



"This past fall, NIWRC launched the VAWA Sovereignty Initiative to organize a national response to defend and advance the legal victories won through the Violence Against Women Act. Through this initiative, NIWRC recently filed three amicus briefs concerning cases pending review before the United States Supreme Court: *Dollar General v. Mississippi Band of Choctaw*, on December 7, *Voisine v. United States* on January 25, and *United States v. Bryant* on February 4. In addition, NIWRC was honored to be a lead partner in organizing a national mobilization on the day of oral arguments before the Supreme Court in *Dollar General*.

The VAWA Sovereignty Initiative and the national organizing efforts are essential to maintaining and building our movement for the safety of Native women and sovereignty of Indian nations. The strength of our national movement was clearly demonstrated by the 105 nonprofit national, regional, and tribal organizations that joined NIWRC as signatories to the *Dollar General* amicus brief. The amicus briefs were submitted as the legal voice for maintaining legal protections for Native women. NIWRC coordinated a social justice action with our national partners to tell the world of this grave injustice and called on the Supreme Court to do the right thing. Hundreds attended this national event, and many more organized at the tribal and regional levels.

NIWRC is honored to join our allies in sending a strong message to the Supreme Court and the nation calling for safety for Native women. On the pages that follow, we share images of the historic December 7th Quilt Walk for Justice and updates on these Supreme Court cases."

Lucy Simpson  
Executive Director  
NIWRC



"As a new year begins, the national movement for the safety of Native women is confronted by legal attacks on the victories of the last 20 years through cases pending review at the United States Supreme Court. These challenges require a legal response through amicus briefs to inform the Supreme Court of the epidemic of violence against Native women and the urgent need to strengthen sovereignty of Indian nations to protect Native women.

At the same time, the movement must raise a strong national voice through actions such as the December 7th Quilt Walk for Justice and other national, regional, and tribal efforts. Such efforts increase the public consciousness of the dire situation facing Native women and also continue to build the momentum of our movement.

The single focus of the VAWA Sovereignty Initiative is to defend and advance the legal protections for Native women by linking safety for Native women to strengthening the sovereignty of Indian nations. In the coming months, NIWRC will continue to organize actions to increase awareness and call for social change. We encourage everyone to organize to support the VAWA Sovereignty Initiative and join these efforts."

Jacqueline "Jax" Agtuca  
Editor  
*Restoration*



*Restoration*  
OF NATIVE SOVEREIGNTY AND SAFETY FOR NATIVE WOMEN

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### **In the News**

- 6 :: Quilt Walk for Justice Sovereignty in Action: Thousands Support Walk for Justice for Native Women and Tribal Sovereignty
- 11 :: Update: Tribal Crime Victims Fund Amendment
- 12 :: NIWRC NativeLove Project: Outreach to Native Youth
- 16 :: Justice Department Issues Guidance on Identifying and Preventing Gender Bias in Law Enforcement Response to Sexual Assault and Domestic Violence

### **Special Domestic Violence Criminal Jurisdiction Over Non-Indians**

- 18 :: VAWA 2013 Special Domestic Violence Criminal Jurisdiction Requirements
- 19 :: VAWA 2013 Implementation Update: Special Domestic Violence Criminal Jurisdiction
- 20 :: Intertribal Technical-Assistance Working Group
- 21 :: Technical Assistance
- 21 :: VAWA 2013 and the Tulalip Tribes' Jurisdiction Over Crimes of Domestic Violence: Update on Tribal Implementation of Special Jurisdiction Over Non-Indians

### **VAWA Sovereignty Initiative**

- 23 :: Support VAWA Sovereignty Initiative
- 24 :: Update: Dollar General Corporation's Attack on Tribal Sovereignty: 105 Organizations Call on the Supreme Court to Protect Native Women and Children
- 25 :: Defending the Safety for Indian Women Habitual Offender Statute: NIWRC Files Amicus Brief in *United States v. Bryant*
- 26 :: Protecting Native Women from Domestic Violence and Gun Violence: NIWRC Files Amicus Brief in *Voisine v. United States*

### **Alaska Tribal Update**

- 28 :: Historic Participation of Alaska Tribes at 10th Annual VAWA Consultation
- 32 :: Quilt Walk for Justice: A Statement on Behalf of the Alaska Native Women's Resource Center

### **Tribal Advocate Highlights**

- 34 :: Native Alliance Against Violence: Working to Increase the Safety of Native Women in Oklahoma
- 36 :: My Name Is Tillie Black Bear (Part 3)

### **International Update**

- 38 :: Implementing Decisions of the World Conference on Indigenous Peoples

### **Changing Culture**

- 41 :: *Sliver of a Full Moon* at Mandan Hidatsa Arikara Nation



National Task Force  
to End Sexual and  
Domestic Violence Against Women



National Indigenous Women's Resource Center

Dear Friends,

Welcome to the 2016 Executive Council Session in Washington, D.C.

Since the establishment of the NCAI Task Force on Violence Against Women in 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. While so many gains have been realized, we find that progress comes with constant challenges to the advances VAWA has established to increase protections for Native women.

Unfortunately, the national movement for the safety of Native women is called upon once again to unite and stand together for the safety of Native women and the inherent sovereignty of Indian nations to protect their citizens. Three cases are looming before the national movement. The first is the Dollar General case now before the Supreme Court challenging tribal court civil jurisdiction over tort cases occurring on tribal lands. The second is the Bryant case challenging the constitutionality of the habitual offender provision of the VAWA 2005 Safety for Indian Women Title. The third is the Voisine case challenging the protections created for victims of domestic violence under the federal firearms prohibitions. These attacks on tribal sovereignty call us to take action once again as a national movement for the safety of Native women and sovereignty of Indian nations.

On a positive note, we are excited to share news of the introduction of a legislation to amend the Victims of Crime Act (VOCA) to create a dedicated funding stream for Indian tribes. VOCA created the Crime Victims Fund, which is funded solely by revenue generated from federal prosecutions and provides services and compensation to crime victims. Over the last decade, the NCAI Task Force, tribal leaders, and the tribal grassroots movement have raised concerns that Indian tribes do not have the same access to the Crime Victims Fund as other governments. This void exists because when Congress created the Crime Victims Fund in 1984 it did not include statutory language for tribes, as it did for states and territories, to receive an annual formula distribution under VOCA from the Crime Victims Fund. Tribal leaders consistently expressed these concerns during previous USDOJ annual VAWA consultations. In addition, NCAI passed a resolution in support of amending VOCA to create a dedicated Indian VOCA program during the Anchorage 2014 national conference. We encourage everyone concerned to follow and voice his or her opinion regarding the need for a dedicated tribal VOCA program. This *Restoration* provides highlights of these and other emerging national issues.

The NCAI Task Force on Violence Against Women has worked for more than a decade to steadily increase the safety of Native women on a national level. As with each volume of *Restoration*, we hope this information assists you in understanding the many new developments 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



Terri Henry  
Former Chairwoman of  
Council, Eastern Band of  
Cherokee Indians



## Task Force on Violence Against Women

Monday, February 22, 2016 | 8:30 a.m. – 12:00 p.m.

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8:30 a.m. **Opening & Introductions**

NCAI Task Force on Violence Against Women Co-Chair:  
*Juana Majel-Dixon, Pauma Band of Mission Indians*  
*Terri Henry, Eastern Band Cherokee Indians*

8:45 a.m. **Regional Updates**

9:00 a.m. **Overview of *Restoration Magazine*: News and Emerging Issues**

*Jacqueline "Jax" Agtuca, NIWRC, Legal & Public Policy Consultant*

9:15 a.m. **VAWA Sovereignty Initiative Litigation Update**

*Mary Kathryn Nagel, Pipestem Law, NIWRC Consultant*

- *Dollar General v. Mississippi Band of Choctaw*
- *United States v. Bryant*
- *Voisine v. United States*

9:45 a.m. **White House Update**

*Carrie Bettinger-Lopez, White House Advisor on Violence Against Women*  
(invited)

**Update OVW USDOJ**

*Lorraine Edmo, Deputy Director, Tribal Affairs, OVW USDOJ* (invited)

10:00 a.m. **Update VAWA Annual Consultations 2015 and 2016**

10:30 a.m. **VAWA Implementation Update**

*Virginia Davis, Senior Policy Advisor, NCAI*

10:45 a.m. **Legislative and Policy Updates**

- **Family Violence and Prevention Services Act Reauthorization**
- **Victims of Crime Act Tribal Amendments**
- **Appropriations**
- **International Advocacy** – *Jana Walker, Indian Law Resource Center*

11:35 a.m. **VAWA Implementation Congressional Briefing, February 23, 2016**

11:45 a.m. **Next Meeting: June 27, Spokane, Washington**

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# Quilt Walk for Justice Sovereignty in Action: Thousands Support Walk for Justice for Native Women and Tribal Sovereignty

On December 7, 2015, hundreds of people walked in front of the United States Supreme Court to send the message of “No to Dollar General” and “Tribal Jurisdiction Equals Justice and Safety.” At 9:00 a.m. when hundreds arrived and began circling the sidewalk in front of the Court, a social media thunderclap in support of the Quilt Walk for Justice reached over 2 million people, as the event began trending on social media. At 10:00 a.m. when the oral arguments in the case began, the Walk paused and those gathered outside and across Indian nations joined together in a national prayer for justice and safety for Native women.

“NIWRC, the NCAI Task Force on Violence Against Women, Indian Law Resource Center, and the Monument Quilt Project are here today in support of safety for Native women and sovereignty of Indian nations,” said Cherrah Giles, Board President, NIWRC. “We are here today to oppose Dollar General. Non-Indian corporations and sex predators must be held accountable. Race should not be a license to prey on Native women and children.”

## A Time for Legal Arguments and a Time for Social Action

The amicus brief filed by NIWRC and joined by 105 organizations represents the legal argument for why tribal civil jurisdiction is essential to the safety of Native women. The Quilt Walk for Justice and nationally coordinated events across Indian nations and on social media represents the national movement’s voice calling for the Supreme Court to do the right thing.

“We are at a historic point in defending safety for Native women and children. The Quilt Walk for Justice is our movement’s sovereignty in action. Today, we stand together as a national movement against this injustice,” said Terri Henry, Co-Chair, National Congress of American Indians Task Force on Violence Against Women.

On the day of the Quilt Walk for Justice, one reporter asked Lucy Simpson, NIWRC Executive Director, “When was the last time you had a rally at the Supreme Court?” Simpson responded, “Today is an historic moment. This is the first time we as a national movement have organized a Walk here at the Supreme Court. Through our struggles to pass VAWA tribal amendments, we have learned legal arguments are not enough. While we raise our legal arguments, such as our amicus brief, we must also raise our voices outside this Court through social action. So we are rallying calling for the Supreme Court to do the right thing—support the right of Native women to protection as citizens of sovereign Indian nations.”

## The Monument Quilt Project

The Monument Quilt is a crowdsourced collection of thousands of stories from survivors of rape and abuse. The quilt stitches together these stories to create change through public awareness and by demanding

public space to heal. “We have received over 700 hundred quilt squares from Native women and their loved ones sharing their support for justice and stories of survival,” said Rebecca Nagle, Co-Director of FORCE Monument Quilt Project. “Today, we carry these quilt squares to honor rape victims and call on the Supreme Court for justice for Native women and children. By telling our stories, by carrying these quilt squares, we are together creating a new culture where survivors are publicly supported rather than publicly shamed.”

A National Prayer for the Safety of Native Women  
The National Moment of Prayer led by Traditional Chief Arvol Looking Horse looked to a greater power than the United States Supreme Court. It reflected the strong belief of Native peoples in prayer as a foundation for all components of one’s life. This belief was a lifelong teaching of Tillie Black Bear, a grandmother of the national movement for safety, who said continuously over her four decades of organizing: “It is our belief that we are spirits on a human journey. In that way every step we take in our human life is a spiritual act. Every word we speak is a conversation with the Creator.”

Chief Arvol Looking Horse, who supported and assisted Tillie Black Bear and the movement over many decades, stated before leading the national prayer:

“We are the first nations peoples here today. We come on behalf of our first nations as one voice, one prayer, and united as relatives. We are the voice of our ancestors, our prayers, our songs. Today, we come here to support our relative during the hearing going on now inside the Supreme Court. Today, we say from this day forward no more abuse to women and children. We have come to this place after all the years and generations of abuse to women of this Turtle Island. Today, as we walk with our relatives we represent ourselves as the original people showing that we honor our traditions, our nations, our beautiful way of life



# Tribal Sovereignty Equals Justice & Safety



here on Turtle Island. The women are the life giver and Mother Earth is the source of life not a resource. We are here to stand behind our way of life.”

Connie Black Bear-Brushbreaker traveled from the Rosebud Indian Reservation to join Chief Looking Horse to sing a traditional Lakota encouragement song honoring women. “The song I am going to share today is one that my mother, Matilda ‘Tillie’ Black Bear, always sang in her work in the women’s movement since the mid-seventies,” said Connie Black Bear-Brushbreaker.



violence cases. VAWA 2013 did not include for example the facts of the Dollar General Store. Where is justice for the 13-year-old victim in this case? Think of all the Native women and children who have been

raped by non-Indians working or living on tribal lands.

