

# Restoration

OF NATIVE SOVEREIGNTY AND SAFETY FOR NATIVE WOMEN

Bringing Awareness  
**AGAINST  
DOMESTIC VIOLENCE**  
For Murdered  
Indigenous Women!!

**VICTIMS OF VIOLENCE:**



*Jessie Renae Waters*  
DOB: April 11, 1984 - DOD: April 30, 2015

*Baby Jesse*  
DOD: April 30, 2015

Increasing Public Awareness of  
Missing and Murdered Native Women

FEBRUARY 2017



National Indigenous Women's Resource Center  
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# Restoration

OF NATIVE SOVEREIGNTY AND SAFETY FOR NATIVE WOMEN

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Dear Friends,

With the arrival of the new year, the National Indigenous Women's Resource Center extends our greetings of solidarity and of hope. As we move forward together, navigating the many transitions ahead, we call upon everyone to continue the lifesaving work that remains. We encourage each of you to remember the individuals who started the critical work of ending violence in our communities and to empower those who will continue this work long after us.

As the year unfolds, we are reminded that although change can cause discomfort, it often creates an incentive for improvement. As in the past, our advocacy work will continue to be challenging in the coming years, but we are reminded of our resilience and the resilience of our ancestors, and therefore this challenge is one we are excited to greet.

We are encouraged by the many new advocates and women who are locking arms to organize for a better world. In the strongest show of numbers this country has ever seen, we have risen up and banded together. The Women's March on Washington, which occurred in each state and had a massive presence abroad, was a manifestation of the passion and strength of the movement. Collectively, we have ensured that our voice will be heard and that we will find healing and support from each other.

As we move forward, we must remain thankful for the countless gifts and blessings we have received and will continue to receive. We are thankful for the survival of our people, and for the wisdom and spiritual strength of our ancestors. Our lives have a meaning and a purpose. We each have a gift, a voice, a song to sing, and when we use them in concert, we find great success.

The National Indigenous Women's Resource Center is extremely thankful that we have been selected to again serve as the National Indian Resource Center to End Violence Against Native Women. We will continue our leadership in providing culturally grounded, grassroots advocacy to end gender-based violence in indigenous communities and to support tribal sovereignty. The work we conduct is based on traditional values. Though the movement represents much diversity, the NIWRC remembers that we are all related to one another and that we must, in turn, take care of each other.

We would like to take a moment to reflect on the grandmothers of our movement, such as Tillie Black Bear and her prolific knowledge and spiritually rooted teachings that guide our path in prayer, hope, and belief that tomorrow will bring changed hearts and minds of peace, tolerance, respect, and love for one another as good relatives.

We would like to thank each advocate, each mother, each sister, each aunt, each daughter, each grandmother, each man, and each child for their continued support of the movement and for making the NIWRC the valuable organization it is today. We look forward to traversing this new landscape together and to the enhanced advocacy that arises.



**Lucy Simpson**  
**Executive Director**  
**NIWRC**



**Cherrah Giles**  
**Board Chair**  
**NIWRC Board of Directors**



**Cover:** October 26, 2016, Four Directions Walk, Pine Ridge Indian Reservation—The family members of Jessie Renae Waters, murdered in April 2015, are pictured carrying a banner and silent witness in her honor during the October domestic violence awareness walk. More than 120 people gathered and walked from the four directions to an intersection on the reservation to bring awareness about murdered and missing Native women and domestic violence. Members of four families whose daughters, mothers, or sisters were either murdered or went missing led the walkers from the east, west, south, and north. The red silhouettes of women are used as a national symbol to represent women who lost their lives to acts of domestic violence.

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### **Instructions on how to use the QR codes in this magazine**

1. Using your smartphone, go to Google Play (for Androids) or App Store (for iPhones).
2. Search for the **QR Bot** app. Download and open on your phone.
3. The QR Bot app will use the camera on your phone to scan the code at right.
4. Open the website link it takes you to!



# Addressing Sex Trafficking of Native Women

Indian tribes and advocacy organizations have steadily enhanced the awareness and response to the sex trafficking of Native women and girls in tribal communities. While victims of intimate partner sex trafficking can be protected under a number of federal, tribal, and state laws, one of the strongest responses is the immediate response from a woman's local community.

The urgency of addressing this issue was specifically recognized by Congress when it reauthorized the Violence Against Women Act (VAWA) in 2013 and amended the Safety for Indian Women Title to include sex trafficking. Congress expanded the purpose areas and other provisions of the tribal title to increase resources and technical assistance to Indian tribes who are using these increased resources to address sex trafficking within their respective tribal nations. Indian tribes with sex trafficking codes, for example, include the Snoqualmie Indian Tribe and the Standing Rock Sioux Tribe.

Over the last 20 years, Congress has recognized the essential role of Indian tribes in maintaining safe communities and responding to crimes. Congress has steadily clarified and strengthened the authority of Indian tribes under the VAWA, Tribal Law and Order Act and also increased appropriations to support the justice and related services of Indian tribes. As a result, Indian tribes are better situated to respond to crimes of sex trafficking occurring on tribal lands against Indian women and children.

Indian tribes as sovereigns have the inherent right to enact and enforce laws to govern their tribal nations and in this context to protect victims of human trafficking. Indian tribes have certain legal authorities not available to the federal and state governments, such as the authority to fine, banish, or disenroll the defendant if a tribal member, and restrict certain tribal rights. In the realm of western-based criminal law, tribes may prosecute certain non-Indians under VAWA 2013

if the trafficker, pimp, or john is in a domestic or intimate partner relationship with the victim.

The Trafficking Victims Protection Act (TVPA) was passed by the U.S. Congress in 2000. It was the nation's first comprehensive federal law to address human trafficking through prevention, protection of victims, and prosecution of traffickers. The Act established human trafficking and related offenses as federal crimes with severe penalties, and mandated that restitution be paid to victims. The TVPA makes it illegal to "recruit, entice, or obtain a person to engage in commercial sex acts, or to benefit from such activities." Under federal law, a "commercial sex act" is defined broadly to include "any sex act, on account of which anything of value is given to or received by any person." "Anything of value" includes money, goods, personal benefit, in-kind favors, or some other kind of benefit.



*December 6, 2016, Martina Post presents the concerns and recommendations of the Native Village of Alakanuk (Alarneq) regarding sex trafficking of Alaska Native women during the annual VAWA consultation.*

# Martina Post: A Mother's Story



**M**y story is one of many of those involved in a sex traffic case. December 4, 2016, my daughter left Alakanuk and traveled to Anchorage, Alaska. She texted me throughout the first month. She said she was having a medical check-up. I thought she had returned home and told her to take it easy for a while. I didn't think to

showed me a message from my daughter that she was still in Anchorage. I started getting text messages telling me they had seen my daughter drunk, smelly, with bruise marks on her arms. Then suddenly she disappeared. No phone calls. Her bank statements came with zero balances. No Facebook posts.

I called the Anchorage Police Department concerned about my daughter. The dispatcher told me to call hospitals, shelters, drug enforcement, and the morgue. I looked up her Facebook portfolio and it showed her working as a secretary for Alaska Document Preparation Court Reporting Services, Inc. She didn't graduate from high school. I found out that she had been lured into Anchorage through the Internet. It never entered my mind that the media could be used to lure women into sex trafficking.

My daughter was and still is a victim of sex trafficked women. I reported it to the authorities and received no help. I told them the address, location, and names of her traffickers. The Anchorage Police Department would not listen to me until I got my two white friends to make a call for me. I contacted Priceless Alaska but they would not help me unless a State Trooper investigates and makes a referral to their organization. No one would help me. I also called the FBI, three times, and they did not respond. Through, my 2 white friends, I reported her missing. No one had seen her anywhere for until June 15, 2016. My daughter was held, by traffickers, at Eagle River, Alaska, for 4 months.

People sent their prayers and told me to sit tight. But I told them I would not be quiet, I would text messages

on Facebook and that I would keep informing the public about her status. I would not quit looking for her. I wanted to keep her alive as long as I could by media coverage of her abduction. She was found June 15, 2016. She didn't return home until her pimp was jailed. October 27, 2016, she returned home. Her pimp was released November 15, 2016. She disappeared December 1, 2016. She is back with her pimp.

I read a story of a young Native girl, who was abducted. Sexually assaulted then dragged thru the street, with a car. Dumped on the side of the road. She crawled with her hands, up to the road where she died. Her mother didn't have access to the right resources to look for her. I have read and heard stories of horrific abuse of women. Who will look for women that are homeless and always looking for shelter and security?

Although, this is not a happy ending, I want to increase awareness about the silent problem of sex trafficking in Alaska. I want to thank Shirley Moses of the Alaska Native Women's Resource Center for her help. When no one would listen she did. And also the National Indigenous Women's Resource Center for their support.

## Recommendations of the Village of Alakanuk to address the sex trafficking of Alaska Native women:

- Public awareness materials should be posted at the hospital and other places for victims to call.
- Fund and develop Alaska Native advocacy programs for Native women because many Native women do not trust non-Natives organizations because of our bad experiences with non-Natives.
- Train the State Troopers, police, and FBI to better respond to Native women and girls being trafficked.
- Most important we need a system like the Amber Alert for Alaska Native women when our daughters, women, and children are trafficked.
- We also need victim services programs and resources to assist those who are trafficked, using our Native culture for treatment, education, job placement and shelter.
- The federal and state government should set aside an equitable amount of resources for Alaska Native tribes to develop, implement, and use culturally relevant solutions to immediately address the health safety and welfare of Alaska Native women.

# Organize to Increase Awareness of Sex Trafficking



National Indigenous Women's Resource Center

# Lorraine Edmo Retires Thank You for 10 Years of Dedicated Service!

**D**ecember 6, 2017—To a standing ovation and accolades from tribal leaders, advocates, and officials, Deputy Director for Tribal Affairs Lorraine Edmo gave her final remarks at the 2016 VAWA-USDOJ Consultation. After dedicating 10 long years, a decade of her life, to the implementation of the VAWA across American Indian tribes and Alaska Native Villages, Ms. Edmo decided to join her family in their move to Taos, New Mexico.

Ms. Edmo served as the first statutorily created Deputy Director for Tribal Affairs of the Office on Violence Against Women under VAWA 2005. She was charged with the overall development and management of the tribal grant program as well as providing expert advice and guidance on grants administration, policy, and program development; supervised a staff of program specialists dedicated to tribal issues; and directed technical assistance and training initiatives on issues of violence against Native women. Ms. Edmo also led in the successful

implementation of the annual VAWA consultation provision from 2007 to 2016, among other initiatives.

It was under Ms. Edmo's care that the Indian title became reality from the creation of a tribal division within OVW, the transition from a multiple grant program to a single one, the development and institutionalization of the annual VAWA tribal consultation, and so many other historic markers.

Ms. Edmo joined the Department with more than 25 years' experience working on behalf of American Indian and Alaska Native people in both the federal and nonprofit sectors. Ms. Edmo has advocated for American Indian and Alaska Native programs on national and regional levels.



