Walker, Karla E. General, and Christopher T. Foley, Attorneys, Indian Law Resource Center

After nearly four years of planning and preparatory work, the United Nations held the first ever World Conference on Indigenous Peoples on September 22-23, 2014 in New York City. The World Conference was held to pursue the objectives of the UN Declaration on the Rights of Indigenous Peoples, and it resulted in the General Assembly's consensus adoption of an Outcome Document. "The World Conference was very successful; we gained real commitments at the highest possible level in the UN for all of our priority issues, including ending violence against indigenous women," said Robert T. Coulter, Executive Director of the Indian Law Resource Center. The Outcome Document contains many important provisions that are intended to advance indigenous rights within the UN and to secure commitments by states to improve implementation of the Declaration in their domestic laws and policies.

Gains Contained in the Outcome Document

Of particular importance are paragraphs 17, 18, and 19. In paragraphs 17 and 18, states commit to support "the empowerment of indigenous women," and to intensifying efforts to "prevent and eliminate all forms of violence against indigenous peoples . . . in particular women. . . ." Significantly, in paragraph 19 the Human Rights Council, in consultation with the Special Rapporteur on violence against women, the Special Rapporteur on the rights of indigenous peoples, and other UN actors, is urged to consider the causes and consequences of violence against indigenous women and girls. Paragraph 19 also invites the Commission on the Status of Women, the global policymaking body dedicated to the advancement of women, to consider the empowerment of indigenous women at a future session.

"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.

UN 2014 World Conference on Indigenous Peoples

Official website of the WCIP provides links to the final Outcome Document, video of the conference, and the texts of statements delivered at the various meetings and discussions: <http://goo.gl/oKJ1jK>.

Further information also is available at www.indianlaw.org/worldconference.

Over 1,000 indigenous and non-indigenous delegates attended the World Conference, including dozens of tribal leaders and women's advocates from the United States. American Indian and Alaska Native women participants made key statements before the world community, raising awareness about the epidemic of violence against indigenous women and urging the UN to take future steps to address this crisis. Recommended action by the UN included: (i) convening a high-level conference to examine challenges to the safety of indigenous women and children; (ii) requiring that a UN body for implementing the Declaration give this issue particular attention; and (iii) appointing a Special Rapporteur to focus on the human rights issues of indigenous women and children. At least 136 indigenous nations and 23 organizations, including the National Indigenous Women's Resource Center, the National Congress of American Indians, and the Indian Law Resource Center, have supported these proposals for inclusion in the Outcome Document.

The Outcome Document included references to three other proposals advanced by the group, including: (i) initiating a process to create a permanent body in the UN system that will monitor and encourage implementation of the Declaration; (ii) considering options for a General Assembly decision to make it possible for tribal governments and other indigenous governments to participate in UN meetings on a permanent basis; and (iii) measures to respect and protect places sacred to indigenous peoples. The Outcome Document calls for a system-wide action

plan to be developed for the UN to bring greater coherence and effectiveness to the UN's work relating to indigenous peoples.

Lt. Governor of the Chickasaw Nation, Jefferson Keel, delivered remarks to the World Conference on behalf of the group, emphasizing the intent of indigenous governments to rejoin the world community to realize the commitments made in the outcome document. "We are taking our places once again as members of the world community." Along with Keel, there were many indigenous leaders and Native women's advocates from North America present who spoke in support of the outcome document. United States Ambassador to the UN Human Rights Council, Keith Harper, leading the United States delegation, made supporting comments toward the implementation body for the UN Declaration. Harper called for increasing the participation of indigenous peoples and their governments in the UN and the need to empower indigenous women and end violence against them. Ambassador Harper noted that "the World Conference is not an end in itself, but a call for more decisive action."

The Outcome Document provides a good start for the UN and states to take some action toward securing and protecting indigenous peoples' rights. Yet, much more work is needed to educate states and convince them to take concrete and serious steps to follow through on their commitments made in the Outcome Document and to restore safety to indigenous women.



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.



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.”

2014-2015 Webinar Schedule

"The Good Road of Life (GRL)"	December 17
Sex Trafficking Part II	January 7
Native Love	February 11
Native Teens: Meeting Them Where They Are & Promoting Their Leadership	February 18
Native Wellness: HIV/AIDS	March 4
Substance Abuse and Domestic Violence: What's the Connection?	March 18
Gender-based Violence: The Connections Between DV & SA and the	April 1
High Rates of Murdered & Missing Women	
Namelehuapono: Culture and Place-Based Healing for Violence	April 15
Against Native Hawaiian Women	
Walking the Path Together Tools: A Danger Assessment Tool for First Nations Women	May 6
Native Youth: Coaching Boys into Men	June 10
Fatherhood and Wellness for Native Men, Teens, and Boys	June 24
Tillie Black Bear: We are All Relatives in This Work	July 15
Restoration of Family Values and Healthy Community Characteristics	August 19
Violence Against Indian Women National Baseline Study (NBS)	September 16

All webinars are start at 1pm MST.

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

RESTORATION OF SOVEREIGNTY & SAFETY MAGAZINE, 2003-2014

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

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

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Restoration
OF NATIVE SOVEREIGNTY AND SAFETY FOR NATIVE WOMEN

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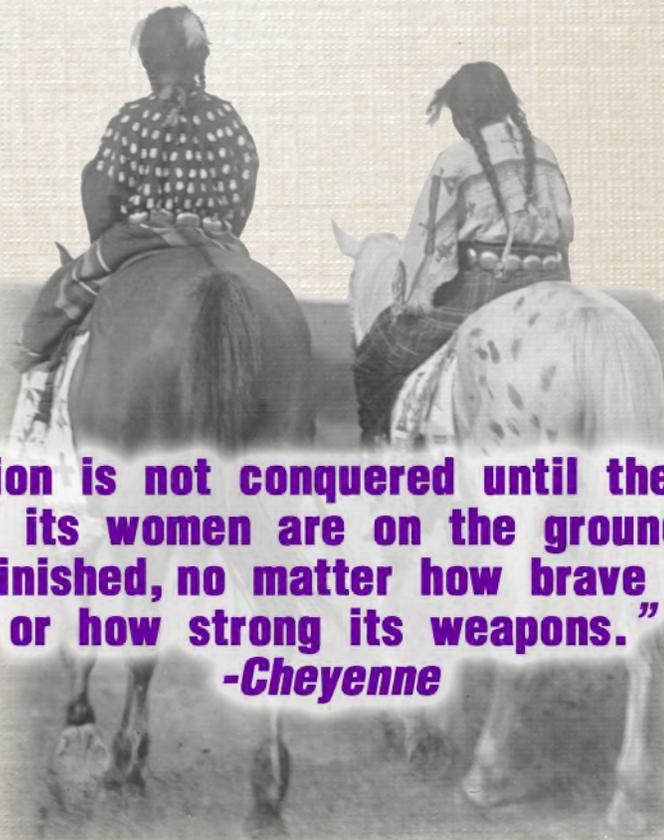
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Funding for this project was made possible by Grant # 90EV0409 from the Department of Health and Human Services. The views expressed herein do not necessarily reflect the official policies of the Department of Health nor does mention of trade names, commercial practices, or organizations imply endorsement by the U.S. Government.



**“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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