“Our tribal governments pre-date the United States Constitution. We are not inferior. Our tribal governments have been here for thousands of years

and know how to protect our people and others who come onto our land to live with us,” said Mary Kathryn Nagle, coauthor of the NIWRC amicus brief and staff attorney at Pipestem Law Firm. “To say that we do not have jurisdiction over other people who come onto our tribal lands—people who are raping and assaulting and killing us—because we are inferior is just wrong.”

## Looking to the Future: Increasing Protections Under VAWA

This case spotlights why Indian tribes need full jurisdiction to prosecute non-Indians. The store manager alleged to have committed the sexual assault faced no criminal consequence for his actions. The federal prosecutor did not charge in the case and the tribe did not have jurisdiction to charge because the store manager was non-Indian. Under VAWA 2013 Congress recognized the inherent authority of tribes over non-Indians in the narrow context of domestic

NIWRC organized the Walk in partnership with the Monument Quilt Project, the NCAI, the Tulalip Indian Tribes, the Nottawaseppi Huron Band of the Potawatomi, and the Service Employees International Union. Thousands more joined the Quilt Walk for Justice by hosting local events and through social media.



*"Regardless of what the Supreme Court does today, this movement will go on. We will retain and reclaim sovereignty of Native nations."*

*—Melissa Pope, Chief Judge,  
Nottawaseppi Huron Band of the Potawatomi*

*"As mothers, grandmothers, relatives, and friends, we are here to say NO MORE. We will not sit quietly by and allow a corporation to strip away our ability to protect one of our most valuable resources, our children. We will not allow companies to use the benefits of doing business in Indian country without honoring the laws of our land."*

*This case, and others like it are the reason tribes have fought so hard for the reauthorization of the Violence Against Women Act of 2013. It also shows us that it's time to take VAWA one step further to include the protection of minors."*

*—Bonnie Juneau, Tribal Council Member,  
Tulalip Tribes of Washington*

*"Native women need their tribal courts to have jurisdiction to stop sexual violence. The epidemic of violence we are living is directly connected to abusers walking free without fear of the law, fear of civil liability, fear of criminal prosecution. Non-Indian abusers boldly tell tribal police you can't touch me. We are asking everyone to take a stand for justice!"*

*—Terri Henry, Co-Chair of the National Congress of American Indians  
Task Force on Violence Against Native Women*



*"Our children and Native women deserve safety in their homelands. If Dollar General were to prevail, it would mean so much on the ground to the safety of Native women and children. It could mean that our tribal courts could no longer issue protection orders to keep women safe from the threats of assault and battery from non-Indians who often come onto our homelands and commit these crimes. Today, we send our energy and thoughts toward these justices that they make a decision that is right and one that will help keep our people safe."*

–Carmen O’Leary, Executive Director,  
Native Women’s Society of the Great Plains

*"Like past great civil rights movements, we must stand for justice for Native women. The tribal grassroots has led the struggle for safety and sovereignty for thirty years. Now is the time to tell the Supreme Court, Congress, and the nation that Native women have suffered since first contact and we say it must stop."*

–Cherrah Giles, Board President,  
National Indigenous Women’s Resource Center

*"Dollar General argues that the ability of tribal governments to exercise their civil jurisdiction over non-Indians who assault tribal members on tribal lands is a legal question for the Supreme Court to answer in Dollar General’s favor. But for many Native women and children survivors, civil jurisdiction isn’t an academic or even a legal question. It’s a matter of life and death."*

–Diane Millich, Survivor and Citizen  
Southern Ute Indian Tribe, Colorado



Watch the powerful messages delivered during the December 7th Quilt Walk for Justice at the following links:



Quilt Walk for Justice at the United States Supreme Court: <https://youtu.be/YKLV-QldI8M>

Bonnie Juneau, Tribal Council, Tulalip Tribes, A Tribal Leader's View: <https://youtu.be/w-Tv4J3VNU8>



Melissa Pope, Chief Judge, Nottawaseppi Huron Band of the Potawatomi: <https://youtu.be/CvbTiAww4C0>

Mary Kathryn Nagle and Sarah Deer, coauthors, NIWRC Amicus Brief: <https://youtu.be/df8QwKuHpeM>

# Update: Tribal Crime Victims Fund Amendment

In July 2015, the Senate Committee on Indian Affairs unanimously approved S. 1704, the Securing Urgent Resources Vital to Indian Victim Empowerment Act, or SURVIVE Act. The bill would create a new grant program at the Bureau of Indian Affairs for crime victim services and compensation. Funding for the program would come from a 5% allocation from the Crime Victims Fund (CVF) for the next 10 years. In addition, last year Senate appropriators included language in the Senate CJS appropriations bill that would have directed \$52 million from the CVF to tribal governments. Unfortunately, this language did not make it into the final bill. We encourage members of Congress to support efforts to include Indian tribes in the CVF through authorizing language like the SURVIVE Act and to support appropriations language that ensures tribal victims are not left behind again this year.

## Understanding the Need to Amend the Crime Victims Fund

American Indian and Alaska Natives experience the highest crime victimization rates in the country.

- Native people are 2.5 times more likely to experience violent crime than other Americans.

- Approximately 34% of American Indian and Alaska Native women are raped and 61% are assaulted in their lifetimes.
- Due to exposure to violence, rates of post-traumatic stress disorder among Native children match rates among Iraq and Afghanistan war veterans.

Despite the devastating impact of criminal victimization in tribal communities, Indian tribes have largely been left out of the CVF, which is the federal government's principal means of providing resources to crime victims. Congress created the CVF in 1984 based on the idea that money that the government collects from criminals should be used to help those victimized by crime. Unfortunately, in 1984, policymakers were not thinking about the need to create a separate formula funding stream for Indian tribes, which is now recognized as the best way to support tribal governments and tribal programs. The inclusion of a tribal program under the CVF as within the Family Violence and Prevention Services Act (FVPSA) as well as the Violence Against Women Act (VAWA) is long overdue given the significant progress in tribal and federal relations since 1984.

Fines paid by convicted federal criminal offenders finance the Fund, not taxpayer dollars. Despite significant increases in collections, Congress has imposed a cap on how much is available from the CVF for crime victim services and compensation for the past 15 years. In recent years, distributions from the CVF have been about \$700 million. Collections, however, reached as high as \$2.8 billion in 2013, leaving a balance in the fund of over \$13 billion. There has been significant pressure on Congress to make more of this money available for crime victims, and Congress significantly increased the distributions for FY 2015 to \$2.3 billion and increased them again to \$2.6 billion for FY 2016.

Unlike state and territorial governments, who receive an annual formula distribution from the CVF, Indian tribes are able to access CVF funds only via pass-through grants from the states or by competing for very limited resources administered by the Department of Justice. According to DOJ, from 2010–2014, state governments passed through 0.5% of available funds to programs serving tribal victims—less than \$2.5 million annually nationwide. This leaves a significant unmet need in most tribal communities. In 2013–

## Broad Support for Indian Tribes Increased Access Under VOCA

Ensuring tribes have access to lifesaving VOCA funds has broad support. The need for increased funds for tribes has been recognized by the following:

- The bi-partisan group of Senators who co-sponsored the SURVIVE Act
- The bi-partisan group of Senators who supported inclusion of a tribal allocation in the FY 2016 CJS appropriations bill
- National Task Force to End Sexual and Domestic Violence Against Women
- National Association of VOCA Assistance Administrators
- American Bar Association
- Attorney General's Task Force on American Indian Children Exposed to Violence
- Office for Victims of Crime

the year with the highest number of state subgrants to date—more than 60% of states with Indian tribes did not make any subgrants. Of the 16 states that did pass through money to tribal victim service programs, all but one passed through less than 5% of the states' available VOCA funds.

#### Crime Victims Fund Summary Tribal Issues

- In FY15 and FY16 Congress significantly increased
- Congress must take action to ensure crime victims in tribal

disbursements from the Crime Victims Fund (CVF), which is the nation's primary funding source for crime victim services programs and compensation. Despite more than tripling disbursements to \$2.6 billion, Indian tribes, who experience the highest crime victimization rates in the country, continue to be left out of the programs funded by the CVF.

communities are not left out of the lifesaving services funded by the CVF again this year and in the future.

*For more information, please contact NCAI Senior Policy Advisor Virginia Davis at [vdavis@ncai.org](mailto:vdavis@ncai.org).*

## NIWRC NativeLove Project: Outreach to Native Youth

NativeLove is an ongoing youth project at NIWRC. The goal of NativeLove is to raise awareness and help end violence experienced by Native youth either directly or indirectly. It is a great opportunity to empower youth to redefine love by providing them a space to share what love means to them and to change the conversation. For example, we often hear jokes about "Indian loving" as waking up with a hickey and black eye—that's not love, that's dating violence.

With NIWRC's extensive outreach at Native community events and gatherings, we have heard from Native youth who shared their experiences with bullying, dating violence, suicide, verbal and emotional abuse among peers, experiences of family violence, and racism. We asked kids at the 2015 Women Are Sacred Conference how they felt about these challenges, and this was one of many responses:

*"We are supposed to learn from our families and elders and we don't always learn good things. We can do things differently and show them a new way of doing things. NativeLove means healing to me." (sic)*

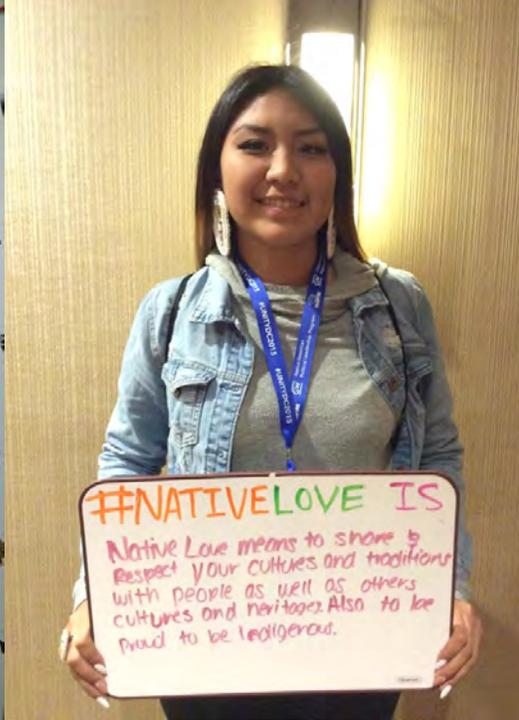
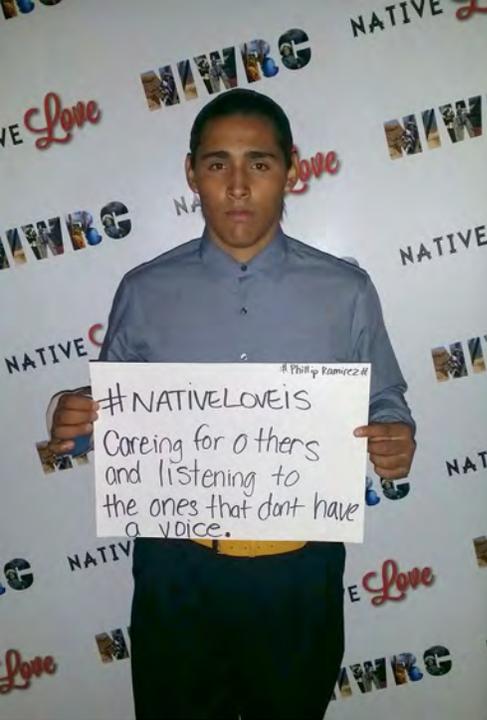
We have heard from hundreds of youth and adult educators, mentors, parents, advocates, and community members. It is indeed a project that people get excited about! NativeLove is fueled by prayers in action and encouragement to think about creating change in our mind-sets and restoring confidence of safety through traditional ways of loving. The NativeLove project reached six schools: Pine Ridge, SD; Sisseton, SD; Native LifeLines, Baltimore, MD; Rapid City High's Ateyapi Program; Chemawa School, OR; and Emmonak, AK. NativeLove also reached events such as the Gathering of Nations; the MT Indian Higher Education Conference; the Lakota Arts Festival, SD;

the National Youth UNITY Conference, DC; as well as visits to the Kaw Nation, OK, Pechanga/Pala and Six Bands of Luiseño Indians, and Seminole, FL. We heard NativeLove is *Respect, Taking Care of One Another, Proud to be Indigenous, Being Comfortable with Who You Are, and Trust.*

The 2015 NativeLove Youth Challenge received hundreds of entries; the top five national voted entries were from across Turtle Island. The winners include Eric Woody, Navajo; Willie BullBear, Lakota; Mark Renville, Lakota; Nicole Lucero, Navajo; and Kristen Butcher, who won the number one spot. Kristen is Lakota of the Cheyenne River Sioux Tribe and an enrolled member of the Torres Martinez Desert Cahuilla Nation in Thermal, California. Faith Morreo, Kristen's mother, shared,

*"She serves on her Tribal Youth Council of Torres Martinez. Kristen is a champion teen jingle dress dancer as well, and believes in keeping her traditions and culture alive! She is learning to speak fluent Desert Cahuilla, as taught by her grandmother, Christina Morreo. She also is a champion teen bird dancer of our region in Southern California. We are so pleased to hear the great news that she won the NativeLove Challenge!"*

We continue to work with youth and educators to share in a bright future for communities and continuing NativeLove as healthy love in 2016! Please contact [rball@niwrc.org](mailto:rball@niwrc.org) or <http://nativelove.niwrc.org> for opportunities or more information.