*"In 2006, when Lorraine joined OVW, I knew she was a Native woman who understood federal Indian law because she had grown up on her tribal lands and lived her life as a Shoshone-Bannock woman. Her mother and father, grandparents, and siblings all were steeped in the politics of sovereignty. I say thank you, Lorraine, for all you have done."*

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





*Charged with the responsibility of the implementation of the VAWA annual consultation Ms. Edmo led the 2007-2016 consultations. Pictured left to right: 2007, 2008, and 2016.*

She has managed three national Indian education organizations, including the federally chartered National Fund for Excellence in American Indian Education at the U.S. Department of the Interior; the National Indian Education Association in Alexandria, Virginia; and the American Indian Graduate Center in Albuquerque, New Mexico. She was also a Research & Policy Specialist at the Office of Indian Education, U.S. Department of Education, where she worked on implementation of E.O. 13096. She has served on a number of national boards, including AIGC, NIEA, and the Committee for Education Funding and the Washington Internship for Native Students.

Lorraine descends from a long line of relatives who have served in leadership positions within the Shoshone-Bannock Tribe of the Fort Hall Reservation in Idaho, including her parents and siblings who have been involved in tribal government, and her grandfather who served as a tribal judge. In 1970, after graduating from the University of Montana, she founded the *Sho-Ban News*. The tribal newspaper is still in publication today.

Throughout her career, Lorraine Edmo charted a clear path of serving Indian people and Indian nations. She is deeply respected for her contributions, and we wish her well.

**“We were moved to honor Lorraine for all she accomplished to increase the safety of Native women. While there were many high moments, there were just as many low points and everyday challenges that Lorraine overcame. She persevered, and we appreciate the long nights and many miles she traveled to do her best and make sure VAWA reached Indian tribes and helped change the everyday lives of Indian women.”**  
**–Carmen O’Leary, Director, Native Women Society of the Great Plains**



# NATIVE Love



NativeLove staff with the children of the Northern Paiute Tribal Youth Program: Tu-Wa-Kii Nobi (The Kid's House) Program.

**N**ativeLove was born in 2013. The project started as a partnership between the Indian Law Resource Center, Inc. and NIWRC, Inc. with the consultant support of Buffalo Nickel Creative. As we grew, NIWRC also partnered with Verizon to continue building youth-to-youth bridges to raise awareness and end dating violence by empowering youth to redefine NativeLove. Great news: NIWRC has been refunded by Verizon for the 2017 NativeLove Project!

These past years, we have marched with tribal communities to end sexual assault, stood in solidarity with tribal communities healing from tragic youth suicides, provided technical assistance to youth in unhealthy relationships, conducted national youth ambassador-lead workshops, among many other activities. We closed out last year with the three-day Domestic Violence Awareness Month (DVAM) tribal training on the beautiful tribal lands of the Northern Paiute in Burns, Oregon, by conducting a site visit with educators and advocates, a one-on-one emerging youth and domestic violence advocate session, a

Criss Cross Applesauce NativeLove Workshop with 2- to 7-year-olds, and held a NativeLove community announcement at the annual traditional community powwow. The team was present for the crowning of the annual Princess/Queen ceremony (where the dignitary crowning the Princess/Queen wore a NativeLove shirt for the ceremony), and lastly at the close of the community event weekend and powwow, held the first NativeLove Youth Contest Powwow Dance (ages 2 to 19 with first-, second-, and third-place winners).

What we learned: It is their time in history, the validation of youth experiences, the calls to action from youth voices that create opportunities for the next generation to end violence and crisis in our communities. What are youth needs? We heard action plans on ending bullying and teen dating violence, and raised overall community support for what is important to them. If we can focus on supporting youth to build bridges across populations and within their own student body, we can guide their peer-to-peer action through activism, story-telling, and mentoring.

# Update from Youth and Advocate Trainings at the Burns Paiute Tribal Nation in Oregon

In the month of February, for Teen Dating Violence Awareness Month (TDVAM), the NativeLove team will conduct various TDVAM activities, including the official launch of the 2017 NativeLove Project. Activities will include the NativeLove Youth Challenge, free printable and customizable posters, social media campaigns, FAQ sheets and toolkits, tribal school and tribal community site visits, TA & Training, school-based assemblies, and various mini-campaigns, as well as video projects and an audio library. We will also have mini-campaigns such as the TDVAM Healthy

Communities Activity, "Inspiring Young Native Women" Nomination Campaign, for which tribal communities can nominate young women to be celebrated for their contemporary, traditional, academic, athletics, environmentalism, or youth activism promoting healthy relationships. These nominations will be highlighted across our networks and social media to honor Native girls and young women who make healthy and positive changes within their communities. This activity also includes participants honoring Native women of the past celebrating their impact on their community.



*Teresa Cowing, Domestic Violence/Sexual Assault Program, Burns Paiute Tribe Annual Paiute Queen Crowning. 2016-2017 Queen is Laevona Purcella.*



*Northern Paiute Tribal Youth Program (Tu-Wa-Kii Nobi-Kids House): girls honoring their community and asking for a healthy year in song.*



*How do we end domestic and sexual violence? How do we secure healthy relationships within our communities? Create space to engage men in our DV/SA prevention and intervention activities and discussions, and keep "NativeLove" as a positive action word that works for all. Northern Paiute Annual Powwow Drummer, Domestic Violence Awareness Month, October 2016.*



*Youth for Youth teen who mentors younger community members. She believes the powwow culture is fun, happy, and the definition of NativeLove!*

# Pouhana 'O Na Wahine Organizing Efforts Continue



**"I was born and raised on Molokai and have been blessed to be part of a family that has always been part of the fight to restore the sovereign rights of the Hawaiian people. As a survivor and having worked to implement cultural experiences in all that I do, I know we need to address domestic violence as Native Hawaiian women working closely with our kupuna who are rooted spiritually and culturally." –Wanette Lee**

In partnership with the National Indigenous Women's Resource Center, the Pouhana 'O Na Wahine, Pillars of Women, continue to build their grassroots organizing efforts to increase the safety of wahine (women) and their families on the islands of Hawaii looking to their history, culture, and language, including their values of aloha.

"We are inspired to organize ourselves as indigenous Native Hawaiian women with a long history as a people that pre-existed the formation of the United States to increase the safety of our people," said Wanette Lee. "Our efforts bring together advocates from across our islands providing services to Native Hawaiian wahine who are dedicated to addressing the urgent needs of our wahine because our people have suffered for too long," said Mililani Martin. "We selected pouhana (central wood pole used in traditional Native Hawaiian homes) as part of our name because we recognize without the pouhana, the house falls apart, and wahine, like pouhana, are the strength of the family. We come together as a hui (group) to serve as pouhana and help our people to address domestic violence and related injustices. We also recognize that we have both long term and urgent, "in the meantime" work to help our people heal from domestic violence and trauma as recognized by Public Law 103-150 or the Apology Bill," said NaniFay Paglinawan. "Meeting at Living Life Source

afforded Pouhana 'O Na Wahine the opportunity to have a safe space to kuka kuka (talk story) and sense of Lokahi (balance) allowing each hui member to connect the mind, body, and spirit to the aina (land) and Akua (God)," said Dayna Schultz.

Pouhana 'O Na Wahine member, Wanette Lee is also a member of the NIWRC's Board of Directors. "The hui first met together in December of 2015 in Honolulu, then July of 2016 on the island of Molokai, and then January 21-22, 2017, in Mānoa Valley on the island of Oahu. While we meet regularly through conference calls, these face-to-face meetings are essential to building unity within our hui. We invited our sisters from the NIWRC to join our efforts and have organized regular conference calls to move our work forward."

The NIWRC strongly supports the efforts of the Pouhana 'O Na Wahine. "We are committed to supporting the hui's efforts to use their history, language, and teachings to end domestic violence and related injustices," said Paula Julian, NIWRC Policy Specialist. "The NIWRC

supports the hui's efforts to ensure the development of technical assistance and training, resources, policies, and system engagement on domestic violence as it affects Native Hawaiians," said Rose Quilt, NIWRC Director of Policy and Research.

## **Backdrop of Pouhana 'O Na Wahine Organizing Efforts**

Since 2013 and because of the amendments to FVPSA in 2010, the hui and NIWRC have worked in partnership to identify activities to address the needs of Native Hawaiians that experience domestic violence. "The December 2015 meeting was groundbreaking. It was a three-day regional meeting in Honolulu on "Domestic and Gender-Based Violence and Increasing the Safety of Native Women," said Paula Julian. "We, as NIWRC joined indigenous women active in their Native Hawaiian communities to discuss how to move forward to increase the safety of Native Hawaiian women."

The Division of Family Violence Prevention & Services, Administration on Children, Youth & Families, U.S.

Department of Health and Human Services supported the hui's December 2015 meeting. "We want to give a special thank you to Shena Williams of the FVPSA office for understanding our struggles and barriers as indigenous people," said Wanette Lee. "Ms. Williams and the FVPSA office's support is very important to us. To be consulted, and asked what we needed and wanted to address domestic violence changes a long patronizing history of being told how we will address problems our people face."

"The discussion over the last 3 years has been eye-opening and inspirational. NIWRC has provided the time and space to discuss how the hui understands domestic violence and the path forward to safety from our history as a people with a unique political status and trust relationship with the federal government," said Rose Pettigrew. "We agree that it is important for the hui to oni pa'a (stand firm or balance between being grounded and moving purposefully/intentionally) to achieve safer and healthier communities for our ohana," said Dolly Tatofi.

# Increasing the Safety of Native Hawaiian Women

**T**he indigenous peoples of the United States have a unique history and common experience of colonization. Native Hawaiians share with American Indians and Alaska Natives a struggle to remain sovereign and maintain their beliefs, practices, culture, language, and society.

Native Hawaiians, while having a strong foundation as a spiritual people, now suffer from high rates of domestic and sexual violence. Recognizing the linkage of colonization of the United States to domestic violence is important in understanding how such violence has become so common. The violence perpetrated against Native Hawaiian women, and other social issues, are linked to the trauma of colonization by the United States. In developing programs and services for Native Hawaiian survivors and abusers, reliance on traditional culture, beliefs, and language is viewed as most appropriate.

## Queen Lili'uokalani and the Hawaiian Government

On January 16, 1893, the United States invaded the sovereign Hawaiian nation by positioning themselves near the Hawaiian government buildings and Iolani Palace to intimidate Queen Lili'uokalani and her government. When informed that resistance would bring the risk of bloodshed, Queen Lili'uokalani issued the following statement yielding her authority to the U.S. government. The overthrow of Queen Lili'uokalani changed the future of Native Hawaiian people and is widely recognized to have negatively impacted the

health, well-being, and lives of Native Hawaiian women. The specific history of the United States and the Kingdom of Hawaii is documented and recognized by a joint resolution of Congress passed in 1996, which concludes with the following three acknowledgments:

Whereas the health and well-being of the Native Hawaiian people is intrinsically tied to their deep feelings and attachment to the land;

Whereas the long-range economic and social changes in Hawaii over the nineteenth and early twentieth centuries have been devastating to the population and to the health and well-being of the Hawaiian people;

Whereas the Native Hawaiian people are determined to preserve, develop, and transmit to future generations their ancestral territory, and their cultural identity in accordance with their own spiritual and traditional beliefs, customs, practices, language, and social institutions.

## The Apology of the United States Congress to Native Hawaiians

To acknowledge the 100th anniversary of the January 17, 1893, overthrow of the Kingdom of Hawaii, and to offer an apology to Native Hawaiians on behalf of the United States for the overthrow of the Kingdom of Hawaii, Public Law 103-150 was enacted. The apology is an important historical marker recognizing the impact of U.S. colonization on the well-being of Native Hawaiian people.

The Congress—

- (1) on the occasion of the 100th anniversary of the illegal overthrow of the Kingdom of Hawaii on January 17, 1893, acknowledges the historical significance of this event which resulted in the suppression of the inherent sovereignty of the Native Hawaiian people;
- (2) recognizes and commends efforts of reconciliation initiated by the State of Hawaii and the United Church of Christ with Native Hawaiians;
- (3) apologizes to Native Hawaiians on behalf of the people of the United States for the overthrow



January 21-22, 2017, Mānoa Valley, Living Life Source, Oahu—NIWRC and Pouhana 'O Na Wahine members gathered to discuss what we've accomplished thus far and the hui's vision and mission for moving forward to end domestic violence and related injustices and bring Native Hawaiians to a state of well-being. Hui members included, left to right, Dolly Tatofi, Michele Navarro Ishiki, Mililani Martin, Rose Pettigrew, Dayna Schultz, NaniFay Paglinawan, Wanette Lee.

of the Kingdom of Hawaii on January 17, 1893, with the participation of agents and citizens of the United States, and the deprivation of the rights of Native Hawaiians to self-determination;  
(4) expresses its commitment to acknowledge the ramifications of the overthrow of the Kingdom of Hawaii, in order to provide a proper foundation for reconciliation between the United States and the Native Hawaiian people; and  
(5) urges the President of the United States to also acknowledge the ramifications of the overthrow of the Kingdom of Hawaii and to support reconciliation efforts between the United States and the Native Hawaiian people.

A copy of the joint resolution of Congress and apology is available at:  
<https://www.gpo.gov/fdsys/pkg/STATUTE-107/pdf/STATUTE-107-Pg1510.pdf>

#### Statement of Queen Lili'uokalani

"I, Lili'uokalani, by the Grace of God and under the Constitution of the Hawaiian Kingdom, Queen, do hereby solemnly protest against any and all acts done against myself and the Constitutional Government of the Hawaiian Kingdom by certain persons claiming to have established a Provisional Government of and for this Kingdom.

"That I yield to the superior force of the United States of America whose Minister Plenipotentiary, His Excellency John L. Stevens, has caused United States troops to be landed at Honolulu and declared that he would support the Provisional Government.

"Now to avoid any collision of armed forces, and perhaps the loss of life, I do this under protest and impelled by said force yield my authority until such time as the Government of the United States shall, upon facts being presented to it, undo the action of its representatives and reinstate me in the authority which I claim as the Constitutional Sovereign of the Hawaiian Islands."

Done at Honolulu this 17th day of January, A.D., 1893



*January, 21, 2017, Mānoa Valley—The Pouhana 'O Na Wahine began their two-day NIWRC regional meeting with a pule (prayer), welcome protocol, mo'olelo (storytelling) about the sacredness of Mānoa Valley, and pikai, an external cleansing with the sprinkling of water to set the tone with positive energy and blessings.*

# Firearms Protection Legislation and Safety for Native Women: Are Legal Reforms Falling Short of Reaching Native Women?

Legislation focused on protecting the public from crimes committed with firearms in the United States spans almost 50 years. Yet after nearly five decades, federal firearms protection legislation appears to fall short of addressing the reality of American Indian and Alaska Native women. It was not until the VAWA 2005 tribal amendment that such federal legislation provided even the possibility of increased protections for Native women.

As the national debate over firearms continues, federal protections for Native women to a large extent remain unaddressed. Native women within the jurisdiction of a tribal court face ongoing challenges in the removal of weapons from abusers who are prohibited by federal law from owning or having a gun. In addition, the charging of a federal firearms violation for a tribal victim is limited by inadequate access of Indian tribes to the National Crime Information Center (NCIC) and lack of access to law enforcement services.

In the tribal justice context, Indian tribes have the authority to enact and enforce laws to protect Native women within tribal jurisdiction from the known dangers of an abuser with a gun. Tribal governments address crime utilizing justice systems ranging from traditional, western-based, and those combining traditional and western-based approaches. While some have enacted specific laws preventing abusers from owning or having a gun, others—based on choice and limitations created by the United States—may utilize state law if shared jurisdiction exists.

How a specific tribal government responds to the need and use of firearms prohibitions is based on a complicated jurisdictional maze. Indian tribes have certain authorities not available to the federal and state governments. Examples of these tribal legal options include the authority to fine or banish an abuser who fails to follow a tribal order to not own or possess a firearm. In the realm of western-based criminal law, tribes may prosecute Indians and those submitting to the jurisdiction of the tribe. Indian tribes can also prosecute certain non-Indians if the person is in a domestic or intimate partner relationship with the tribal victim.

## Historical Context of Federal Firearms Prohibitions

Congress passed the federal Gun Control Act of 1968 (GCA) in part due to the assassinations of John F. Kennedy in 1963, and Senator Robert Kennedy and Dr. Martin Luther King in 1968. The GCA focused on restricting the purchase of handguns through the mail. It later restricted purchase of shotguns and rifles, and registration requirements.

In 1994, in the first authorization of the VAWA, Congress amended the GCA to prohibit persons who are under a qualifying domestic violence court protection order



*January 19, 2017, Phoenix, AZ—Bonnie Juneau, Council Member, Tulalip Indian Tribes, traveled with a team to attend a national tribal summit on firearms and safety for Native women. Councilwoman Juneau presented and shared experiences and lessons from the Tulalip Tribe.*

from possessing or receiving a firearm. In 1996, Congress amended the GCA to include the Domestic Violence Offender Gun Ban often referred to as the Lautenberg Amendment. This amendment made it a federal felony for a person convicted of a qualifying misdemeanor crime of domestic violence to possess a firearm. This category of persons was added to the list of those prohibited under the GCA firearms prohibitions.

The GCA now bans shipment, transport, ownership, and use of guns or ammunition by individuals convicted of qualifying misdemeanor domestic violence, or who are under a qualifying restraining order for domestic abuse. The Lautenberg Amendment represents the recognition by Congress that “anyone who attempts or threatens violence against a loved one has demonstrated that he or she poses an unacceptable risk, and should be prohibited from possessing firearms. It is important to note, however, that the GCA does not include under its prohibitions misdemeanor convictions of dating violence or non-intimate partner sexual assault, or stalking.

## Federal Firearms Prohibition Expanded to Include Tribal Court Conviction

The Lautenberg Amendment protections were expanded under VAWA 2005 to include tribal court convictions of misdemeanor crimes of domestic violence. The tribal VAWA amendment expanded the GCA by amending the federal criminal code to include under the term “misdemeanor crimes of domestic violence” committed under tribal law. The 2005 amendment broadened federal law to prohibit offenders convicted of

a domestic violence crime in tribal court from possessing firearms.

“Prior to the VAWA 2005 amendment tribal court convictions were not included under the Act,” said Carmen O’Leary, Director of the Native Women’s Society of the Great Plains. “Abusers convicted of domestic violence in tribal court could own and possess a firearm.”

While this amendment was a large step forward, it falls short of reaching all tribal court convictions. To qualify, the tribal court conviction must meet the statutory requirements of a “misdemeanor crime of domestic violence” under the GCA. The statute fails to recognize the sovereign authority of Indian tribes in the establishment and development of tribal justice systems by placing statutory requirements on the conviction not generally required under federal Indian law.

### **Tribal Court Conviction: Requirements to Meet Federal Gun Prohibition**

Firearms are extremely dangerous in the hands of a domestic violence abuser, and while utilization of this statute has the potential to prevent serious injury to or murder of Native women, the requirements of the statute limit the applicability of some tribal court convictions. While the VAWA 2005 federal tribal amendment opened the door to prevent those convicted of domestic violence in tribal court from possessing guns the statute also created restrictions on applicability; what “qualifies” as a conviction under the statute? The restrictions generally run astray of the Indian Civil Rights Act that does not mandate Indian tribes provide legal counsel to those not able to afford legal counsel in criminal cases.

Under federal law the term “misdemeanor crime of domestic violence” means an offense that—

- “(i) is a misdemeanor under federal, state, or tribal law; and
- (ii) has, as an element, the use or attempted use of physical force, or the threatened use of a deadly weapon, committed



*Shirley Moses, Director, Healing Native Hearts Coalition (left), Tami Truett Jerue, Director, Alaska Native Women’s Resource Center (center) and Carmen O’Leary, Director, Native Women’s Society of the Great Plains (right) attended the January, Firearms Meeting to ensure the voice of advocates was represented.*

by a current or former spouse, parent, or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse, parent, or guardian, or by a person similarly situated to a spouse, parent, or guardian of the victim.”

A person shall not be considered to have been convicted of such an offense unless—

- “(I) the person was represented by counsel in the case, or knowingly and intelligently waived the right to counsel in the case; and
- (II) in the case of a prosecution for an offense described in this paragraph for which a person was entitled to a jury trial in the jurisdiction in which the case was tried, either: the case was tried by a jury, or the person knowingly and intelligently waived the right to have the case tried by a jury, by guilty plea or otherwise.”

In addition, a person shall not be considered to have been convicted of such an offense for purposes of this statute if the conviction has

been expunged or set aside, or is an offense for which the person has been pardoned or has had civil rights restored unless the pardon, expungement, or restoration of civil rights expressly provides that the person may not ship, transport, possess, or receive firearms.

### **Tribal Questions and Issues of Concern**

While gains have been made over the last four decades, many issues remain unaddressed. Federal law designed to protect women from gun violence falls short of providing the same protections for American Indian and Alaska Native women. While every Indian tribe has the recognized authority as a sovereign to self-government, the intersection of tribal-state-federal laws creates everyday challenges for Native women to access the justice system. In reality, this often means domestic violence offenders continue to possess weapons that threaten the lives of Native women.

While many issues prevent Native women from utilizing the legal protections that are available

nationally, the following are common across Indian tribes:

- Many Indian tribes do not have access to enter tribal court orders of protection or tribal domestic violence convictions into the NCIC national protection order registry.
- The lack of adequate law enforcement complicates the implementation of firearms protection laws, and abusers who are prohibited from owning firearms can pass background checks unless their records are entered into the National Instant Criminal Background Check System (NICS), a database for firearms background checks.
- Background checks are not required on all gun sales, so domestic abusers prohibited from gun ownership can simply buy a gun from a private seller.
- Many survivors are not protected by federal law, including those victimized by dating abusers and stalkers who are non-intimate partners.
- Federal, state, and local authorities sharing concurrent criminal jurisdiction with Indian tribes do not adequately enforce the laws already in place by disarming and prosecuting domestic abusers who violate the current laws by possession of firearms.

"In our village, the tribal council issues orders of protection and as a traditional court hear cases of domestic violence. The village functions as it has for hundreds of years," said Tami Truett Jerue, Village of Anvik, and Director, Alaska Native Women's Resource Center. "Weapons are essential to life in our village since hunting provides our main source of food, but allowing a domestic violence offender to have a gun creates a danger to everyone."