Clockwise from top:  
 Phillip Ramirez,  
 Pala Sexual Assault  
 Awareness Month  
 Event, California.  
 Kristen Butcher, UNITY  
 Youth Conference,  
 Washington, DC.  
 Mark Renville, Ateyapi  
 Program, Rapid  
 City, South Dakota.  
 Chemawa School  
 Students, Project  
 Launch Day, February  
 9, 2016, Oregon.



# NATIVE Love Challenge Winners 2016!

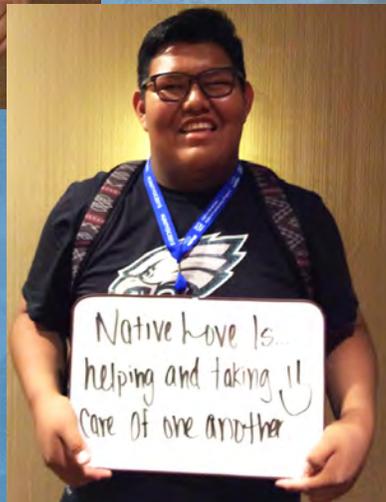
**Top Winner is Kristen Butcher from Cahuilla Nation!**  
 Kristen is Lakota of Cheyenne River Sioux Tribe & an enrolled member of the Torres Martinez Desert Cahuilla Nation in Thermal, California.

*"She serves on her Tribal Youth Council of Torres Martinez. Kristen is a champion teen jingle dress dancer as well and believes in keeping her traditions and culture alive! She is learning to speak fluent Desert Cahuilla, as taught by her grandmother, Christina Morreo. She also is a champion teen bird dancer, of our region in Southern California. We are so pleased to hear the great news that she won the NativeLove Challenge!"*

-Faith Morreo, Kristen's mother



**Willie BullBear (Lakota)**  
**Video Winner**



**Eric Woody (Navajo)**  
**Photo Winner**



**Mark Renville, (Lakota)**  
**Photo Winner**



**Nicole Lucero (Navajo)**  
**Photo Winner**



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

# THE UNITED STATE OF WOMEN

THE WHITE HOUSE SUMMIT



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## WHERE

Walter E. Washington Convention Center  
Washington, DC

## WHEN

Monday, May 23 2016

## WITH COOPERATION FROM



December 8-10, 2015, Native Hawaiian women and NIWRC organized a three-day regional meeting in Honolulu on "Domestic and Gender-Based Violence and Increasing the Safety of Native Women." Women active in their Native Hawaiian communities were joined by Paula Julian and Dorma Sahneyah of the NIWRC, as well as Shena Williams of the Administration for Children and Families, Administration on Children, Youth and Families, Division of Family Violence Prevention. The agenda for the regional meeting included a session on "A History of Native Hawai'i and the Relationship of Colonization and Cultural & Historical Trauma and Connection to Domestic Violence and Gender-Based Violence in Native Hawaiian Communities."

# Justice Department Issues Guidance on Identifying and Preventing Gender Bias in Law Enforcement Response to Sexual Assault and Domestic Violence

Attorney General Loretta E. Lynch announced in December new guidance from the Justice Department designed to help law enforcement agencies prevent gender bias in their response to sexual assault and domestic violence, highlighting the need for clear policies, robust training, and responsive accountability systems.

“Gender bias, whether explicit or implicit, can severely undermine law enforcement’s ability to protect survivors of sexual and domestic violence and hold offenders accountable,” said Attorney General Lynch. “This guidance—developed in collaboration with law enforcement leaders and advocates from across the country—is designed to help state, local, and tribal authorities more fairly and effectively address allegations of domestic violence and sexual assault. In the days and months ahead, the Department of Justice will continue to work with our law enforcement partners nationwide to ensure that they have the tools and resources they need to prevent, investigate, and prosecute these horrendous crimes.”

The guidance, which reflects input from a wide array of stakeholders, including police leaders, victim advocates, and civil rights advocates, aims to enhance the Justice Department’s partnership with law enforcement officers who work tirelessly to protect their communities, advance bias-free policing, and uphold the civil rights of the people they serve. The Justice Department’s Office on Violence Against Women (OVW), the Civil Rights Division, and the Office of Community Oriented Policing Services (COPS Office) collaborated to produce the guidance.

The guidance serves two key purposes. First, it aims to examine how gender bias can undermine the response of law enforcement agencies (LEAs) to sexual assault and domestic violence. Second, it provides a set of basic principles that—if integrated into LEAs’ policies, trainings, and practices—will help ensure that gender bias, either intentionally or unintentionally, does not undermine efforts to keep victims safe and hold offenders accountable.

The guidance, through a series of detailed case examples, advises law enforcement agencies to incorporate the following principles into clear policies,

comprehensive training and effective supervision protocols:

- Recognize and address biases, assumptions, and stereotypes about victims.
- Treat all victims with respect and employ interviewing tactics that encourage a victim to participate and provide facts about the incident.
- Investigate sexual assault or domestic violence complaints thoroughly and effectively.
- Appropriately classify reports of sexual assault or domestic violence.
- Refer victims to appropriate services.
- Properly identify the assailant in domestic violence incidents.
- Hold officers who commit sexual assault or domestic violence accountable.
- Maintain, review, and act upon data regarding sexual assault and domestic violence.

A form of discrimination, gender bias may result in LEAs providing less protection to certain victims on the basis of gender, failing to respond to crimes that disproportionately harm a particular gender, or offering less robust services due to a reliance on gender stereotypes.

Gender bias can manifest in police officers misclassifying or underreporting sexual assault and domestic violence cases; inappropriately jumping to conclusions and labeling sexual assault cases unfounded; failing to test sexual assault kits; interrogating rather than interviewing victims and witnesses; treating domestic violence as a family matter rather than a crime; failing to enforce protection orders; or failing to treat same-sex domestic violence as a crime. These failures may ultimately compromise law enforcement’s ability to ascertain the facts, determine whether the incident constitutes a crime, and develop a case that holds the perpetrator accountable.

“You know your communities best and the Department of Justice relies on you to tell us what challenges you face, what trends you encounter, and what assistance you need. We stand ready to offer that assistance, so that together, we can ensure that survivors get the support they need and that justice is faithfully served,” said Attorney General Loretta E. Lynch.

“For instance, false assumptions about alcohol use, the physical strength of a victim’s partner or a victim’s sexual orientation can lead police to make judgments about the truthfulness of the survivor’s account or the severity of the assault that are simply wrong. And when bias interferes with a law enforcement response, justice can be delayed and victims can suffer.”

– Attorney General Loretta E. Lynch



The Department of Justice has included additional resources in an appendix to the guidance to further assist LEAs in improving their response to sexual assault and domestic violence.

Identifying and Preventing Gender Bias Guidance

<http://goo.gl/LMDM5r>

Gender Bias Policing Guidance Fact Sheet

<http://goo.gl/6iFx6a>

# VAWA 2013 Special Domestic Violence Criminal Jurisdiction Requirements

As of March 7, 2015, tribes across the country can exercise criminal jurisdiction over non-Indians so long as all of the statutory requirements of VAWA 2013 are met.

VAWA 2013 authorizes participating tribes to exercise special domestic violence criminal jurisdiction (SDVCJ) over non-Indian defendants for acts of domestic violence or dating violence, and violations of certain protection orders.

However:

- the victim must be Indian;
- the crime must take place in the Indian country of the participating tribe; and
- the non-Indian defendant must have "sufficient ties to the Indian tribe," which could include any of the following:
  - o residing in the Indian country of the participating tribe;
  - o being employed in the Indian country of the participating tribe; or
  - o being a spouse, intimate partner, or dating partner of a tribal member, or an Indian who resides in the Indian country of the participating tribe.

In addition to existing Indian Civil Rights Act requirements, the tribe must offer certain due process protections, many of which mirror the due process protections required to exercise the enhanced sentencing provisions of the Tribal Law and Order Act (TLOA) of 2010:

VAWA Due Process Requirements
Defendants are provided with effective assistance of counsel equal to at least that guaranteed in the U.S. Constitution.
Tribal government provides to an indigent defendant a defense attorney licensed to practice by any jurisdiction in the United States.
Defense attorney is licensed by a jurisdiction that applies appropriate licensing standards and effectively ensures the competence and professional responsibility of its licensed attorneys.
Judges presiding over criminal proceedings involving non-Indian defendants have sufficient legal training to preside over a criminal trial and are licensed to practice law by any jurisdiction in the United States.
The tribe's criminal law, rules of evidence, and rules of criminal procedure are made available to the public prior to charging the defendant.
Tribal court maintains a record of the criminal proceeding, including an audio or other recording.
Tribal court provides the defendant the right to a trial by an impartial jury.
Tribal court ensures that the jury reflects a fair cross section of the community.
Tribal court ensures that juries are drawn from sources that do not systematically exclude any distinctive group in the community, including non-Indians.
Tribal court ensures that a defendant is "timely notified" of his/her rights and responsibilities.
Tribal court ensures that a defendant is notified of his/her right to file "a petition for a writ of <i>habeas corpus</i> in a court of the United States."
Tribal court provides "all other rights whose protection is necessary under the Constitution of the United States in order for Congress to recognize and affirm the inherent power of the participating tribe to exercise special domestic violence criminal jurisdiction over the defendant."

# VAWA 2013 Implementation Update: Special Domestic Violence Criminal Jurisdiction

As of January 1, 2016, eight tribes have implemented special domestic violence criminal jurisdiction (SDVCJ) over non-Indians under VAWA 2013 (see the following page) for a description of the VAWA requirements. Together, they have made 44 SDVCJ arrests, resulting in 18 guilty pleas, 5 referrals for federal prosecution, 1 acquittal by jury, 12 dismissals, with 6 cases pending. None of the SDVCJ non-Indian defendants have appealed to federal court. A brief summary of the exercise of this jurisdiction by each of the implementing tribes is below.

- **Pascua Yaqui Tribe (AZ).** The Pascua Yaqui Tribe began exercising SDVCJ on February 20, 2014, as part of the DOJ Pilot Project. As of September 1, 2015, the tribe has made 21 SDVCJ arrests involving 16 separate offenders resulting in 6 guilty pleas, 4 referrals for federal prosecution, 1 acquittal by jury, and 10 dismissals. Pascua Yaqui reports that since it began implementing SDVCJ, cases involving non-Indians make up 25% of the tribe's domestic violence caseload.
- **Tulalip Tribes of Washington.** The Tulalip Tribes began exercising SDVCJ on February 20, 2014, as part of the DOJ Pilot Project. As of February 1, 2016, it had 11 SDVCJ arrests involving 9 defendants resulting in 6 guilty pleas, 1 federal guilty plea, 2 dismissals, and 2 cases pending.
- **Confederated Tribes of the Umatilla Reservation (OR).** The Umatilla Tribes began exercising SDVCJ on February 20, 2014, as part of the DOJ Pilot Project. As of September 1, 2015, it had 6 SDVCJ arrests resulting in 4 guilty pleas.
- **Sisseton Wahpeton Oyate (SD/ND).** The Sisseton Wahpeton Oyate was authorized to exercise SDVCJ on March 6, 2015, as part of the DOJ Pilot Project. As of September 1, 2015, it had 1 SDVCJ arrest and the case is pending.
- **Assiniboine & Sioux Tribes of the Ft. Peck Reservation (MT).** The Assiniboine & Sioux Tribes were authorized to exercise SDVCJ on March 6, 2015, as part of the DOJ Pilot Project. As of February 1, 2016, it had 2 SDVCJ arrests resulting in 2 cases pending.
- **Little Traverse Bay Bands of Odawa Indians (MI).** The Little Traverse Bay Bands of Odawa Indians began exercising SDVCJ on March 7, 2015. As of September 1, 2015, it had no SDVCJ arrests.
- **Seminole Tribe of Oklahoma.** The Seminole Tribe began exercising SDVCJ in July 2015. As of September 1, 2015, it had no SDVCJ arrests.
- **Eastern Band of Cherokee Indians (NC).** The Eastern Band of Cherokee began exercising SDVCJ in July 2015. As of September 1, 2015, it had 3 SDVCJ arrests resulting in 2 guilty pleas, with 1 case pending.



## SAVE THE DATE

**Tuesday, February 23, 2016**

**2:00pm-3:00pm**

**Cannon Building-Room 121**

## Congressional Briefing

### Violence Against Women & Implementation of VAWA 2013 Special Domestic Violence Criminal Jurisdiction

National Indigenous Women's Resource Center, Indian Law Resource Center & National Congress of American Indians will hold a congressional briefing on these issues in partnership with United States Representatives:

**Louise M. Slaughter**

**Betty McCollum**

**Gwen Moore**

**Xavier Becerra**



# Special Domestic Violence Criminal Jurisdiction: Intertribal Technical-Assistance Working Group

Over the past two years, nearly 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 and are in varying stages of preparing to implement SDVCJ. Twenty tribes report that they expect to implement SDVCJ in the next year.

The Department of Justice supported the formation of the ITWG for tribes to collaborate and share information on how to implement special domestic violence criminal jurisdiction over non-Indian offenders. The tribal workgroup has been very successful. Three of the participating tribes—the Pascua Yaqui Tribe, the Confederated Tribes of the Umatilla Indian Reservation, and the Tulalip Tribes—were authorized by the Attorney General to exercise SDVCJ on an accelerated basis during the pilot period.

Indian tribes have worked together through the ITWG to discuss best practices, training needs, and resource development. The ITWG—along with the Departments of Justice and the Interior as partners—has held teleconferences, topical webinars, and in-person meetings to discuss best practices on responding to domestic violence and enhancing criminal procedures necessary to successfully implement SDVCJ.

Please contact Virginia Davis or John Dossett at NCAI if you have any questions or would like to join the workgroup at [vdavis@ncai.org](mailto:vdavis@ncai.org) or [jdossett@ncai.org](mailto:jdossett@ncai.org).

## Participating Tribes of the ITWG

Cherokee Nation	Penobscot Indian Nation
Chickasaw Nation	Pokagon Band of Potawatomi Indians
Colorado River Indian Tribes of the Colorado River Indian Reservation	Prairie Band Potawatomi Nation
Confederated Tribes of the Umatilla Indian Reservation	Pueblo of Isleta
Eastern Band of Cherokee Indians	Pueblo of Laguna
Eastern Shawnee Tribe of Oklahoma	Pueblo of Santa Clara
Fort Peck Assiniboine and Sioux Tribes	Quapaw Tribe
Gila River Indian Community of the Gila River Indian Reservation	Quinault Indian Nation
Hopi Tribe of Arizona	Sac and Fox Nation
Kickapoo Tribe of Oklahoma	Salt River Pima-Maricopa Indian Community
Menominee Tribe of Wisconsin	Sault Ste. Marie Tribe of Chippewa Indians
Mississippi Band of Choctaw Indians	Seminole Nation of Oklahoma
Muscogee (Creek) Nation	Sisseton Wahpeton Oyate of the Lake Traverse Reservation
Nez Perce Tribe	Spokane Tribe
Nottawaseppi Huron Band of the Potawatomi	Standing Rock Sioux Tribe
Oneida Tribe of Indians of Wisconsin	Suquamish Indian Tribe of the Port Madison Reservation
Pascua Yaqui Tribe of Arizona	Three Affiliated Tribes of the Fort Berthold Reservation
Passamaquoddy Tribe	Tulalip Tribes of Washington
Pauma Band of Mission Indians	White Earth Nation
	Winnebago Tribe of Nebraska

# Special Domestic Violence Criminal Jurisdiction: Technical Assistance

Indian tribes under VAWA 2013 are now able to prosecute non-Indians who abuse Indian women on tribal lands for the first time since the *Oliphant v. Suquamish* decision. For Indian tribes choosing to implement this lifesaving jurisdictional amendment, there are a number of due process requirements that must first be met.

The National Congress of American Indians (NCAI) and the Tribal Law and Policy Institute (TLPI) offer technical assistance to Indian tribes to understand and implement the mandated requirements of the statute. The technical assistance resources available to Indian tribes include:

- The Intertribal Technical-Assistance Working Group (ITWG) team is available to review draft tribal codes, policies, or procedures that tribes develop to implement the law. The team is available to review whether the proposed changes comply with VAWA's statutory requirements.
- The Center for Jury Studies continues to be available to help address specific questions about VAWA's jury requirements and the logistics of creating a jury pool system that complies with VAWA.
- Following implementation of the law, the technical assistance providers and attorneys from the pilot tribes are available to address issues that arise during the investigation or prosecution of individual cases.

Various technical assistance tools are available via a website (<http://www.ncai.org/tribal-vaawa>) to assist tribes as they implement special domestic violence criminal jurisdiction over non-Indians. The website includes resources such as:

- A tribal code checklist, which offers a quick guide to the due process requirements.

- Information from the Intertribal Technical-Assistance Working Group (ITWG), which is a collaboration of 40 tribes sharing information and advice on how to best implement VAWA, combat domestic violence, recognize victims' rights and safety needs, and safeguard defendants' rights.
- Materials from the three tribes that participated in a DOJ Pilot Project that allowed them to begin exercising jurisdiction over non-Indians in 2014. These materials offer useful examples of how these pilot tribes modified tribal code language and constructed jury pools for VAWA cases.
- A "Practical Guide to Implementing VAWA and TLOA" developed by the Pascua Yaqui Tribe.
- Information from past webinars on a variety of VAWA implementation topics, including: jury pools and selection, defendants' rights, protection orders, and victims' rights.
- A resource guide for drafting or revising tribal laws to implement the Tribal Law and Order Act enhanced sentencing and the VAWA 2013 special domestic violence criminal jurisdiction developed by the Tribal Law and Policy Institute.
- Finally, the website provides VAWA updates and information on upcoming events.

All tribes seeking to implement SDVCJ are also encouraged to join the Intertribal Technical-Assistance Working Group (ITWG). Please contact [tribal-vaawa@ncai.org](mailto:tribal-vaawa@ncai.org) for more information, or Virginia Davis, Senior Policy Advisor, at [vdavis@ncai.org](mailto:vdavis@ncai.org) with any questions.

## VAWA 2013 and the Tulalip Tribes' Jurisdiction Over Crimes of Domestic Violence

### Update on Tribal Implementation of Special Jurisdiction Over Non-Indians

The Tulalip (pronounced Tuh'-lay-lup) Tribes is a federally recognized Indian tribe located on the Tulalip Reservation in the mid-Puget Sound area north of Everett, Washington, bordered on the east by Interstate 5 and the city of Marysville. The Tulalip Reservation exterior boundaries enclose a land-base of 22,000 acres, with approximately 15,000 acres in federal trust status. Our reservation is rich with natural resources: marine waters, tidelands, freshwater creeks and lakes, wetlands, forests, and developable land. The Tulalip Reservation was reserved for the use and benefit of Indian tribes and bands signatory to the Treaty of Point Elliott of January 22, 1855. Its boundaries were established by the 1855 Treaty and by Executive Order of President U.S. Grant dated December 23, 1873. It was created to provide a permanent home for the Snohomish, Snoqualmie, Skagit, Suiattle, Samish, and Stillaguamish Tribes and allied bands living in the region. Today, we have 4,533 enrolled tribal members and approximately 2,500 of these members reside on the reservation.

## Tulalip Justice System

The Tulalip Tribal Court supports the Tribes' vision—"together we create a healthy and culturally vibrant community"—in its practice of judicial excellence. The Tulalip Tribes has always provided a forum for tribal members to resolve issues. Some of the first issues heard by the court involved fishing, employment, and child welfare cases. The Tribal Court has grown substantially since that time. In 2001, the Tribes requested and received retrocession over reservation lands from the state of Washington. The Tribes expanded its police department the same year. In 2003, the Tribes developed an institutional relationship with the University of Washington School of Law Native American Law Center for the Tribal Court Defense Clinic, which is designed to provide representation to low-income Tulalip tribal members charged with crimes on the reservation. The Clinic is funded in part through Tulalip casino-derived revenue.

### Key Stats of SDVCJ Cases Since February 20, 2014

11 cases, with 9 defendants, age range: 21-35; race: 3 Caucasian, 2 African American, 3 Hispanic, and 1 non-enrolled Canadian Indian. 6 defendants have children in common with the victim of the crime. Defendants have had a combined number of 109 contacts with Tulalip Tribal Law Enforcement since 2008. Information about the victims: 7 girlfriends, 1 spouse, and 1 ex-spouse. During 6 of the incidents, children were present; 5 children were victims of crime.

### Outcomes

6 pled guilty, 2 pre-trial, 2 dismissed, and 1 transferred to federal court and resulted in a guilty plea. Of the crimes in which children were victims of crime, only 1 case was prosecuted because the underlying crime was transferred to federal court. State has not taken action on other 4 crimes in which children were victims.

Denise was assaulted and raped by the father of her children (a non-Indian) one night. This incident, the latest in a long history of violence, resulted in charges of rape and assault first-degree filed by the Tribes in Tulalip Tribal Court pursuant to SDVCJ. Defendant almost immediately violated an order for protection. The couple's 8-year-old son also disclosed abuse by his father. Defendant pled guilty to the assault. We could not proceed on the rape because it was not "violent" per the current definition, and we could not even file on the child's victimization, because of the limits of SDVCJ. Victim and her son are doing well, free from the violence.

## Collaborative Relationships

Tulalip collaborated with the federal government and other tribal organizations which proved to be invaluable in this effort. We worked with the Intertribal Working Group, which consisted of tribal attorneys, judges, council member, the National Congress of American Indian (NCAI), the National Council of Juvenile and Family Court Judges and Tribal Law and Policy Institute, and the Department of Justice. We promote continuing this type of collaboration and cooperation for future expansion of laws and programs.

### Costs to Tulalip

Tulalip absorbed all costs using its tribal revenues. Congress authorized up to \$25 million to implement this program through 2018, but Congress has yet to appropriate any of those funds.

### Key SDVCJ Requirements, Tulalip Tribal Laws and Readiness

- General Application of ICRA 25 USC 1304 (d) (1) (Rights of the defendant) (code implementation 2002)
- Jury Drawn from Fair Cross Section 25 USC 1304 (d) (code implementation 2002)
- Notice of Right to Habeas Corpus and Petition for Stay of Detention 25 USC 1304 (e) (3) (code implementation 2002)
- Rights to Counsel 25 USC 1302 (c) (code implementation 2002)
- Qualifications of Judges 25 USC 1302 (c) (code implementation 2002)
- Recording of Proceedings 25 USC 1302 (c) (since inception of court)
- Publication of Laws 25 USC 1302 (c) (online 2010, before that available through court, law schools, etc.)

### Next Steps: Tulalip Recommendations

- Authority to charge crimes against child victims and other attendant crimes
- Authority to charge stranger rape
- Reauthorize, expand, and make permanent Bureau of Prisons Pilot Project (approved in TLOA)
- Implement the NCIC-TAP Program as a "permanent program" and create an ITWG for this purpose
- Full funding for all aspects of implementation

# VAWA Sovereignty Initiative

The Violence Against Women Act (VAWA) Sovereignty Initiative launched in the fall of 2015 is well underway with the filing of three amicus briefs in cases under review before the United States Supreme Court. Last fall, the National Indigenous Women's Resource Center, Inc. (NIWRC) announced its VAWA Sovereignty Initiative, a project focusing on the defense of the constitutionality and functionality of all VAWA tribal provisions.

"We hope that through the VAWA Sovereignty Initiative, NIWRC can continue to protect the legal and policy gains we have achieved through VAWA," said NIWRC Board President, Cherrah Giles.

This initiative is the NIWRC's next step forward in defending the victories won under VAWA 1995, 2005, and 2013. In partnership with Pipestem Law, the initiative will also champion other important advancements in federal law and policy related to the protection of Native women and children.

## VAWA Sovereignty Initiative Accomplishments

On October 22, 2015, the NIWRC filed an amicus brief in *Dollar General Corporation v. Mississippi Band of*

*Choctaw Indians* in the United States Supreme Court.

On December 7, 2015, the NIWRC partner with the Monument Quilt Project, FORCE Standing Against Rape, NCAI, and Indian Law Resource Center to organize the National Quilt Walk for Justice on the steps of the Supreme Court during the oral arguments in the Dollar General case. The Nottawaseppi Huron Band of the Potawatomie and Tulalip Indian Tribes joined as partners for the Walk.

On January 25, 2016, the NIWRC filed an amicus brief in support of the United States Department of Justice, asking the United States Supreme Court to affirm the First Circuit Court of Appeals' decision in *Voisine v. United States*. Collectively, the NIWRC and their fellow amici urge the Supreme Court to uphold the application of federal firearms prohibition to individuals who have been convicted of domestic violence crimes against Native women.

On February 1, 2016, the NIWRC filed an amicus brief to support the United States' position in the *U.S. v. Bryant* case. The brief argues that Congress did not intend to make the application of the habitual offender provision dependent on whether the defendant in the underlying tribal court domestic violence conviction received assistance of counsel. It further advocates that federal courts have no authority to dictate to tribal governments how they will treat their own members in their respective tribal courts.

## Please support the VAWA Sovereignty Initiative

NIWRC needs the support of Indian tribes to see this initiative through in order to protect the rights and lives of Native women. NIWRC has launched a fundraising campaign to support the VAWA Sovereignty Initiative and will in partnership with Pipestem Law Firm monitor all cases related to VAWA nationwide to ensure nothing relevant is missed. NIWRC relies on the assistance of tribal governments, allies, and supporters to achieve the goals of this initiative. "Thank you for your support! We look forward to keeping you updated about our progress and accomplishments in this important fight for Indian country," said Lucy Simpson, NIWRC Executive Director.