**"A person who assaults another recklessly 'uses' force, no less than one who carries out that same action knowingly or intentionally."**

**—Justice Elena Kagan**

## **Supreme Court Affirmed Federal Firearms Prohibition**

On June 27, 2016, the Supreme Court upheld the federal firearms prohibition challenged in the well-known case of *Voisine v. U.S.*, which bans those convicted of misdemeanor domestic violence offense from possession of a firearm. The Court, in a 6-2 ruling, specifically found the scope of the federal firearms prohibition included

those convicted of domestic violence crimes, both intentional acts and reckless. While the national debate on firearms control continues, clearly such prohibitions are here to stay in the context of national awareness of the dangers posed by offenders in cases of domestic violence. "The *Voisine* case is a resounding victory for survivors of domestic violence," said Cherrah Giles, Board President for the NIWRC. "In Indian country, where Native women suffer from domestic violence at rates higher than any other demographic, we are painfully aware of the fact that domestic violence perpetrators escalate their violent acts over time, and what may begin with a reckless act often progresses to violence that results in severe injuries or fatalities at the hands of a domestic abuser." Any firearms prohibition developed by an Indian tribe falls under its authority as a sovereign; however, the issue of safety of not only individual victims but the entire tribe must be safeguarded.

### **Important information links to understanding protective firearms laws:**

The Violence Policy Center ([www.vpc.org](http://www.vpc.org)) is a national educational organization working to stop gun death and injury. View the VPC report *When Men Murder Women: An Analysis of 2014 Homicide Data* for a detailed review of 2014 data at <http://www.vpc.org/studies/wmmw2016.pdf>.

States United to Prevent Gun Violence ([www.CeasefireUSA.org](http://www.CeasefireUSA.org)) is a national nonprofit organization working to support state-based gun violence prevention groups and help build new state-led organizations. States United believes that all Americans deserve to live in a country free from the fear, threat, and devastation caused by gun violence.



*Brent Leonhard, Tribal Attorney, Confederated Tribes of the Umatilla Indian Reservation, facilitated and presented during sessions over the 2 days focused on issues and concerns for tribal communities regarding domestic violence and firearms.*

# A National Day of Awareness for Missing and Murdered Native Women and Girls



In response to the death of RoyLynn Rides Horse at the Crow Reservation in 2016, and the murder of Hanna Harris at the Northern Cheyenne Reservation in 2013, last June the Montana Congressional Delegation called for the passage of a National Day of Awareness for Missing and Murdered Native Women and Girls. Senator Steve Daines and Senator Jon Tester introduced a Senate resolution to designate May 5, 2017, the birthday of Hanna Harris, as the National Day of Awareness. Congressman Ryan Zinke also introduced a companion bill in the House. Over two hundred tribal, state, and national organizations support the resolution.

Hanna Harris was 21 years old when she went missing on July 4, 2013. Due to the inadequate response of the justice system, her family and friends searched for Hanna. The community led a march for justice for Hanna and other unresolved murders of American Indian women. According to a U.S. Department of Justice study, in some tribal communities, American Indian women face murder rates that are more than 10 times the national

average. According to the Centers for Disease Control and Prevention, homicide was the third leading cause of death among American Indian and Alaska Native women between 10 and 24 years of age and the fifth leading cause of death for American Indian and Alaska Native women between 25 and 34 years of age.

"The harsh reality of our lives as Native women is that we witness our sisters, mothers, daughters, and community members disappear and nothing is done," said Lucy Simpson, Director of NIWRC. "The National Indigenous Women's Resource Center offers our prayers to all of the families of missing Native women and girls."

## Actions to Honor and Seek Justice for Missing and Murdered Native Women

"We are working to educate and organize to address the pattern of missing and murdered Native women and girls in the United States," said Cherrah Giles, Chair, NIWRC Board of Directors. "Turning our grief to action we strongly support the resolution to help shed light on the countless tragedies involving our Native sisters. We are calling on all those concerned to organize at the local, tribal, state, national, and international levels to bring this issue into the public's



In memory of Emily Blue Bird (Oglala Sioux Tribe) Lakota name Wicahpi Sakowin Win. Jered St. John is the artist who created the dress. Photo by Takes War Bonnett, Native Women's Society of the Great Plains



October 26, 2016, Four Directions Walk, Pine Ridge Indian Reservation—More than 120 people gathered and walked from the four directions to an intersection on the reservation to bring awareness about murdered and missing Native women and domestic violence. Members of four families whose daughters, mothers, or sisters were either murdered or went missing led the walkers from the east, west, south, and north. The family members of Hanna Harris carried a silent witness in her honor (pictured above). Members of Jessie Waters' family carried a banner and silent witness in her honor (pictured below). The red silhouettes of women are used as a national symbol to represent women who lost their lives to acts of domestic violence.

awareness."

Indian tribes and communities are actively organizing vigils, walks, marches, and numerous awareness campaigns to honor missing and murdered Native women. The Native Women's Society of the Great Plains (NWSGP), a tribal coalition of domestic violence programs, launched such a project last year to honor women who are missing and murdered. "We work with the family of the woman to create a traditional dress in her honor and place it in a memorial shadow box," said Amanda Takes War Bonnet, Public Education Specialist for NWSGP. "This box was created in honor of Emily Blue Bird."

# Missing and Murdered Indigenous Women Resolution

*"I am heartbroken by the recent murder of RoyLynn Rides Horse. Tragically it's a symptom of the greater epidemic of tribal women who go missing and are murdered at staggering rates. We are ringing the alarm to this devastating epidemic."*

**–Senator Steve Daines, Senate Committee on Indian Affairs**

*"It is critical that we shed more light on the hardships that Native women and their families often face. But words must be followed up with actions, and I am committed to working with the Montana Congressional delegation and Montana tribes to increase the safety of Native women and ensure they have every opportunity to thrive."*

**–Senator Jon Tester, Senate Committee on Indian Affairs**

## S. RES. 60

Designating May 5, 2017, as the "National Day of Awareness for Missing and Murdered Native Women and Girls".

IN THE SENATE OF THE UNITED STATES  
February 13, 2017

**Mr. Daines (for himself, Mr. Tester, Mr. Lankford, Mr. Gardner, Mr. Franken, Mr. Hoeven, and Mr. Udall) submitted the following resolution; which was referred to the Committee on the Judiciary**

### RESOLUTION

Designating May 5, 2017, as the "National Day of Awareness for Missing and Murdered Native Women and Girls."

- Whereas, according to a study commissioned by the Department of Justice, in some tribal communities, American Indian women face murder rates that are more than 10 times the national average;
- Whereas, according to the Centers for Disease Control and Prevention, homicide was the third leading cause of death among American Indian and Alaska Native women between 10 and 24 years of age and the fifth leading cause of death for American Indian and Alaska Native women between 25 and 34 years of age;
  - Whereas little data exist on the number of missing American Indian and Alaska Native women in the United States;
- Whereas, on July 5, 2013, Hanna Harris, a member of the Northern Cheyenne Tribe, was reported missing by her family in Lame Deer, Montana;
  - Whereas the body of Hanna Harris was found 5 days after she went missing;
  - Whereas Hanna Harris was determined to have been raped and murdered and the individuals accused of committing those crimes were convicted;
- Whereas the case of Hanna Harris is only one example of many similar cases; and
  - Whereas Hanna Harris was born on May 5, 1992: Now, therefore, be it Resolved, That the Senate–

(1) designates May 5, 2017, as the "National Day of Awareness for Missing and Murdered Native Women and Girls"; and

(2) calls on the people of the United States and interested groups to–

(A) commemorate the lives of missing and murdered American Indian and Alaska Native women whose cases are documented and undocumented in public records and the media; and

(B) demonstrate solidarity with the families of victims in light of those tragedies.

# Tribal Community Response When a Woman Is Missing: A Toolkit for Action

Coping with the disappearance of a loved one or community member is very difficult. The fact that American Indian and Alaska Native women experience higher rates of domestic violence and sexual assault than any other population of women in the United States has broad ramifications. One consequence of this reality is that domestic and sexual violence occurs on a spectrum of abusive behavior and can include abduction and murder. If a woman you know is missing, taking immediate action is very important. The quicker you respond, the faster she may be located and provided the help needed.

## **Is the disappearance voluntary?**

One important factor to consider in preparing to respond is whether the disappearance is voluntary. A woman may be missing because she intentionally decided to cut ties to family and friends to avoid future harm to herself and loved ones. A woman may have decided, based on their specific circumstances, that the safest option is to leave and place herself, and possibly children, beyond the reach of her abuser. Disconnecting from family, friends, and community is a dramatic and life-changing decision and does not occur without significant reasons, one of which may be prevention of further abuse.

## **Missing because of force and violence?**

The harsh reality is that many Native women who are victimized by domestic violence disappear, are abducted, or are murdered by their abusers. The Department of Justice reports that Native women are stalked and murdered at higher rates than other populations of women in the United States.

The lack of adequate law enforcement in tribal communities increases the importance of communities being informed and prepared to immediately respond to a disappearance. The following actions may increase awareness of the steps to take and help prepare tribal communities to respond during this very difficult time.

## **Why develop a response before confronted with a disappearance?**

The disappearance of every Native woman requires an immediate response. The hours and minutes following a disappearance count. In order to respond immediately to a disappearance, it is recommended that advocacy programs develop a protocol ahead of time for when a woman goes missing. The development of a protocol will allow programs to

understand how to contact law enforcement agencies and other important steps. In developing a protocol, programs and organizations might consider the actions, issues, and concerns discussed below.

## **Should law enforcement be contacted? By phone or in-person?**

Contact the local law enforcement where the disappearance occurred as soon as possible. The law enforcement agency will differ from tribe to tribe and in some cases multiple agencies will need to be contacted. This might include tribal law enforcement, the Bureau of Indian Affairs, the FBI, county police, and in Alaska the village public safety officer and state trooper, or a combination of these agencies. In addition, based on the circumstances, notifying tribal law enforcement in the home community of the missing woman might also be important. While many Native women live away from the community they consider home, they stay in touch and reach out to family and friends. When contacting law enforcement, provide as much detail as possible that could help establish the identity of the missing person. Write down the names of the people you speak to and request copies of any documents completed, including the missing persons report.

## **Why document and track events? Dates and times are important**

The steps you take and contacts you make with law enforcement are very important to document. Keeping a journal will help you remember conversations with law enforcement and other agencies. This process makes an already difficult situation less stressful, and writing down the dates and times, names and telephone numbers of everyone you speak to will be highly valuable. It is also recommended to complete a calendar at the end of each day of the events or developments.

### **Why issue an alert?**

**A press release, radio announcement, Facebook post can alert the community**

Informing, maintaining, and increasing public awareness of the disappearance is very important. The alert, bulletin, or flier circulated broadens the number of people who can help locate the missing woman. The alert should provide basic information about the person and how to report any information to the law enforcement agency or community member serving as a contact person.

### **Why organize community actions?**

**A vigil, search, justice walk, or march provides a positive anchor for family and community to support the woman who is missing**

Many tribal communities are closely related and organized based upon family relationships and clans with long histories dating back over generations. Respect, prayer, and ceremonies are strengths of tribal communities, and often vigils and similar

events are held for the person who has disappeared. These actions also support the family and those left behind during a very difficult time. Justice walks and marches are common in the effort to increase the response of law enforcement and also hold local and federal law enforcement accountable for, in some cases, a failed response. In the disappearances of many Native women, it has been the families or community members who have conducted a search for their loved one. Unfortunately, in some cases, the walks and marches for justice are the only closure a family might have after a Native woman goes missing.