Tax-deductible contributions can be made payable to  
"NIWRC Sovereignty Initiative"  
and mailed to PO Box 99, Lame Deer, MT 59043.

# Update: Dollar General Corporation's Attack on Tribal Sovereignty: 105 Organizations Call on the Supreme Court to Protect Native Women and Children

On October 22, 2015, the National Indigenous Women's Resource Center (NIWRC) filed an amicus brief calling on the United States Supreme Court to uphold the authority of tribes to exercise civil jurisdiction over non-Indians who sexually assault and abuse Native women and children on tribal lands. NIWRC was joined on the brief by 105 national, regional, and tribal organizations dedicated to increasing the safety of Indian women and children.

"NIWRC's mission is to end violence against Native women," stated NIWRC Board President, Cherrah Giles. "NIWRC recognizes, however, that safety is not possible when tribal governments are stripped of the jurisdiction necessary to protect their women and children." NIWRC filed its amicus brief in the Supreme Court to preserve the inherent sovereign authority of American Indian nations to protect their women and children living on tribal lands.

On December 7, 2015, the Supreme Court heard arguments in *Dollar General Corporation v. Mississippi Band of Choctaw Indians*, a case concerning whether the Mississippi Band of Choctaw Indians' tribal court may exercise its inherent civil jurisdiction over tort claims filed in tribal court against a non-Indian corporation, Dollar General, whose employee supervisor allegedly sexually assaulted a young Choctaw intern working in the store that Dollar General leases from the tribe on tribal lands. In asking the Supreme Court to overturn the Fifth Circuit Court of

Appeals' decision affirming tribal jurisdiction, Dollar General has asked for nothing less than the wholesale elimination of all tribes' civil jurisdiction over non-Indian conduct on tribal lands.

On the morning of the oral arguments, hundreds of concerned organizations and individuals joined the Quilt Walk for Justice on the sidewalk in front of the Supreme Court to stand in solidarity with the Mississippi Band of Choctaw Indians, and all tribes who seek to exercise their inherent sovereignty authority to protect their women and children on tribal lands.

"For far too long our voices have been silenced," said NIWRC Executive Director, Lucy Rain Simpson. "We will not abide a non-Indian corporation's attack on our nations' inherent authority to protect its women and children. At a time when the national conversation is about protecting victims of sexual assault, our brief is particularly important," said Simpson. "Relief for the crimes of sexual assault are seldom available to Native women and children, so we are compelled to call on the Court to affirm their rights within their tribal courts to relief and protection."

Dollar General suggests that, instead of in the tribal court where the assault occurred, Native survivors of sexual assault should bring their tort claims in the nearest state court. "Just like people everywhere, tribal members go to the court where they live," said NIWRC Board Member Leanne Guy. "Dollar General

## Background on *Dollar General Corporation v. Mississippi Band of Choctaw Indians*

The Dollar General store where the alleged sexual assault occurred is located on tribal trust land leased to Dollar General. Dollar General agreed to participate in a youth job-training program operated by the Mississippi Band of Choctaw Indians. The current case concerns the claims brought by two parents whose child, a citizen of the tribe, was allegedly sexually assaulted by Dollar General's store supervisor when he was working at the store.

Following the assault on the youth, he and his parents brought an action against Dollar General in tribal court, seeking monetary compensation for pain and suffering to cover the youth's medical and trauma recovery expenses. Dollar General argued that the Mississippi Band of Choctaw tribal court could not exercise jurisdiction over Dollar General because the defendant is a non-Indian.

After losing this argument in the Mississippi Choctaw Supreme Court, Dollar General circumvented the tribal court by filing a collateral challenge to the tribe's jurisdiction in the United States District Court, Southern District of Mississippi. After both the District Court and the Fifth Circuit Court of Appeals agreed with the tribe and concluded that the tribal court could exercise jurisdiction over Dollar General, Dollar General filed an appeal with the United States Supreme Court.

would force Native women to drive hours away from their homes and from where the assault occurred to the nearest state court. A citizen of my nation, Navajo Nation, living in Kayenta, Arizona, would have to travel 173.1 miles (2 hours, 48 minutes) to the nearest state court for Arizona's Navajo County, located in Holbrook, Arizona, or the second nearest state court in Navajo County, located in Show Low, Arizona—220.2 miles (3 hours, 36 minutes). An average person cannot pay the added expenses like gas or hotel to make these trips, let alone take time off from work needed to drive to a state court."

"Dollar General seeks to avoid accountability for the conduct of its supervisor through the use of jurisdictional gymnastics, litigious tactics that could have far-reaching and devastating consequences

for the ability of Indian tribes to protect their Native women and children," stated NIWRC's attorney, Mary Kathryn Nagle, partner at Pipestem Law, PC and Counsel of Record for the NIWRC amicus brief.

"Dollar General's requested elimination of tribes' civil jurisdiction over non-Indians is alarming because the majority of the perpetrators of violence against our Native women and children are non-Native," stated Wendy Schlater, NIWRC Board Member. "If the Supreme Court decides tribal courts may no longer exercise their inherent civil jurisdiction over non-Indian conduct on tribal lands, our governments will lose one of the most fundamental functions they must perform to protect their women and children."

## Defending the Safety for Indian Women Habitual Offender Statute: NIWRC Files Amicus Brief in *United States v. Bryant*

On February 4, 2016, the National Indigenous Women's Resource Center (NIWRC) filed an amicus brief in *United States v. Bryant*. The Supreme Court has agreed to hear the Bryant case to review a key section of the Safety for Indian Women title of VAWA 2005. The section created a federal domestic violence habitual offender statute providing enhanced penalties for repeat DV offenders.

In 2005, the movement worked to educate Congress of the need for this provision. "Our message to Congress was that while domestic violence is recognized as a pattern of abuse, the reality for Native women was and continues to be that serious domestic violence felonies are seldom charged," said Terri Henry, Co-Chair of the NCAI Task Force on Violence Against Women. "Let alone cases of everyday abuse that rise above the misdemeanor level but are not strong felony cases."

"The protections in the habitual offender provision are critical to ensuring the safety of Native women," explains Carmen O'Leary, NIWRC Board Member and Executive Director of the Native Women's Society of the Great Plains. "Our women are battered and abused by their intimate partners at rates higher than any other population in the United States."

Prior to the passage of the habitual offender provision in VAWA 2005, federal law limited the ability of tribal governments, as well as the federal government, to successfully intervene and prevent the escalation of domestic violence against Native women. Specifically, the Indian Civil Rights Act prohibited tribal governments from sentencing offenders convicted of

domestic violence crime to no longer than one year in prison. Statutes like the Major Crimes Act and Public Law 280 often prevented the federal government from prosecuting individuals who abuse Native women.

"Many Native women survivors existed in a legal loophole, where as a result of federal law, no sovereign government had the authority to sentence a perpetrator to a term of more than one year for his repeated acts of violence against a Native woman," states Mary Kathryn Nagle, attorney for NIWRC and partner at Pipestem Law, PC. Bryant exemplifies the problems inherent in a legal framework that limits both the tribal government and federal government. Despite hundreds of convictions and hundreds of contacts with tribal police, Bryant continued to abuse numerous Native women.

Over the past seventeen years, he has hit, strangled, kneed, kicked, and bit Native women. In 1999, he strangled his girlfriend at the time and smashed a beer bottle on her head. In 2007, he punched and kneed a girlfriend in the face. In February 2011, he grabbed his then-girlfriend, pulled her hair, repeatedly punched her in the face and chest, repeatedly kicked her, bit her fingers, and threatened her. In May of that same year, Bryant violently assaulted another woman who was living with him at the time. One morning, when he awoke and could not find his truck keys, he grabbed his victim with both hands and strangled her until she almost passed out.

These stories are only a small part of the picture. The full record identifies many more victims; Bryant has

been convicted of committing crimes of domestic violence in January 1998, July 1998, March 2002, September 2002, July 2003, and February 2005, in addition to his most recent 2011 conviction in the United States District Court, District of Montana. Bryant, instead of accepting responsibility for his violence, has attacked the constitutionality of the federal government's prosecution of him based on the fact that his prior tribal court convictions for misdemeanor domestic violence crimes did not provide indigent counsel.

"Tribal governments, like all other sovereign governments, know best how to balance the rights of their women to be free from domestic violence with the rights of the accused perpetrators to be treated fairly and afforded due process," states Nagle. "The absence of indigent counsel in Bryant's preceding tribal court convictions in no way constitutionally precludes the federal government from subsequently exercising criminal jurisdiction over him for his latest violent assaults perpetrated against Native women."

## Protecting Native Women from Domestic Violence and Gun Violence: NIWRC Files Amicus Brief in *Voisine v. United States*

On January 25, 2016, the National Indigenous Women's Resource Center (NIWRC) filed an amicus brief in support of the United States Department of Justice, asking the United States Supreme Court to affirm the First Circuit Court of Appeals' decision in *Voisine v. United States*.

"For Native women, the lethal threat a gun imposes in the home of a domestic violence perpetrator is especially severe given that guns are involved in over one-third, approximately 35 percent, of homicides against Native women," explains Cherrah Giles, NIWRC Board President.

The Supreme Court's decision has the potential to uphold, or undermine, significant federal protections for Native women survivors of domestic violence. 18 U.S.C. § 922(g)(9), also known as the "Lautenberg Amendment," prohibits individuals convicted of a "misdemeanor crime of domestic violence" from possessing or trading firearms and/or ammunition. In *Voisine*, the First Circuit concluded that in enacting the federal firearms prohibition in 18 U.S.C. § 922(g)(9), Congress intended to prohibit *all* individuals convicted of domestic violence crimes in federal, state, or tribal courts from purchasing and/or possessing firearms—regardless of whether their conviction is labeled as a "reckless" or "intentional" crime.

NIWRC filed an amicus brief to make clear the legislative history and congressional purpose behind the VAWA 2005 habitual offender provision. The brief highlights that Congress declined to adopt the requirement of assistance of counsel for the underlying tribal court convictions and explains why the habitual offender provision is critical to ensuring the safety of Native women. The NIWRC amicus brief urges the Supreme Court to uphold the constitutionality of the application of the habitual offender provision to Bryant and, accordingly, overturn the decision of the Ninth Circuit.

"The NIWRC's mission is to end violence against Native women," states NIWRC Board President Cherrah Giles. "We know this violence won't end if the individuals who are convicted of beating and abusing our women are never given anything more than a slap on the wrist."

Petitioners, *Voisine* and *Armstrong*, however, have asked the Supreme Court to overturn the First Circuit's decision and conclude that Congress did not intend for § 922(g)(9)'s firearms prohibition to apply to criminals convicted of *reckless* domestic violence crimes. According to the petitioners, only those domestic violence crimes that are prosecuted as having been committed "knowingly" or "intentionally" should fall under the ambit of Congress' federal firearms prohibition. Because many tribes prosecute *reckless* domestic violence crimes, excluding *reckless* crimes from the reach of § 922(g)(9) will place a large number of Native women in grave danger.

"Petitioners attempt to conflate 'reckless' domestic violence crimes with 'accidents,'" states NIWRC's attorney, Mary Kathryn Nagle, coauthor of the NIWRC amicus brief and a partner at Pipestem Law, PC. "Domestic violence crimes prosecuted under tribal law, however, are not accidents. Tribal courts that prosecute for 'reckless' domestic violence crimes establish a standard that requires demonstrating the defendant acted with a 'conscious disregard' for the safety and welfare of the defendant's intimate partner. There is no doubt Congress intended for the Lautenberg Amendment to cover these crimes."



The story of Survivor Diane Millich (Southern Ute Indian Tribe) reveals the danger firearms pose in the hands of individuals known to abuse Native women. Millich shares: "On the day after my tribal court issued my order of protection, I was at work when I saw him pull up in a red truck. My ex-husband walked in to my office and told me: 'You promised until death due us part so death it shall be.' He was armed with a 9mm gun. If not for a very brave coworker, I would not be alive today. My coworker prevented my murder by pushing me out of harm's way and took the bullet in his shoulder." Millich adds, "Although my ex-husband beat me on numerous occasions, he was never once charged or convicted of having committed a 'knowing' or 'intentional' crime."

In adding tribal domestic violence convictions to the Lautenberg Amendment's firearms proscription in the 2006 reauthorization of the Violence Against Women Act, Senator McCain noted "that Indian women experience the highest rates of domestic violence compared to all other groups in the United States," 151 Cong. Rec. S4,871 (daily ed. May 10, 2005) (statement of Sen. McCain). "One in three Native women will be raped in her lifetime, and six in ten will be physically

assaulted," says Lucy Rain Simpson, Executive Director of the NIWRC. Simpson adds that, "Even worse, on some reservations, the murder rate for Native women is ten times the national average."

"Given the high rates of abuse, violence, and homicide that Native women experience, the presence of a gun in the home of an individual convicted of abusing a Native woman creates a serious threat that the Native woman—or her children—will be killed," says Wendy Schlater, NIWRC Board Member.

"The NIWRC's mission is to end violence against Native women," states NIWRC Board President Cherrah Giles. "We know this violence won't end if the individuals who are convicted of beating and abusing our women are permitted to continue to possess firearms."

The Supreme Court will hear oral arguments in *Voisine v. United States* on February 29, 2016.



## Historic Participation of Alaska Tribes at 10th Annual VAWA Consultation

On November 4, 2015, the 10th annual VAWA consultation convened at Squaxin Island, Washington. "This is an historic turnout for Alaska tribes," testified Lenora (Lynn) Hootch, Executive Director of the Yup'ik Women's Coalition, adding that "it is critical for Alaska tribes to be here and voice their concerns because Alaska Native women suffer the highest rates of violence in the country and we must let Congress know about this."

Through years of hard work, Indian tribes and advocates have succeeded in improving VAWA to increase safety for American Indian and Alaska Native women, in part through the creation of a legal mandate that the federal government consult annually with tribes on a government-to-government basis regarding the administration of VAWA tribal programs and funds.

In preparation for the consultation, the Alaska Native Women's Resource Center, in partnership with the National Indigenous Women's Resource Center and Indian Law Resource Center, held a briefing webinar for Alaska tribes. In 2015, 11 Alaska tribes were represented at the consultation, up from just 1—Anvik Village—in 2014. Urgent, overarching concerns raised by these Alaska tribes included the lack of law enforcement and extreme danger in villages, lack of victim services and shelter, and lack of recognition of tribal court orders of protection.

### Strengthening the Mandate to Increase Accountability

VAWA now requires that the Secretary of Health and Human Services, the Secretary of the Interior, and the Attorney General solicit recommendations from tribes about the administration of tribal funds and programs, improving safety for Indian and Alaska Native women from domestic and dating violence, sexual assault, stalking, and sex trafficking, and strengthening the federal response to such violent crimes. These consultations offer crucial opportunities for tribes to voice their concerns and recommendations directly with key decision makers in the federal government.

VAWA 2013 requires the Attorney General to submit an annual report to Congress detailing all tribal recommendations raised at that year's consultation and federal plans to address those concerns, as well as an account of federal actions to respond to previous years' recommendations. "We wanted to establish a national process to year-by-year increase the safety of Native women," said Juana Majel, Co-Chair of the NCAI Task Force on Violence Against Women. "The mandated reports from the consultation serve as the watermarks of our progress."



Following the United States Supreme Court's decision in *State of Alaska v. Native Village of Venetie Tribal Government*, 522 U.S. 520 (1998), most of an Alaska tribe's traditional territory is not considered "Indian country." Furthermore, defining the jurisdictional boundaries of an Alaska tribe has been challenging given the land ownership is not in trust, but is held in fee by the village corporations. Additionally, the Bureau of Indian Affairs has taken the position that it will not disburse recurring base funding for tribal courts in Public Law 280 states (which includes Alaska). Without the ability to tax, without Indian gaming, and without consistent and predictable tribal court appropriations, the Alaska tribes lack the essential revenue traditionally generated by tribal governments to fund and sustain governmental programs.

### Using Consultation to Address Roadblocks to Safety in Alaska

Alaska tribes traveled to participate in the consultation at Squaxin Island in Washington state and others submitted written testimony to express their concerns and recommendations. Testimonies to be included as part of the official record for the 2015 annual VAWA consultation included those from: Akiak Native Community, Anvik Village,

Emmonak Village, Native Village of Nunam Iqua, Organized Village of Kake, Village of Kotlik, Native Village of Tetlin, Klawock, and Central Council of Tlingit and Haida Indian Tribes of Alaska.

### The Situation in Alaska

In Alaska, the federal government recognizes 229 tribes. Unlike most lower 48 tribes, Alaska Natives and tribes do not have a reservation-based land system. The lack of recognized geographic delineation of tribal government jurisdiction has complicated the efforts of Alaska Natives and tribes to define their jurisdictional boundaries and to fully exercise tribal self-governance. With the passage of the Alaska Native Claims Settlement Act (ANCSA) in 1971, the only remaining reservation in the state was the Annette Island Reserve in Southeast Alaska and pockets of allotments. Rather than create reservations, ANCSA created Alaska Native corporations to handle more than 40 million acres of Native land contained in the settlement as "for profit" corporations. ANCSA divided the state into 12 regional corporations and over 200 village corporations that would identify with their regional corporation. Many of these villages had corresponding tribal village governments, but after the passage of ANCSA, they were left without a meaningful land base.

The **Central Council of Tlingit and Haida Indian Tribes of Alaska (CCTHITA)** are a people in transition, adjusting to the cultural shock waves of Euro-American contact and governance. CCTHITA President, Richard J. Peterson, is encouraged by the new partnerships they have created with state agencies and the CCTHITA justice system, as well as the repeal of Section 910 of VAWA 2013. He stated that "Alaska tribes are still faced with challenges to protecting their women and children from violence and perpetrators. We believe in the continuation of building alliances to enhance and promote the voice of Alaska Native survivors, advocates, and tribal leaders at the village, state, federal, and international levels."



The **Klawock Cooperative Association (KCA)**, a tribe within CCTHITA's region, is located on Prince of Wales Island in Southeast Alaska. This island has 12 rural communities, 4 of which are tribal villages, connected by mostly unpaved roads. KCA staff wear many hats, and they have to prioritize where their resources are allotted. Available grants for developing and sustaining programs "are incredibly important to strengthen our community, our commitment to maintaining and reclaiming our culture, and to our self-governance," said Tribal Administrator Lawrence Armour.

The **Native Village of Emmonak** is a Yup'ik Eskimo village located in remote, southwestern Alaska. Access is only possible by air or by river and, in winter months, local access among villages is limited to snow machine, if the weather is good. The Emmonak Women's shelter is the only Native village-based shelter out of 229 village tribes in Alaska and is the second oldest women's shelter in the United States. Dependent upon the receipt of competitive grants, their shelter at times is run through the goodwill of volunteer services and without needed resources. The Emmonak Shelter and the Yup'ik Women's Coalition provide services to 13 tribes, comprising about 10,000 people, located across a vast geographic region. "We urge the U.S.

Department of Justice, the U.S. Department of Interior, and the U.S. Department of Health and Human Services to appropriately allocate resources for 40% of the nation's federally recognized tribes in Alaska," stated Martha Kelley, Emmonak Tribal Chair.

The **Anvik Tribe** is a Deg Hit' Athabascan community, located on the west bank of the Yukon River. The tribe is isolated from other villages or tribes, with 378 enrolled members. The Anvik Tribe has no law enforcement and the nearest officer is 100 air miles away. The state has 3 officers assigned to 46 villages in this region. The Village Public Safety Officer, a state position, remains unfilled, and a village COPS-funded position is unfilled since a domestic violence incident on October 26, 2015, that left the village shaken. The only backup for the officer at the time was the tribal chair and his wife. It is not uncommon for Anvik to be without any police protection for long periods. Recently, Anvik had impassible weather for 16 out of 31 days. The absence of any law enforcement creates a very dangerous situation for the community.

The **Akiak Native Community** is similarly situated. Located near Bethel, "[w]eather dictates access into and out of the village, sometimes delaying travel for

days or even weeks," said Michael Williams, Secretary/Treasurer of the tribe. "The state of Alaska and the federal governments have failed . . . to provide adequate and timely law enforcement and judicial services," added Williams, and "[t]hese facts create the dangerous reality that frequently the only people standing between women in need of protection and their batterers or rapists is the local community. Consequently, the life of a woman depends largely on the local community's ability to provide immediate protection and assistance."

The **Tetlin Village**, an Athabascan tribe, is also isolated, with access only by boat, snow machine, or air depending on weather. Tetlin members still practice their traditional way of life, but they have been impacted by negative influences previously foreign to Tetlin. "[W]e have witnessed changes within the village including high rates of alcoholism and drugs, domestic violence/sexual assault, depression, child neglect, and other issues such as poverty," said Michael Sam, Chief/President for Tetlin Village. For these issues, "[t]here are no funding or collaboration efforts from the state of Alaska . . . regarding domestic violence and sexual assault services within the different villages and regions," he added.

The **Native Village of Nunam Iqua**, translated as the "end of the tundra," is an isolated Yup'ik community, accessible only by air or boat. They have not had adequate public safety for several years because of lack of funding. According to Andrew Stern, Tribal President, they applied for a COPS grant many times, "but have not been funded based on policy that doesn't respect the unique nature of village life and the urgent need for law enforcement and public safety in the villages." With the closest trooper post 18 ground miles up the river, the troopers serve many of the nearby communities and "[i]t can sometimes take days or even weeks for them to respond to crimes in our village," he further commented. The village has seen serious crimes of murder and arson within recent years without any law enforcement available to immediately and timely respond.

More generally, the recognition and enforcement of tribal courts protection orders continue to be a problem for all Alaska tribes. In a July 28, 2014, letter from Associate Attorney General Tony West to the Alaska Attorney General, he reminded Alaska of the state's obligation to give full faith and credit to tribal court orders of protection. In response, Alaska recently evaluated their role in supporting Alaska tribal protection orders. At that time, state law required registration before enforcement would be available.



While Alaska still encourages registration of tribal and foreign protection orders, the state now, since 2015, recognizes that it must also enforce unregistered orders. While registering orders with the Alaska court system has benefits, it still creates barriers for tribes as there is no direct way for Alaska tribes to enter their protection orders. More collaboration and training is necessary to fully ensure that all who encounter these orders understand their validity and need of enforcement.

Alaska tribes face many challenges to protect their women and children. The lack of consistent, quality law enforcement continues to be a primary concern. The farther villages are from urban centers, the more challenging and the more limited the resources are. Victims also need protections, and community village-based services are necessary to help create safe places and help maintain the survivors in their own community, which will provide a better long-term outcome.

## Quilt Walk for Justice:

### A Statement on Behalf of the Alaska Native Women's Resource Center

By Michelle Demmert, Tlingit

yak'ei ts'ootaat! Good morning! My name is Michelle Demmert; my Tlingit name is jak'ei ts'taat.' My family is from Klawock, Alaska. I am here today to speak on behalf of the Alaska Native Women's Resource Center. I am a proud Native woman, wife, mother, grandmother, sister, cousin, aunt, and friend. Professionally, I am an attorney. In the words of civil rights leader Martin Luther King, "[I]njustice anywhere is a threat to justice everywhere."

Today, the Supreme Court has an opportunity to affirm justice to Native people. To tell those who violate tribal laws and tribal people that they will be held accountable for their actions. To tell individuals and corporations, when you make an agreement with a tribal nation, that agreement will be upheld—their tribal jurisdiction honored. To tell the world, justice for tribes and for their people matters.

Sovereignty and jurisdiction are fundamental aspects of a functioning and robust government—whether tribal, federal, state, or local. In Alaska, the Supreme Court created an injustice—effectively a jurisdictional no man's land, a lawless void—in *Native Village of Venetie*, which establishes that there is essentially no "Indian country" in Alaska despite the culturally strong 229 tribes located within the state, many of whom still speak their language, practice their religion, and sustain a rich way of life. Who then fills this jurisdictional void? The state of Alaska is obligated to, but rarely does. The villages provide justice to their citizens; however, their jurisdiction is tested, devalued, and often ignored. The Supreme Court did this injustice to Alaska Native Villages.

In Alaska, we closely watch this case and hope that we too will benefit from a positive tribal jurisdictional outcome. In Alaska, there has been a consistent pattern of inadequate law enforcement response, including the lack of a comprehensive, systemic infrastructure to address safety and accountability for the extreme levels of domestic and sexual violence in Alaska's villages. Alaska Native women and children who are victims of domestic violence and sexual assault are typically ignored and rarely see justice because of jurisdictional barriers and the state's inaction to adequately and timely respond to such violent crimes.

We call upon the Supreme Court to provide justice to MBCI. Justice to MBCI will be justice for tribal governments everywhere. Denying tribal jurisdiction in this case only benefits perpetrators evading the reach of a court. If the Supreme Court finds in favor of Dollar General, the lower 48 tribes will experience what Alaska Natives experience: a jurisdictional void that endangers women and children who are victims of crime and need civil protection.

We call upon the Supreme Court to uphold MBCI's civil jurisdiction and to provide justice to all tribes and villages. This holding will tell these perpetrators, who target our Native people, NO MORE. NO MORE will they be able to target a vulnerable population in remote areas of this country. NO MORE will they escape civil responsibility. As a Tlingit woman and representative of the Alaska Native Women's Resource Center, I stand beside my lower 48 brothers and sisters, MBCI, and all of you to demand justice in our courts, in our forums, within our reservation and village boundaries—to demand justice for this family, for this child.

Shame on Dollar General!

Gunalchéesh, a Tlingit thank you.