### **Take care of yourself and loved ones**

In organizing to respond to issues concerning missing and murdered indigenous women, NIWRC encourages each person to remember self-care. Addressing the reality of missing and murdered American Indian and Alaska Native women is very difficult and can create high levels of stress. Stay connected to friends and family. Rely on your tribal beliefs and practices for support as a foundation for these efforts.



## **Important Steps to Take When a Native Woman Goes Missing**



# 2017 Hill Briefing

## Addressing Missing and Murdered Native Women

The National Indigenous Women's Resource Center is honored to co-sponsor a Hill briefing to provide an overview of issues addressing missing and murdered Native women and the creation of National Day of Awareness for Missing and Murdered Native Women and Girls. In addition, Terri Henry, Co-Chair of the NCAI Task Force on Violence Against Women, will introduce a video released by the National Institute of Justice, "Violence Against American Indian and Alaska Native Women and Men."

### A Joint Effort

The 2017 briefing is being offered in cooperation with Senator Lisa Murkowski (AK). "We are so please to be working with Senator Murkowski to bring this important information to members of Congress and national policymakers," said Lucy Simpson, Executive Director, NIWRC. "Senator Murkowski was also supportive of NIWRC's 2016 Hill briefing last June." The Alaska Native Women's Resource Center and Indian Law Resource Center are cosponsors of the Hill briefing. "While the issues of violence against American Indian women are difficult and challenging, this briefing shares how we are moving ahead to increase awareness on a national level," said Simpson. "It is a new year with new beginnings we hope will increase safety in the everyday lives of Native women."

### 2017—Urgency of Public Awareness

"Increasing public awareness of this issue we hope will save lives and help prepare tribal communities to act when a Native woman goes missing," said Simpson. According to a U.S. Department of Justice study, in some tribal communities, American Indian women face murder rates that are more than 10 times the national average. According to the Centers

for Disease Control and Prevention, homicide was the third leading cause of death among American Indian and Alaska Native women between 10 and 24 years of age and the fifth leading cause of death for American Indian and Alaska Native women between 25 and 34 years of age. "The Native Women's Society of the Great Plains is creating a display of miniature buckskin dresses, each representing a Native woman who is missing and murdered from a five state area,"

said Carmen O'Leary, Director, Native Women's Society of the Great Plains.

### 2017—A New Year with New Awareness

This briefing will provide an update on new developments to increase awareness of missing and

murdered Native women and girls. Senator Steve Daines (MT) will speak about efforts by the Montana delegation to increase awareness on a national level. Last year, the Montana delegation introduced a resolution to designate May 5, 2016, as a National Day of Awareness for Missing and Murdered Native Women and Girls. The resolution was drafted in memory of Hanna Harris, a Northern Cheyenne tribal member, who was murdered in July 2013. The resolution was introduced in April 2016 on the same day that RoyLynn Rides Horse, a Crow tribal member, passed away after having been beaten, burned, and left in a field to die. An administrative rule requires that such a resolution be passed within the same year and prior to the designated day. The resolution will be reintroduced this year with nearly 200 organizations signing on in support.



The National Institute of Justice "Violence Against American Indian and Alaska Native Women and Men" video: <https://www.nij.gov/multimedia/Pages/video-violence-against-american-indian-and-alaska-native-women-and-men.aspx>



October, 21, 2016, Alaska Federation of Natives Annual Convention, Fairbanks, Alaska—Tribal leaders and members of the Alaska Native Women's Resource Center working to increase the safety of Alaska Native women greet and thank Senator Lisa Murkowski after she addressed the Convention's delegates.



# SAVE THE DATE

**Congressional Briefing in partnership with Senator Lisa Murkowski**

**Register: <http://bit.ly/2kq4s9X>**

**Senate Hart Building, Room 902  
Wednesday, February 15, 2017  
1:30-2:30PM**

**"Moving Ahead in Addressing Domestic Violence Against American Indian and Alaska Native Women, Efforts to Address Missing and Murdered Native Women and Girls"**



Alaska Native Women's Resource Center

- Violence Against American Indian and Alaska Native Women and Men Video
- Overview of Missing and Murdered Native Women
- Overview of National Day of Awareness for Missing and Murdered Native Women and Girls

# NIJ Recently Released Research on Violence Against American Indian Women

In 2016, the National Institute of Justice (NIJ) released two studies significantly increasing awareness of violence against American Indian and Alaska Native women. Brief overviews of these important studies are provided below with contact information for the researchers. For those interested, the summaries and full reports of these studies are available on the NIJ website.

## **Violence Against American Indian and Alaska Native Women and Men: 2010 Findings from the National Intimate Partner and Sexual Violence Survey**

On May 5, 2016, the NIJ published its latest research report, written by Dr. André Rosay, examining the prevalence of intimate partner and sexual violence against American Indian and Alaska Native women and men.

Using a large nationally representative sample from the 2010 National Intimate Partner and Sexual Violence Survey, the report provides estimates of sexual violence, physical violence by intimate partners, stalking, and psychological aggression by intimate partners. It also provides estimates of interracial and intraracial victimizations and briefly examines the impact of violence. Results are expected to raise awareness and understanding about violence against American Indian and Alaska Native women and men.

## **The Impact of the Growing Oil Industry on Domestic Violence, Dating Violence, Sexual Assault, and Stalking in North Dakota and Montana**

In December 2016, NIJ released the study on "The Impact of the Growing Oil Industry on Domestic Violence, Dating Violence, Sexual Assault, and Stalking in North Dakota and Montana." Provided below are excerpts from summaries of the findings specific to the two tribes located in the Bakken region and participants in the study. The research was conducted by five

## **Key findings from the report indicate:**

### **More than 4 in 5 American Indian and Alaska Native women have experienced violence in their lifetime:**

- 56.1% who have experienced sexual violence
- 55.5% who have experienced physical violence by an intimate partner
- 96% of women who experienced sexual violence were assaulted by at least one interracial perpetrator

### **Native women have greater need for services, but less access to services Among American Indian and Alaska Native female victims:**

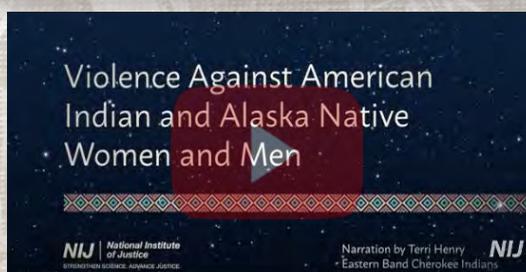
- 41% had physical injuries
- 49% needed services
- 38% needed medical care
- Among American Indian and Alaska Native female victims who needed services:
- 38% were unable to access services

Read about the study in the NIJ Journal article "Violence Against American Indian and Alaska Native Women and Men." <https://nij.gov/journals/277/Pages/violence-against-american-indians-alaska-natives.aspx>

## **WATCH:**

NIJ has made available an animated video version of the report narrated by Terri Henry, Secretary of State for the Eastern Band of Cherokee Indians.

<https://nij.gov/multimedia/Pages/video-violence-against-american-indian-and-alaska-native-women-and-men.aspx>



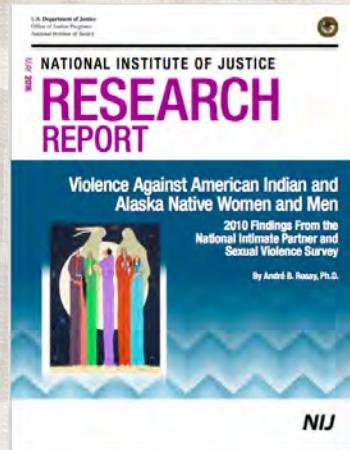
faculty members at the University of North Dakota (UND) from 2014–2016. The NIJ funded this three-year, mixed-methods exploratory study. Individual interviews and focus groups were conducted between May 2014 and September 2015 to assess perceptions of the impact of oil activity on incidents of interpersonal violence. These interviews and focus groups included 185 people residing in 33 counties in the Bakken region of North Dakota and Montana.

### **Findings Specific to the Fort Peck Assiniboine and Sioux Tribes**

The Fort Peck Assiniboine and Sioux Tribes, located in northeast area of Montana on the north side of the Missouri River, were identified as an important part of the study region. The reservation encompasses four counties, including Roosevelt, Valley, Sheridan, and Daniels Counties. According to recent U.S. Census data, Fort Peck has a total population of 10,321 and is 110 miles long and 40 miles wide.

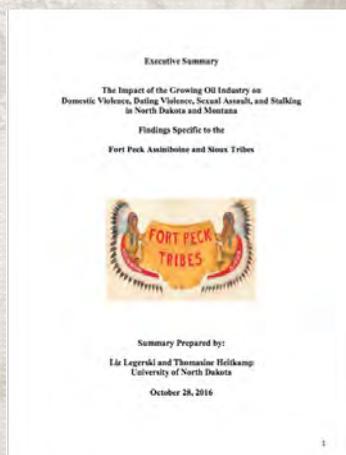
One of themes to emerge from the interviews included participants conveying their belief that the population increase in the area due to oil activity resulted in an increase in crime within the Bakken region generally and, more poignantly, a disproportionate increase in violent crime. An increase in domestic violence and sexual assault cases was also noted, along with concerns about underreporting. Many participants further noted the increase in severity of crimes and linked these changes to concerns about increased gang activity in the

area. Many participants described concerns about the growth of registered and unregistered sex offenders on their tribal lands and in the region following oil development. Participants also



described the difficulties associated with identifying and tracking sex offenders who were highly mobile and unknown to local residents. Many felt this increased the vulnerability of their youth—especially those who were already struggling with challenges.

Members of the Fort Peck Assiniboine and Sioux Tribes who participated in this study were



concerned about the changes in their community's general quality of life as a result of the Bakken oil boom. They were particularly concerned about

the increased cost of living and how the population increase had impacted residents' perceptions of safety. While the slowdown in oil production in 2015 may have been expected to alleviate some of the pressures the community was facing, several participants noted that their work as service providers had not diminished much since the fall in oil prices because many people were "stuck" in the area or waiting for the price of oil to rebound. Despite challenges described by participants, the members of the Fort Peck Assiniboine and Sioux Tribes remain committed to combating the social ills they are observing and are hopeful that they will be able to meet the challenges the Bakken oil development has caused.

### **Findings Specific to the Mandan, Hidatsa, and Arikara Nation—Three Affiliated Tribes of the Fort Berthold Indian Reservation**

The Three Affiliated Tribes of the Fort Berthold Indian Reservation, known as the Mandan, Hidatsa, and Arikara (MHA) Nation, have a land mass that lies on both sides of the Missouri River in western North Dakota. Each tribe maintains separate bands, clan systems, and ceremonial bundles. If MHA Nation were a state, it would be the seventh biggest oil producer in the United States behind Oklahoma. It encompasses six counties, including Dunn, McKenzie, McLean, Mercer, Ward, and Mountrail counties in North Dakota. Construction of the Garrison Dam in the late 1940s on their tribal

lands resulted in 152,560 acres of river bottom farmland being taken for construction and the relocation of 80% of the tribal membership.