*“Denying tribal jurisdiction only benefits perpetrators evading the reach of a court. In Alaska, our challenges are even greater than for tribes in the lower 48 because of the tribal jurisdictional void created by the Supreme Court in the Native Village of Venetie case. The Court effectively held that there is no ‘Indian country’ in Alaska despite there being 229 federally recognized tribes located within the state.*

*Alaska Native women and children who are victims of domestic violence and sexual assault are typically ignored and rarely see justice because of jurisdictional barriers and the state's inaction to adequately and timely respond to such violent crimes. As a Tlingit woman and a representative of the Alaska Native Women’s Resource Center, I stand beside my lower 48 brothers and sisters, MBCI, and all of you to demand justice in our courts, in our forums, within our reservation and village boundaries—to demand justice for this family, for this child.”*

–Michelle Demmert, Tlingit



# Native Alliance Against Violence: Working to Increase the Safety of Native Women in Oklahoma

Created in 2009, the Native Alliance Against Violence (NAAV) is a nonprofit organization serving as Oklahoma's only tribal domestic violence and sexual assault coalition. The NAAV is committed to increasing awareness of sexual assault, domestic violence, dating violence, and stalking committed against Native women; enhancing the response to violence against Native women at the tribal, federal, and state levels; and identifying and providing technical assistance to coalition members and tribal communities to enhance access to essential services to Native women victimized by sexual assault, domestic violence, dating violence, and stalking.

It is the mission of the NAAV, that through the spirit of respect and cooperation, to unify tribal service programs throughout Oklahoma by providing culturally appropriate technical assistance, training, and support to eliminate domestic violence, sexual assault, stalking, and dating violence to restore balance and safety for Native communities. The mission serves as the cornerstone of the organization's goals, activities, and focus.

In order to effectively communicate the NAAV mission and increase awareness of the violence perpetrated against women, outreach efforts are often utilized to enhance communication and foster stronger and collaborative relationships among Oklahoma's communities. Messages communicated via NAAV outreach encompass three elements: educate Oklahoma's diverse communities, encourage professional peers, and advocate for tribal domestic violence and sexual assault programs in our state. It is understood by the organization that just as each unique issue impacts Indian country differently, each individual within our audience is unique as well. Therefore, NAAV has encountered success in outreach efforts when we ensure our concerns reflect those of Oklahoma's ever-evolving communities. Our message remains the same, but the way we communicate this message and provide the appropriate context for our intended audience may vary.

Some of the activities that the NAAV coordinated and/or supported over the last several months included outreach campaigns to bring awareness to the crimes of human sex trafficking, stalking, and domestic violence, such as our annual American Indian Domestic Violence Awareness Day of Unity at the Oklahoma State Capitol on





October 8, 2014. The NAAV also conducted or participated in training events for CCR/SART teams, domestic violence and sexual assault trainings for law enforcement and community members, workshops for the Oklahoma Indian Child Welfare Association at their annual conference, the Oklahoma Partners for Change Conference—a statewide domestic and sexual violence training event, the annual Tribal Summit on Domestic Violence, Sexual Assault, and Stalking in Oklahoma Indian Country, and a peer-to-peer learning exchange with other tribal coalitions.



The NAAV implemented a dynamic social media campaign on the Dollar General U.S. Supreme Court case. The NAAV was active in disseminating information and garnering support from tribal and non-tribal allied professionals on the case through photography and social media. The NAAV was also present throughout the Holtzclaw case in Oklahoma standing with members of the black community as they sought justice on behalf of 13 women who accused the former police officer of sexual assault. Holtzclaw was found guilty by his jury and sentenced to 263 years in prison.

“There is much work to be done. We cannot waiver on our commitment and work to end violence against women,” stated NAAV Executive Director, Dawn Stover. “The voice of one is powerful. The voice of many demands change.”

# My Name Is Tillie Black Bear

The following article is the final part of a three-part series taken from an interview with Tillie Black Bear on her life journey and the national movement she helped organize over the span of almost four decades, 1977-2014. Through her words, we can further understand why Tillie described the safety for Native women's movement as a "movement of resistance," and why the safety of Native women is linked to strengthening the sovereignty of Indian nations. It begins with Tillie sharing her memories of organizing efforts to establish the White Buffalo Calf Woman Society on the Rosebud reservation. NIWRC expresses its appreciation to Tillie Black Bear's family, in particular, her daughter, Connie Black Bear-Brushbreaker, for allowing us to publish this interview.

"I do believe in these teachings. I do believe that we are spiritual beings on a human journey. When we leave this world, as a spiritual being making this journey, we can go back into the spiritual world as a spirit again."

—Tillie Black Bear

## Teachings: the Foundation for Organizing

"In 1977, at Rosebud, one of the things that happened for us was that we asked to name our organization after the sacred woman who brought seven sacred rituals to the Lakota people—the White Buffalo Calf Woman. We had to ask the family that takes care of the sacred pipe that she brought to the people if we could use the sacred name in our work. I know that at the time of asking we certainly did not know the impact that the White Buffalo Calf Woman teachings would have, not only on our work, but on the violence against women in this country. Since then, we have made sure that we understand and teach the story. We stay in touch with the caretakers of the sacred pipe and help the family in any way that we can.

The way I was told and taught about the story of the White Buffalo Calf Woman was that (*in Lakota*) a long time ago, there was a camp. In this camp (village), they were running out of food. I always thought that it was probably late spring. The people asked two young men to go scout for food, whatever they could find. These two young men left and as they scouted, they walked up and down the ravines, plateaus, hills. They couldn't see anything. They were looking for buffalo, deer, and elk, even small game like rabbits. Everything was scarce; there wasn't anything around. They climbed a hill and continued to the top, looking around all over. And as they got to the top of this hill, they saw from the west a cloud coming toward them. As this cloud got closer, they saw in the cloud a woman. And they tell us that she was very good to look at.

As she got closer, one of the men, being very foolish, had some thoughts about her as to what he could do with her. As she got closer, this woman challenged him. She didn't speak the language, she signed the

universal sign language. That's how she communicated with him. She challenged him to come forward if he thought he could do what he was thinking. This young man, being very foolish, stepped toward her. They tell us all of the elements came; there was thunder, lightning, the wind came up, the whirlwind. They all protected this woman. The elements went around this man. He was surrounded by this big whirlwind. When it all dissipated, it became quiet again. All that was left of this man were his bones and maggots.

The other young man, recognizing that she was sacred, signed to her and said, "What do you want me to do? What should I do?" And so she signed to him and told him that on a certain day she would be coming and bringing something so that the people would live. She instructed him to go back to village and to let them know. And so he went back. In the old days, when the scouts had information for the camp, they would zigzag from one side to the other into the camp. That would mean to the camp that they had to gather because there was information that they needed to hear. He ran zigzag into camp, and the people got together. He told them what had happened to the man who had gone with him. And how they had met this woman and the instructions she had given him. The people got ready for her coming.

On a certain day, she zigzagged walking into the village, into the camp. She carried a red bundle with grass that never breaks and she was singing a song. She stayed with the people for a long time. She learned to speak the language. They tell us one of the first words she learned how to speak was "cha-nu-pa," and "chanupa" in Lakota is the word for pipe. She stayed with the people for a long time and taught them about how to live their life according to the "chanupa" so that it would be the center of their existence. She

also told them that there would be seven sacred rituals that belong to the "chanupa." And that the people were already practicing three of those sacred rituals: the "Wiwanyag Wachipi"—the sun dance, the "Hamblecheyapi"—the vision quest, and the "Inipi"—the purification lodge ceremonies.

At the time of her coming, she brought to the people the keeping of the spirit ceremony, a ceremony designed for when a person goes out into the spirit world. The people can make a decision about wanting to keep that spirit with them for a little bit longer or letting go. It's a very strong ritual and a very sacred ritual. It is very hard to do, we seldom practice it any more.

She told them that there would be three more rituals coming.

They tell us that the fifth ritual was the "Hunkapi," or the making of the relatives' ceremony. This is a ceremony where we bring another person into our family, immediately, as a relative. The person who is bringing another person in figures out how they are going to be related. I have brought in men as older brothers. I brought in another young man as my son, and I have an older woman as my older sister. These "Hunkapi" ceremonies have all the responsibilities associated with being a relative. Regardless of what race they are or where they come from, they are brought into your family unit.

The last two ceremonies she brought were designed primarily for women.

The sixth ceremony was called the rights of passage, the "Ishna Ta Awi Cha Lowan" ceremony, which meant that it was designed for young women after their first menses. It was an honoring for women, again, because the women were the ones who bear the children; they are the ones responsible for the next generation to come. There is sacredness attached to a woman when she is menstruating, and that is one of the sacred rituals.

In those days, everybody knew when a young woman was menstruating because part of the ceremony meant that in our traditional ways a woman left her family and went to a lodge where she stayed for four days. People cooked for her, brought her food. Kinships were so strong and intact that a woman could leave her children, her family, everything that she did for four days.

It was time for introspection, a time for looking at herself, how she was for the last twenty-eight days. There is a very strong connection that we have as

women; we are connected to water, to the moon, and to the earth. These are all feminine in our culture. Whatever she made during her time in the lodge were coveted items. People wanted them because there was a lot of power coming from her while she was making those moccasins, or tanning that hide, or other things.

So during the ceremony for a young girl, women were brought in to teach her how to do these things. Although she had the training from her grandmas and her aunties as a young girl, they came from her own knowledge as to how to do these things. Again, everybody then knew whenever a woman was menstruating because she was gone for four days. And so sexuality among our tribal people was okay; we all knew about it. It's very different from the dominant society, which sometimes views menstruation as a curse. They don't want anyone to know when you're menstruating. With tribal ways, people knew.

The seventh and last sacred ceremony that was passed to us was just for women. It was called throwing of the ball ceremony, the "Tapa Wanka Yap." In this ceremony, a woman stood at the center and people surrounded her in all four directions. There was a tossing of a ball. The ball was usually made from hide, but was it was either beaded or tanned, with quill work, or whatever. She threw it in the four directions, again, as a woman making that connection to the universe; that we were the center of the universe as feminine.

There was a time when the federal government did not allow us to practice these ways. It wasn't until 1974, the Indian religious freedom act, when we were able to practice without needing permission. Many of those tribal people are bringing those old ways or rituals back. They are starting to practice the throwing the ball ceremony for young women. For probably the last ten years, there has been increasing practice of the ceremony for women and now people are trying to bring back ceremonies for young boys as well.

### **Spirits on a Human Journey**

These ways, these beliefs, are attached to us as spirits as we make this human journey. I do believe in these teachings. I do believe that we are spiritual beings on a human journey. When we leave this world, as a spiritual being making this journey, we can go back into the spiritual world as a spirit again."

# International Update

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

## Implementing Decisions of the World Conference on Indigenous Peoples

At the 2014 World Conference, over 150 indigenous nations and Native women's and tribal organizations and coalitions secured key commitments from the UN and its member states to implement the UN Declaration on the Rights of Indigenous Peoples. In the World Conference Outcome Document, states committed to consider creating a body to implement and monitor the UN Declaration, to create new rules for indigenous governments to participate in UN processes, and to bring greater UN study, attention, and action to address the epidemic of violence against indigenous women. Last year, the UN took positive steps to uphold these commitments, and 2016 promises to be an important year for achieving reforms.

### Human Rights Council, 30th Session, Geneva

The Human Rights Council, the largest UN body dedicated to the promotion of human rights, met for its 30th session in Geneva, Switzerland, from September 14 to October 2, 2015 to discuss and consider action on the rights of indigenous peoples. The Indian Law Resource Center (Center), Ewiiapaayp Band of Kumeyaay Indians, National Congress of American Indians (NCAI), and the Native American Rights Fund (NARF) filed two joint statements, with the support of nine Native nations and Native women's and tribal organizations and coalitions including: the Alaska Native Women's Resource Center (AKNWRC); Alliance of Tribal Coalitions to End Violence; Emmonak Women's Shelter; Mashantucket Pequot Tribal Nation; National Indigenous Women's Resource Center (NIWRC); Native Alliance Against Violence; Native Village of Anvik; Washington State Native American Coalition Against Domestic Violence and Sexual Assault; and Yup'ik Women's Coalition. The statements addressed implementation of the decisions of the World Conference on Indigenous Peoples and continued our advocacy for UN action to address the epidemic of violence against indigenous women. The Center, Americans for Indian Opportunity, NARF, and NCAI worked to advance these recommendations during the 30th session, offering three oral statements to the Council.

On October 1, the Human Rights Council adopted two resolutions deciding to hold:

- A half-day panel discussion on the issue of violence against indigenous women during the Council's 33rd session in September 2016.
- A two-day expert workshop to review the Expert Mechanism on the Rights of Indigenous Peoples and to propose recommendations to better implement and monitor the UN Declaration. The workshop is scheduled for April 4-5 in Geneva, and indigenous peoples can submit materials and proposals for consideration. More information is available at <http://digioh.com/em/10066/63654/gmr6j5k6p8>. The result will be a report and recommendations for consideration during the 9th Session of the Expert Mechanism in July 2016, and the 33rd session of the Human Rights Council in September 2016.

More information about the Council's 30th session is at: <http://indianlaw.org/wcip/30th-session-human-rights-council>.