Participants in this study vividly described their distress regarding a perceived increase in occurrences of interpersonal violence. Several participants described how oil development and population changes had contributed to the complexity of family violence and discord. As one participant eloquently summarized, the combination of oil development—which resulted in a disproportionate number of males—the growth in population, and the increase in drug abuse created a “perfect storm” leading to an increase in incidents of interpersonal violence.

Additionally, participants reported that the increase in all crimes, including domestic violence, taxed the already limited resources of local law enforcement personnel, human service providers, foster parents, health care personnel, and domestic violence advocates at MHA Nation.

As noted by one participant, this “perfect storm” contributed to a perception regarding the increase in interpersonal violence. The increased use of meth was perceived as a major contributor to not only violence against women, but children as well. We recommend support for existing and future initiatives to help address

domestic violence, dating violence, sexual assault, and stalking. This includes full implementation of the 2013 VAWA Reauthorization Act. We also recommend expanding access to culturally responsive in-patient drug and alcohol treatment services, drug and alcohol abuse counseling services, and other behavioral health services. Programs to support children affected by parental drug abuse or violence are of critical importance, including the expansion of foster care services within the MHA community so that children can remain close to family and community supports when placed out-of-home.



Montana and North Dakota Oil-Impacted Counties (outlined in red) and Tribal Nations (highlighted in yellow).

The need for adequate and affordable housing is very important. Efforts to address these concerns prior to the

next uptick in oil development are recommended.

*Principal investigators of this study are Elizabeth Legerski, PhD, and Thomasine Heitkamp, LICSW, of the University of North Dakota. Twyla Baker-Demaray joined the team in preparation of the summary report for MHA.*

## Contact the authors and principal investigators of these studies and access NIJ at:

André B. Rosay: [abrosay@alaska.edu](mailto:abrosay@alaska.edu)

Thomasine Heitkamp: [Thomasine.heitkamp@und.edu](mailto:Thomasine.heitkamp@und.edu)

Elizabeth Legerski: [Elizabeth.legerski@email.und.edu](mailto:Elizabeth.legerski@email.und.edu)

U.S. Department of Justice’s National Institute of Justice:

<http://nij.gov/Pages/welcome.aspx>

# New Report on Addressing MMIW in Quebec Nānīawig Māmawe Nīnawind—Stand With Us

In 2014, Quebec Native Women (QNW) was granted a small amount of money from the Quebec Ministry of Justice to work on the issue of MMIW (missing and murdered indigenous women) in the province. Before moving forward though, the organization insisted that the question of MMIW in Quebec had not yet been documented. QNW determined it needed to be in order to ensure appropriate and adapted intervention. As such, the organization hired an indigenous research assistant, Annie Bergeron, who together with Alana Boileau interviewed more than 50 people to explore the matter of MMIW in the French-speaking province.

## Views Expressed by People Regarding MMIW

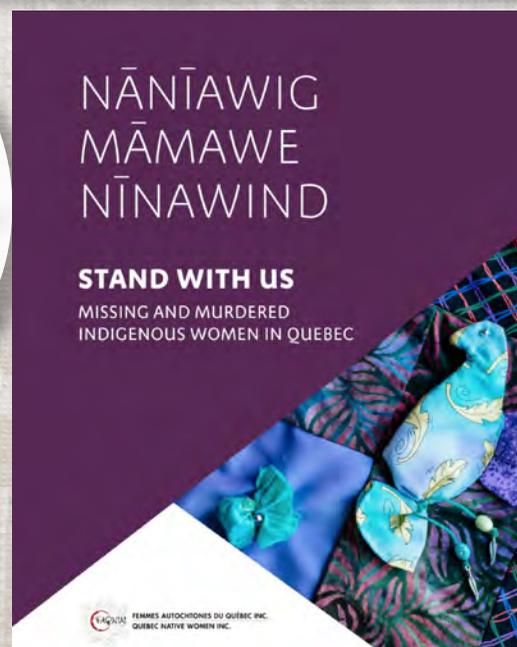
Frontline workers, justice file holders, First Nations police, and MMIW family members alike highlighted the importance of understanding the complexity of the MMIW issue and its roots in the history of colonization; the existence of family violence in indigenous communities that has to be recognized and fought against, but also contextualized and understood; the challenges of working in one's own community and the lack of adapted services and material for social workers and others; the tense and loaded relationship between indigenous people and the police; and lastly, the need for better support for families of missing or murdered indigenous women.

## Identified Actions on MMIW from an Indigenous Approach

The "Stand With Us" report ends with recommendations on actions to address issues concerning MMIW. The approach taken by QNW's organizing efforts concerning MMIW from an indigenous viewpoint and also

### REPORT AVAILABLE:

[www.faq-qnw.org/wp-content/uploads/2016/11/Naniawig-Mamawe-Ninawind-Stand-with-us-Oct-2016-engl-FINAL.pdf](http://www.faq-qnw.org/wp-content/uploads/2016/11/Naniawig-Mamawe-Ninawind-Stand-with-us-Oct-2016-engl-FINAL.pdf)



the recommendations of the report may be helpful for Indian tribes in the United States to consider in developing a tribal response. The report offers the following five courses of action:

- (1) Support women and their families
- (2) Favor collaboration between service providers
- (3) Educate and raise awareness about indigenous women and their history
- (4) Focus on solidarity and mutual aid
- (5) Develop participative prevention and intervention strategies against violence

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# 2017 VAWA Consultation: A Safeguard to VAWA Implementation

Established under the VAWA 2005 as a mandate to safeguard the successful implementation of the Safety for Native Women Title, the annual consultation serves as an essential yearly review of VAWA now plays an essential role in an annual review of VAWA by Indian tribes.

Attendance at the December 2017 annual VAWA consultation in Palm Springs, like the previous 11, was at certain points difficult to listen to as tribal leaders presented heart-wrenching stories of the violence endured by the women of their tribes. The leadership shared, too, their concerns as sovereigns and their urgent recommendations for immediate action to remove the gravest barriers, many of which are legal.

In the drafting of the 2005 Tribal Title, consultation was viewed as an essential safeguard to achieving the statutory purpose of the Title to strengthen the ability of tribal governments to increase the safety of Native women. The VAWA consultation statute mandates that during such consultations, the United States solicit recommendations from Indian tribes concerning three specific areas:

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

It is well recognized that without the statutory mandate the federal departments and Indian tribes would not have engaged over the last 11 years to identify the barriers and recommendations to increasing the safety of Native women.



December 6, 2016, Agua Caliente Band of Cahuilla Indians Reservation, CA—Each year, since 2006, the VAWA consultation opens with a traditional prayer and shawl ceremony. The ceremony was offered to the tribal coalitions in 2005 as a gift from Tlingit Elder Jessie Johnnie, from Hoonah, Alaska. In many regions tribal coalitions have created Honor Shawls for the women of their tribal nations. The Strong Hearted Native Women's Coalition led the shawl ceremony during the 2016 VAWA annual consultation pictured left to right Germaine Omish-Guachena, Keely Linton, Catherine Revelez, Linda Schwartz, and Maulette Martin.

"It is not a process of blame but one where we identify and address the real, often institutionalized, barriers to the safety of Native women. The solutions to these barriers most often rest on restoring and strengthening the sovereignty of Indian tribes," said Juana Majel Dixon, Co-chair NCAI Task Force on Violence Against Women. "The NCAI Task Force understood that for VAWA to systematically increase protections for Native women, Indian tribes as nations would need to identify barriers and solutions to enhance their abilities as governments to protect women."

VAWA 2013 built upon the annual consultation mandate and confirmed that the inclusion of a separate annual consultation continues to be essential to the implementation of VAWA with Indian tribes. This interaction on a nation-to-nation basis has allowed tribal governments and the United States to discuss matters that at the broadest level impact the safety of Indian women, and to propose strategies to address these issues.

The 2013 tribal amendments were the result of the concerns raised during the consultation process since 2006.

The 2013 tribal amendments to the annual VAWA consultation provided below were passed under at the recommendation of tribal leaders. These recommendations have greatly assisted in the success of the consultations providing all relevant federal departments attend and institutionalizing a process assuring the greatest possible participation. The amendment regarding the annual report provides for ongoing access to both the recommendations and responding actions taken by the federal departments.



In many regions, tribal coalitions have created Honor Shawls for the women of their tribal nations.

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



*More than 200 tribal leaders, representatives, and staff attended the 2016 VAWA consultation to raise their concerns and recommendations for addressing barriers to the safety of Native women.*

## National Congress of American Indians Task Force on Violence Against Women OVERVIEW OF PRIORITY ISSUES 2016 ANNUAL CONSULTATION ON VIOLENCE AGAINST WOMEN ISSUES

The Task Force was formed in 2003 and represents a national movement of tribal members and organizations dedicated to the mission of enhancing the safety of American Indian and Alaska Native women. Since the first annual VAWA consultation in 2006, members of the Task Force have participated in numerous formal consultations, informal dialogues, conference calls, meetings, and congressional hearings on the subject of violence against women. The following issues are only a partial list of those included in the Task Force summary document discussed during the tribal leaders caucus.

The 2016 tribal leaders briefing was well-attended with representatives from across Indian tribes. Task Force Co-Chairs Terri Henry and Juana Majel Dixon facilitated the caucus. Virginia Davis, NCAI staff attorney, and NIWRC consultant Jacqueline Agtuca prepared the summary of priority issues briefing document.

### A. General issues and recommendations

- Examine ways to improve public safety funding mechanisms. Currently, base funding for tribal courts, law enforcement, and detention is provided through the BIA and is entirely inadequate. Oftentimes, tribes in PL 280 jurisdictions and similar jurisdictions are completely shut out of this funding. BIA recently released an “unmet obligations” report concluding that there

is more than a \$2 billion unmet need for tribal law enforcement and courts funding. Additional funding is provided through the Departments of Justice and Health and Human Services under a series of competitive grant programs. Moreover, funding for prevention, rehabilitation, and treatment programs, which are key components of any community's approach to reducing crime, are located at IHS, SAMHSA, and elsewhere within HHS. In order to obtain this funding, tribes often must compete against each other under the priorities and guidelines set by the administering agency. Ultimately, the tribes that have the financial and human resources to employ



*December 6, 2016—NCAI Task Force Co-Chairs Juana Majel and Terri Henry join more than 200 other participants to represent their tribal nations in the 10-hour 2016 consultation over concerns and recommendations to increase the safety of American Indian and Alaska Native women.*

experienced grant writers end up receiving funding, while the under-resourced tribes may be left without. Those tribes that do receive funding cannot count on funding continuing beyond the current grant period, and tribal communities have countless stories of successful programs disappearing at the end of a 2- or 3-year grant cycle. Under this ad hoc system, tribal law enforcement will receive vehicles, but no maintenance. They will get a detention facility, but no staff. They will receive radios, but no central dispatch. The Administration should consult with tribes to develop a proposal that would bring much-needed reforms to the tribal public safety funding system to better meet local needs.