### UN Working Group on Discrimination Against Women

The UN Working Group on the issue of discrimination against women in the law and in practice, a relatively

new human rights expert body, visited the United States for the first time on November 30 to December 11, 2015. Because one purpose of the visit was to make recommendations on the improvement and implementation of laws to promote gender equality and the empowerment of women, the Center provided the Working Group with recent joint reports that NIWRC, NCAI, the Center, and Clan Star, Inc., had already submitted to the UN to inform it about the epidemic of violence against American Indian and Alaska Native women. The Center also shared recommendations from these reports at a related roundtable. At the end of the visit, the Working Group held a press conference finding "an overall picture of women's missing rights" and expressed concern over the "alarming high rates of violence against Native American women." A comprehensive report of findings with conclusions and recommendations will be presented to the UN Human Rights Council in June 2016.

### General Assembly Resolution on Indigenous Peoples

In the World Conference Outcome Document, states committed to consider "ways to enable the participation of indigenous peoples' representatives and institutions in meetings of relevant UN bodies

on issues affecting them." After sustained efforts by indigenous peoples, the UN at last decided to move forward. On December 23, 2015, the UN General Assembly adopted its annual resolution on the rights of indigenous peoples. It also requested the President of the General Assembly to conduct consultations with indigenous peoples' representatives and institutions, UN member states, and existing relevant UN mechanisms on possible measures to enable the participation of indigenous peoples' representatives and institutions in the UN and to report back to the General Assembly. The first consultation is expected to take place concurrently with the Permanent Forum on Indigenous Issues, scheduled for May 9-20 at UN Headquarters in New York City. Information about the Permanent Forum session is at: <https://www.un.org/development/desa/indigenouspeoples/unpfii-sessions-2/unpfii-fifteenth-session.html>.

statement urging the Commission to address the epidemic of violence against indigenous women in the United States, especially Alaska Native women in rural villages who have reported rates of domestic violence up to 10 times higher than in the rest of the United States and physical assault rates up to 12 times higher. The statement also asked the Commission to implement the decision in World Conference Outcome Document to consider the empowerment of indigenous women at a future session.

The Alaska Native Women's Resource Center, the Center, NCAI, NIWRC, and Native Women's Association of Canada will cosponsor a parallel event during CSW60, titled Indigenous Women's Movements to End Violence Against American Indian, Alaska Native, and Aboriginal Women, featuring speakers from the lower 48 states, Alaska, and Canada. The event will examine best practices and strategies indigenous women in the United States and Canada have employed to organize and advocate for social changes and legal reforms to restore safety in their Native nations and communities. Speakers also will share strategies for urging states to intensify efforts to end violence against indigenous women and to advance the rights of indigenous peoples and women affirmed in the UN Declaration. The parallel event is scheduled for March 22 at 4:30 p.m. at the UN Church Center Chapel across the street from the UN Headquarters in New York City. Registration to attend the parallel event is free and details can be found at <http://www.ngocsw.org/ngo-csw-forum>. More information about CSW60 is at: <http://www.unwomen.org/en/csw/csw60-2016>.

## Key Upcoming Meetings

### Commission on the Status of Women

The Commission on the Status of Women (Commission) will hold its 60th annual session (CSW60) in New York City on March 14-24, 2016. Composed of 45 member countries, the Commission is the global policymaking body for promoting gender equality and the empowerment of women. NARF, NCAI, and the Center, with the support of the AKNWRC, Alliance of Tribal Coalitions to End Violence, Anvik Village Council, Clan Star, Inc., NIWRC, Native Women's Coalition, Sacred Hoop Coalition, Southwest Indigenous Women's Coalition, Strong Hearted Native Women's Coalition, and Women Spirit Coalition, submitted a joint written



*UN Assistant Secretary-General for Economic Development in the Department of Economic and Social Affairs, Lenni Montiel, presents the Secretary-General's report on progress made in the implementation of the outcome document of the World Conference on Indigenous Peoples.*

## Human Rights Council

The Human Rights Council's 32nd session will take place in Geneva in June 2016 where it is expected to consider the report of the Special Rapporteur on Violence Against Women, hold its annual full day discussion on women's rights, and consider the country report on the United States of the UN Working Group on discrimination against women.

A significant panel discussion on violence against indigenous women will take place during the 33rd session of the Human Rights Council in September 2016 in Geneva. Due in large part to the efforts of indigenous women's organizations, the 2014 World Conference Outcome Document "invited the Human Rights Council to consider examining the causes and consequences of violence against indigenous women and girls, in consultation with the Special Rapporteur on violence against indigenous peoples and other special procedures mandate holders within their respective mandates." Advocacy by indigenous women's organizations continued throughout 2015, urging the Council to hold a panel on violence against indigenous women and girls in 2016. The hard work paid off. At its 30th session in September 2015, the Council acted, deciding to hold a half-day panel discussion on the causes and consequences of violence against indigenous women and girls in September 2016. This will provide indigenous women with an important platform to inform countries and the UN about the scope and severity of violence against indigenous women, and to make recommendations to the UN and its member states for actions to address this epidemic.

## Draft American Declaration on the Rights of Indigenous Peoples

The Organization of American States (OAS) is a regional intergovernmental human rights organization of 35 member countries of the Americas including the United States. Since 1989, the OAS has worked to develop and negotiate with indigenous peoples a draft American Declaration on the Rights of Indigenous Peoples. The American Declaration will be a regional human rights instrument that can be used to protect the specific rights of indigenous peoples. It is expected to improve on the UN Declaration, in part by incorporating a stronger and more thorough treatment of treaties and gender equality. Since 2007, the United States has not participated in negotiations. Nevertheless, significant progress to finalize text of the draft Declaration was made in early 2015 and, in June 2015, the OAS General Assembly authorized work on the draft Declaration to continue in 2016. Work on the text of the Declaration likely can be completed in early 2016 and adopted by the OAS General Assembly in June 2016. It is important for Native nations and advocates to be involved in negotiations and to urge the United States to re-engage in this important work to develop human rights standards for indigenous peoples. More information is available at: <http://indianlaw.org/adrip/home>.

*Indigenous representatives meet with Ambassador Diego Pary, Chair of the Working Group to Prepare the Draft American Declaration on the Rights of Indigenous Peoples, following the 15th round of negotiations in February, 2015.*



# Sliver of a Full Moon at Mandan Hidatsa Arikara Nation



On January 20, 2016, we performed *Sliver of a Full Moon* at Mandan Hidatsa Arikara Nation (MHA), in New Town, North Dakota. Before an audience of hundreds, four women stood up to tell their stories of survival, and numerous professional actors, community members, and others supported them in their act of bravery.

The play documented the work that tribal leaders, survivors, lawyers, and community advocates undertook to ensure the reauthorization of the Violence Against Women Act (VAWA) in 2013 included a provision that restored tribal jurisdiction over non-Indians who come onto tribal lands and abuse Native women. Billie Jo Rich (Eastern Band Cherokee), Diane Millich (Southern Ute Indian Tribe), Lisa Brunner (White Earth Nation), and Melissa Brady (Spirit Lake Nation) all shared their personal stories of trauma and survival. These women were joined by several professional actors, including Jason Grasl, Kenneth Ruthardt, Candice Byrd, and Tanis Parenteau. Greg Grey Cloud and Aldo Seoane of Wica Agli also joined the cast, and locals Prairie Rose Seminole and BJ Rainbow gave powerful performances.

Nettie Warbelow (Athabaskan, Village of Tetlin) shared her personal story and spoke of the struggle for justice in Alaska where, because of the Supreme Court's 1998 decision in *Alaska v. Native Village of Venetie Tribal Government*, wherein the Supreme Court declared that "Indian country" no longer exists in Alaska, many believe VAWA § 904's tribal jurisdiction provision does not extend to 228 of the 229 federally recognized tribes in Alaska (with Metlakatla as the only exception).

"We are not different," stated Warbelow. "Just like all other Native women, Alaska Native women have a right to receive protections from their own tribal

governments. I urge the Congress to fix the Supreme Court's decision in *Venetie* and clarify that VAWA § 904 does restore jurisdiction to all tribes in Alaska." As always, *Sliver of a Full Moon* would not have been possible without the contributions and hard work of many local folks. BJ Brady worked tirelessly to ensure that all performers arrived safely at MHA Nation, and he was assisted by many individuals, including Mandeep Keplin, Robin Counts, Victoria Windboy, and Sadie Young Bird.

*"Everyone has the right to live safe and free from violence,"* said Linda Thompson, director of the First Nations Women's Alliance. *"It's through your stories that others can heal."*

"Anytime Indian people come together, we make things happen," said MHA Nation North Segment Councilman Ken Hall. "We all come from humble beginnings," Councilman Hall continued. "We were taught to enjoy life and respect one another."

Many audience members were visibly moved by the performance. "The first act of *Sliver of a Full Moon* sent chills down my spine," Cheryl Cedar Face wrote in the January 27, 2016, edition of the *MHA Times*. Cedar Face recounted her own personal memory of where she was when VAWA 2013 passed the House in February 2013, stating, "The reauthorization signified an important step toward tribal sovereignty. It signified an important step toward protecting Native American women. It signified to me, as an Oglala Lakota woman who had just undergone an agonizing and drawn-out trial to put my rapist behind bars, that I would be better protected if there was a 'next time.'"

The January 20, 2016, performance of *Sliver of a Full Moon* was once again a testament to the power of our own stories and their ability to bring out healing in our own communities.

# Welcome Princella RedCorn, Communications Officer for NIWRC



Princella Parker RedCorn recently joined NIWRC to serve in the newly created position of Communications Officer. "Princella is a welcome addition to NIWRC. We are particularly excited to expand the NIWRC's social media efforts," said Lucy Simpson, Executive Director of NIWRC.

An enrolled member of the Omaha Tribe of Nebraska, her Omaha name We'tawi means "Victorious Bird," and she is from the Bird Clan. RedCorn has volunteered with various Native community organizations in Nebraska in outreach campaigns. She has a BA in broadcast theater from Creighton University and an MA in professional journalism from the University of Nebraska.

RedCorn has a passion for storytelling and has experience with documentary, photography, and short video. Before joining NIWRC, RedCorn co-produced a 60-minute documentary *Medicine Woman*, which will be aired on PBS later this year, about Native American women healers past and present.

"I am excited to join the NIWRC family and serve as the organization's Communications Officer. I look forward to assisting NIWRC in developing strategic plans to ultimately be of service to those in Indian country dealing with domestic violence. I look forward to working on the *Restoration* magazine."



## SAVE THE DATE

**Tuesday, February 23, 2016**

**2:00pm-3:00pm**

**Cannon Building-Room 121**

## Congressional Briefing

### Violence Against Women & Implementation of VAWA 2013 Special Domestic Violence Criminal Jurisdiction

National Indigenous Women's Resource Center, Indian Law Resource Center & National Congress of American Indians will hold a congressional briefing on these issues in partnership with

United States Representatives:

**Louise M. Slaughter**

**Betty McCollum**

**Gwen Moore**

**Xavier Becerra**





# Restoration

OF NATIVE SOVEREIGNTY AND SAFETY FOR NATIVE WOMEN

Subscriptions Now Available!  
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 \$30 Individual / \$100 Institutional

## RESTORATION OF SOVEREIGNTY & SAFETY MAGAZINE, 2003-2015

Twelve 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.

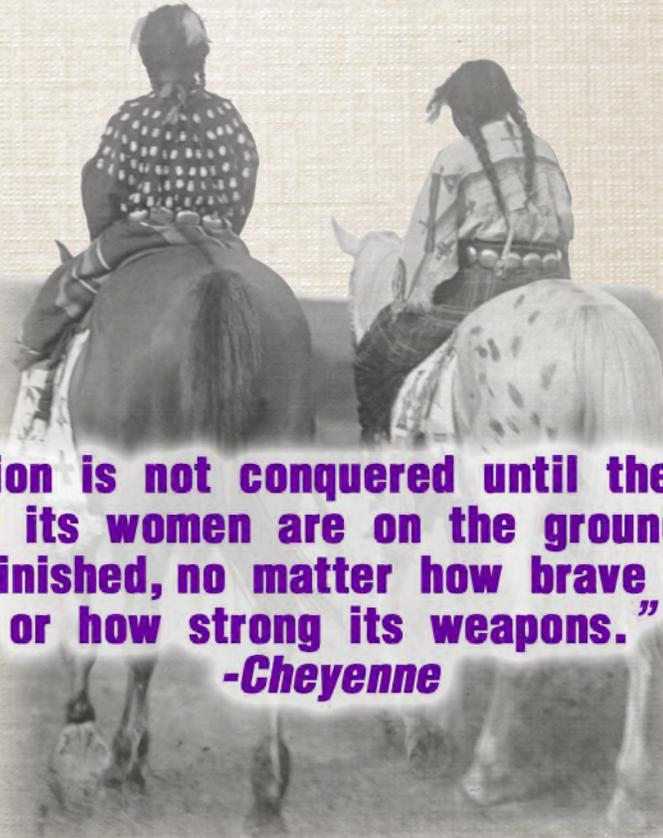
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## Restoration

OF NATIVE SOVEREIGNTY AND SAFETY FOR NATIVE WOMEN

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**“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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