- Support the inclusion of tribal governments in the disbursements from the Crime Victims Fund. American Indians and Alaska Natives experience the highest crime victimization rates in the country. Tribal governments,

like other governments, are responsible for meeting the needs of victims in their communities. Unfortunately, tribal governments often have few or no resources available to provide services or compensation to victims.

Unlike state and territorial governments, Indian tribal governments do not receive an annual allocation from the Crime Victims Fund to help crime victims in their communities. The Administration should include a 5% tribal allocation in its budget request.

- Violation of Protection and Exclusion Orders. Tribes issue protection and exclusion orders to ensure the public safety of their members. In addition to domestic violence protection orders, these have included exclusion orders for individuals who have committed crimes related to drugs and protection orders against non-Natives for stalking and sexual assault offenses. However, tribes have a limited ability to enforce these orders in most cases. The Administration should initiate consultation with tribal governments about options to increase federal penalties and deterrence for Natives and non-Natives who violate tribal exclusion orders and protection orders.

- Address the increase in violence resulting from extractive industries. The escalation of violence due to extractive industries must be addressed by the DOJ. Industries must be held accountable for the resulting violence of itinerant workforces created within tribal communities by these industries. DOJ and DOI should create standards of protection for tribal communities for extractive industries to comply with prior to, during, and post construction to protect Native women and children. DOJ should assist Indian tribes in safeguarding the lives of Native women to avoid the usage of excessive force and violations of civil rights of tribal communities by militarized and state police forces.

## **B. U.S. Department of Justice**

- Department of Justice (DOJ) Grant Funding. For the past several years, the Administration has requested a flexible 7 percent tribal set-aside across Office



*December 5, 2016, NCAI Task Force Tribal Leaders Briefing—Virginia Davis, presents an overview of the priority issues identified by the Task Force based on meetings and discussion with tribal leaders over the last year.*

of Justice Programs (OJP) grant programs. While the set-aside has not been included in congressional appropriations, Congress has given OJP the increased flexibility it requested by appropriating \$30 million for “tribal assistance” and directing DOJ to consult with tribes about how this \$30 million should be spent. This consultation has never taken place and should happen immediately

to allow sufficient planning for the coming year’s appropriations.

- OVW Rescission from Tribal Programs. OVW continues to apply congressionally mandated rescissions to the tribal programs—for example, \$3.2 million was taken from the Grants to Tribal Governments program last year. It is our understanding that OVW has discretion to determine how to apply the rescission across its funding lines. Because of the unique federal trust responsibility and heightened federal obligations in Indian country, tribal programs should be protected from future rescissions.

## **C. Bureau of Indian Affairs**

- Prioritize taking land into trust in Alaska. Because of the legal status of the land in most Alaska Native Villages, tribal governments in Alaska generally have

very limited authority to protect their communities. The Department of Interior has recently issued regulations to allow land to be taken in to trust in Alaska, which has the potential to transform the tools available to Alaskan tribes for ensuring public safety in their communities. The Administration should work swiftly to take land into trust in Alaska.

- Address funding disparities for tribes in Public Law 280 jurisdictions. Indian nations in PL 280 jurisdictions have been provided substantially lower amounts of support from the Bureau of Indian Affairs for tribal law enforcement and tribal courts than Indian nations not subject to PL 280. Consequently, the tribes in PL 280 jurisdictions have had far less opportunity to develop their own police departments and court systems. Beginning in the 1990s, the DOJ has been supplying financial support and technical assistance to Indian nations for development and enhancement of their police departments and court systems. The Bureau of Indian Affairs should request appropriate additional federal funding to end this disparity in funding between tribes depending on their PL 280 status. In addition to the points outlined above, there are four core federal statutes—the Violence Against Women Act (VAWA), the Tribal Law and Order Act (TLOA), the Family Violence Prevention and Services Act (FVPSA), and the Victims of Crime Act (VOCA)—that have the potential to greatly improve safety for Native women. For the promise of these laws and programs to be fully realized, however, they must be fully implemented, which requires sufficient resources for tribal justice systems and ongoing coordination and consultation between various federal agencies and tribal governments. It is critical that the Departments of Justice, Interior, and Health and Human Services take direct and immediate action to ensure full and effective implementation of all provisions of these lifesaving federal laws, particularly those pertaining to the areas outlined below.

## Tribal Law Order Act of 2010 Concerns and Recommendations

### 1) Federal Accountability

TLOA, Section 201 of the Tribal Law and Order Act of 2010 requires U.S. Attorneys to coordinate with tribal justice officials on the use of evidence when declining to prosecute or refer a reservation crime. Sharing of this type of information is critical to keeping Indian women safe. Tribal officials need to be notified when a U.S. Attorney declines to prosecute sexual assault and domestic violence offenders so that, in the case of an Indian defendant, a tribal prosecution may ensue, or in all other cases, tribes can at least notify the victim of the status of the case so that she may take the necessary steps to protect herself. Many Indian tribes were involved in supporting the Mississippi Band of Choctaw in the U.S. Supreme Court Dollar General case challenging civil jurisdiction of the tribe in a case

of sexual assault of a minor tribal member. The case has raised many questions about the failure of the DOJ to prosecute the non-Indian suspect. In addition, the lack of federal coordination in the recent murder of RoyLynn RidesHorse on the Crow Reservation prompted the community to organize a Walk for Justice for RoyLynn RidesHorse.

#### Recommendation:

Hold U.S. Attorneys accountable for necessary coordination and reporting duties with

tribal justice officials under the TLOA. The safety of Indian women depends upon it.

### 2) State Accountability

Section 221 of the TLOA permits Indian tribes who are subject to state jurisdiction under PL 280 to request the U.S. Attorney General to accept federal concurrent criminal jurisdiction on the tribe's lands. Five tribes have submitted requests to the Attorney General, two of which have been approved and two of which have been denied. The Hoopa Valley Tribe, however, submitted one of the first requests under Section 221 of the TLOA in 2011, and while the Department



*"We support the Indian Law and Order Commission's recommendations in its November 2013 report to restore and enhance tribal authority to ensure the health, safety, and well-being of its members because the existing reality is that the state of Alaska's current centralized law enforcement and justice systems do not work for the remote villages of Alaska. The report further notes that the problems with safety in tribal communities are severe, but they are systematically the worst in Alaska, where off-road villages 'more closely resemble villages in developing countries than small towns in the lower 48.' We recommend the Administration work with Alaska Native Villages to implement the Commission recommendations."—Mike Williams, Secretary/Treasurer, Akiak Native Community*

announced recently the request was approved, the extension will not occur until late 2017.

Recommendations: DOJ should work expeditiously with the Hoopa Valley Tribe to extend federal criminal jurisdiction to the Hoopa Valley Reservation. DOJ should also conduct outreach and sponsor educational trainings with all eligible Indian tribes under TLOA to ensure that tribes are aware of this right and how to exercise it.

### **3) Enhanced Tribal Sentencing Authority**

Section 304 of the TLOA grants tribal courts the ability to sentence offenders for up to 3 years imprisonment for any one offense under tribal criminal law if certain protections are provided. This is a significant improvement, although this maximum sentence still falls short of the average sentence of 4 years for rape in other jurisdictions. Crucial for our purposes, tribes must have the capacity to house the offender in detention facilities that meet federal standards; otherwise, the enhanced sentencing power is meaningless.

Recommendation: Work with Congress to ensure that the Bureau of Prisons Pilot Project is reauthorized.

### **4) Prisoner Release and Reentry**

Section 601 of the TLOA requires the U.S. Bureau of Prisons (BOP) to notify tribal justice officials when a sex offender is released from federal custody into Indian country.

Recommendation: Ensure that tribal justice officials are notified of prisoner release and reentry on Indian lands, regardless of the process by which this occurs (i.e., whether the BOP Director gives notice directly to tribal justice officials or whether he gives notice to the U.S. Attorney and the U.S. Attorney is responsible for relaying that message to tribal justice officials). Proper implementation of this provision is critical to the safety of Indian women.

### **5) Full Access to Federal Databases**

TLOA requires the Attorney General to permit Indian law enforcement agencies to enter information into and obtain information from federal criminal information databases. The Task Force congratulates DOJ on its efforts to ensure through the Tribal Access Program (TAP) that all tribal law enforcement have NCIC access; however, the Task Force is concerned that not all Indian tribes will have access to the NCIC under the TAP. We understand that the program is currently limited to tribes with a SORNA-compliant sex offender registry or with a tribal law enforcement agency. There are many tribes, particularly in PL 280 jurisdictions and similar jurisdictions, however, that do not meet this criteria, but do have

tribal courts that are issuing protection orders. For these protection orders to protect victims, the tribe needs to be able to enter them into the protection order file of NCIC.

Recommendations: Ensure that all tribes have the ability under TAP to access federal databases not only for the purpose of obtaining criminal history information, but also for entering protection orders and other information into the database as well. The Task Force also recommends that the DOJ host trainings for tribal judges and law enforcement to educate each about the gaps in the current system and how to facilitate better coordination to ensure that lifesaving protection orders get entered into the NCIC database. Finally, the Task Force recommends that DOJ create a task force to identify the outstanding barriers tribes face in acquiring full access to federal criminal history databases and to develop a plan of action to resolve these issues.

These are just some of the provisions within the TLOA that will help protect the safety of Native women. The NCAI Task Force on Violence Against Women encourages the Department of Justice to fully implement all facets of TLOA and to take measures to ensure that Congress adequately funds these and other critical public safety programs in Indian country.

### **Violence Against Women Act 2013 Reauthorization**

The inclusion of a tribal title, the Safety for Indian Women title, within the Violence Against Women Act of 2005 and 2013 were historic achievements. VAWA 2005 clarified that the unique legal relationship of the United States to Indian tribes creates a federal trust responsibility to assist tribal governments in safeguarding the lives of Indian women. The NCAI Task Force recommends that the Department of Justice—in order to better fulfill its mission to protect the safety of Indian women—address the following issues and coordinate with Indian tribes regarding implementation of the proposed recommendations.

#### **1) Tribal Jurisdiction Over Non-Indian Offenders**

The lack of tribal jurisdiction over non-Indian offenders on Indian lands continues to be a key reason for the perpetuation of disproportionate violence against American Indian and Alaska Native women. VAWA 2013 addressed this issue for certain crimes of domestic violence, dating violence, and protection order violations for some tribes. Many crimes of violence against Native women and children continue to fall through the cracks and many tribes, particularly those in Alaska and in states with restrictive settlement acts such as Maine, are not able to make use of this provision. For those tribes that are implementing the

jurisdiction provision of VAWA 2013, funding and resources are a significant problem. Concerns have also been raised about how health care costs will be covered for non-Indian inmates who are sentenced in tribal courts.

Recommendations:

- Broaden and restore tribal criminal jurisdiction over non-Indian perpetrators of domestic violence, sexual assault, dating violence, and stalking that commit said crimes to all federally recognized Indian tribes.
- For Indian tribes unable to utilize the VAWA 2013 SDVCJ establish a pilot project under which tribal criminal jurisdiction over non-Indian perpetrators of domestic violence, sexual assault, dating violence, and stalking can be implemented.
- Increase funding to support implementation of VAWA 2013.

- Establish a federal workgroup to identify options for covering health care costs for non-Indians sentenced in tribal courts.

**2) Enforcement of Federal Statutes Across Indian Tribes**

Enforcement of the federal firearms provision and habitual offender statute is of concern particularly in tribal jurisdictions where tribes share concurrent jurisdiction with state governments such as under PL 280, Indian tribes impacted by restrictive settlement acts, and Alaska.

Recommendation: DOJ increase training to districts with Indian tribes where these federal statutes are not being charged and coordinate with Indian tribes to increase utilization of the statutes.

**“Right now we have a structure in place that does not address the emergency physical or mental health needs of women who have been raped or are being abused. Rape and domestic violence victims cannot get help right away. Women in the village do not have access to emergency examinations to check if their bodies are injured and need care. There is no one in the village trained to perform a forensic examination and gather forensic evidence. IHS needs to change the process to train our village health aide to provide emergency care to rape and domestic violence victims. It should also allow and train our local health aides, clinic, or the regional hospital nurses to gather forensic evidence. It is often impossible to fly a rape victim to a city offering forensic examinations. This examination should be performed, even if a victim chooses not to use it for a criminal case or trial.”**  
–Catherine Moses, Tribal Administrator, Asa’carsarmiu Tribe



# Safety and Wabanaki Women in Maine Need for Tribal Services

For women across the United States, federal reforms over the past 20 years have increased legal protections against domestic violence—physical and sexual. Many policymakers and national organizations are not aware, however, that the reach of these protections has many miles ahead to extend equally to Native women.

“We celebrate federal reforms, such as the 2013 VAWA amendment restoring tribal jurisdiction over non-Indians in domestic violence cases, but they have not served our Wabanaki women,” said Jane Root, Director of the Wabanaki Women’s Coalition (WWC). “Here at home, in Maine, these reforms do not always make a difference in our lives. One important role of our coalition is to keep our membership informed of national reforms and also inform federal and state entities of issues limiting implementation of these well-intended reforms.”

## Tribal Leadership Summit

In the role of providing Indian tribes and member programs information, the WWC hosted the first tribal leadership summit for Maine tribes to prepare for the 2016 VAWA consultation. Leadership and delegations from every Indian tribe in Maine attended the summit, including the Aroostook Band of Micmacs, the Houlton Band of Maliseet Indians, the Passamaquoddy Tribe of Indian Township, the Passamaquoddy Tribe at Pleasant Point, and the Penobscot Nation.

“It was the first of its kind for tribes in Maine. Representatives from every tribe attended, including tribal leaders, law enforcement, court personnel, and of course advocates,” said Root. “The summit focused on discussion of Maine tribal issues to present at the VAWA annual tribal consultation and barriers to the safety of Wabanaki women.”

One issue identified during the summit was the ongoing concern of the impact of the Maine Indian Claims Settlement Act on the ability of Indian tribes to protect and respond to cases of Wabanaki women being abused and in cases of sexual assault. “Over the years, Indian tribes in Maine have faced the narrow interpretation by the state that the Maine Indian Claims Settlement Act limits the authority of Indian tribes to implement

federal Indian legislation. Maine tribes, like Indian tribes across the United States, want to serve and protect Wabanaki women. And as citizens of their respective tribal nation, Wabanaki women want and have the right to such protection.” This interpretation has specifically hampered the ability of Maine tribes to protect Wabanaki women. The VAWA 2013 amendment restoring criminal jurisdiction over non-Indian domestic violence abusers is an important example and a focus of the discussion at the summit.

## Wabanaki Women’s Coalition Mission

The Wabanaki Women’s Coalition’s mission is to increase the capacity of tribal communities to respond to domestic and sexual violence, and influence tribal, national, and regional systems to increase awareness, safety, justice, and healing for all our relations.

## History

The formation of the Wabanaki Women’s Coalition (WWC) was a long-held dream of the two Maine Tribal Domestic Violence and Sexual Advocacy Programs that had been providing victim services for over 15 years. It was not until 2012 though that all five Wabanaki Tribes had domestic and/or sexual assault programming. The WWC was incorporated and received IRS 501(c)(3) status effective October 2013. The WWC was first awarded

an OWW Grants to Tribal Domestic and Sexual Violence Coalitions in 2014 and hired Jane Root as Executive Director. The WWC is now fully operational and looking forward to the fulfilling of its mission.

**Jane Root, Executive Director**

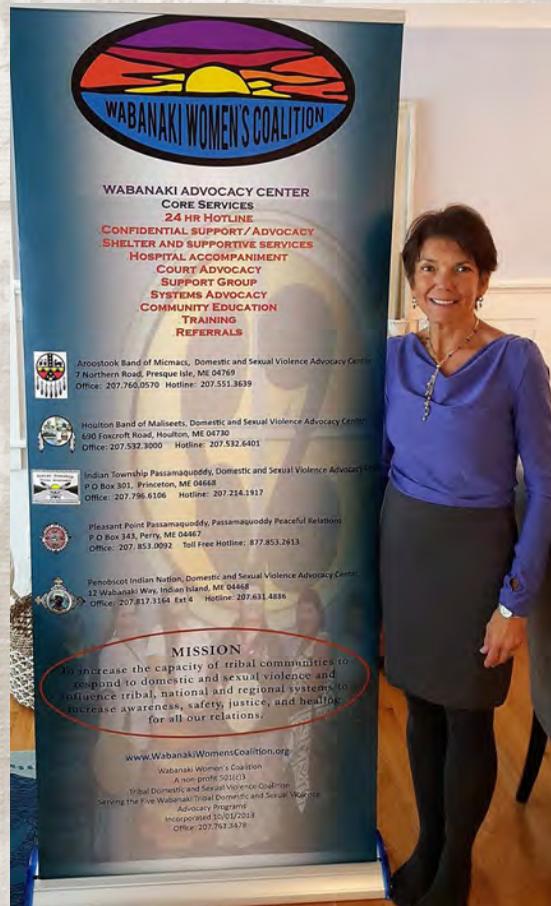
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# A VAWA to Protect All Victims

In the ongoing effort to enhance the response to violence against Native women and implement the VAWA provisions, tribal leaders and advocates providing services to Native women struggle with complicated existing federal Indian law. VAWA was first enacted in 1994 in response to the increased awareness of violence against women as a national issue creating serious consequences for the United States, including Native women and Indians tribes. Today, more than 20 years later, VAWA has not reached all Indian tribes and tribal victims.

While full implementation of VAWA has taken many jurisdictions years, Indian tribes face added challenges and barriers in their efforts. Federal Indian law is frequently referred to as a maze, and sorting through the layers and intersections of these laws often delays providing Native women the same protections afforded other women in the United States. These added challenges are troublesome and ironic in light of the federal responsibilities to Indian tribes established by treaties, executive orders, congressional acts, and Supreme Court cases.

Further complicating the implementation of VAWA are specific federal laws enacted in the past without the insight and current understanding of violence against women as a public policy and safety issue. In reviewing VAWA 2013 implementation across Indian tribes, the tribes that entered into land claims settlement acts decades ago appear to not have benefitted from some of the lifesaving reforms.

## VAWA and Self Government

Throughout VAWA, the original passed in 1994 and each reauthorization, Congress recognized the sovereign authority of Indian tribes. In addition, to the general provisions of VAWA, Congress enacted a specific title for Indian tribes when it reauthorized the Act in 2005: Title IX. Safety for Indian Women. "Indian tribes have the inherent authority to self government and this authority is essential to safeguarding the lives of Native women," said Terri Henry, Co-Chair of the NCAI Task Force on Violence Against Women. "Each Indian tribe determines and responds to domestic violence according to its own unique set of laws, traditions, culture, and beliefs, and perhaps most important to the VAWA context the manner responsive to the needs of our women."

Legislatively, Congress has recognized the essential role of Indian tribes under VAWA for more than 20 years. "The second purpose area for the VAWA tribal title of 2005 is pointedly clear on the issue of sovereignty," said Henry. "It states as one of the three purposes of the title—to strengthen

the capacity of Indian tribes to exercise their sovereign authority to respond to violent crimes committed against Indian women." Under VAWA 2013, Congress again recognized the essential role of Indian tribes in responding to domestic violence when it restored criminal jurisdiction over non-Indians in cases of domestic violence.

This pattern under VAWA finds inconsistency with some previous Congressional acts addressing tribal land claims. Indian land claims settlement acts span the time frame of 1978–2006; some contain language of concern regarding how tribes may govern and impact the tribal response specifically in cases of domestic violence. Each settlement is specific to a tribe, and while Congress provided language allowing for future amendment, reaching such an agreement with the state is often complicated.

## Immediate and Local Response Is a Tribal Response

Significantly, national experts recognize the importance of an immediate community response to cases of domestic violence, and in cases of Native women an immediate response is a local tribal response. The development of tribal services for victims of domestic violence and programs for abusers acknowledge the important role of tribal beliefs, traditions, and ceremonies in the lives of tribal people. "We are in the best

position to respond to

cases of domestic violence for the healing of victims and their families and also for accountability for abusers," said Chief Commander. "Maliseet women have a right to live safely according to their tribal beliefs and when in danger to protection by their tribal government. Similarly, for Maliseet men, the path home to overcome abusive behavior may be our traditional beliefs of respect. This is our responsibility not the state's or federal government's."

In the effort to address domestic violence, sexual assault, stalking, and dating violence in the United States, it is logical that all states, Indian tribes, and territories would possess the same sovereign rights to protect victims and hold offenders accountable. For Indian tribes, inconsistencies exist not only across the country but also within states like Maine. These inconsistencies create barriers for Native women seeking help to stop the violence threatening their physical safety, well-being, and in some cases, life. "Congress specifically stated as a finding under the 2005 Safety for Indian Women Title that the unique legal relationship of the United States to Indian tribes creates a federal trust responsibility to assist tribal governments in safeguarding the lives of Indian women," said Henry. "This finding provides clear guidance regarding tribal governance specifically on the issue of violence against Native women."



"We face frequent challenges to our tribal governance due to provisions of the Maine Indian Claims Settlement Act; sometimes these are based on disagreements on the interpretation of the Act," said Chief Brenda Commander, Houlton Band of Maliseet Indians. "As days and years are spent discussing issues of interpretation, or amending the Act, Wabanaki women are left without the same protections available to other women under VAWA."

# February 2017 International Update

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

## **Implementing Decisions of the World Conference on Indigenous Peoples**

At the 2014 World Conference on Indigenous Peoples, more than 150 indigenous nations and Native women's and tribal organizations secured commitments from the UN and its member states to implement the UN Declaration on the Rights of Indigenous Peoples. Work is ongoing to realize these important commitments set out in the World Conference Outcome Document, which include decisions to intensify efforts to address violence against indigenous women, to consider a body to implement and monitor the UN Declaration, and to create new rules for indigenous governments to participate in UN processes.

## **Human Rights Council: Taking action to end violence against indigenous women and deciding on the mandate of the implementing and monitoring body**

The UN Human Rights Council held its 33rd session on September 13-30 in Geneva, Switzerland. Indian Law Resource Center staff attending called for concrete measures to address the extreme rates of violence against indigenous women and girls around the world, including American Indian and Alaska Native women. On September 20, during its annual half-day discussion on indigenous peoples' rights, the Council held a significant panel discussion on the causes and consequences of violence against indigenous women and girls. The World Conference on Indigenous Peoples Outcome Document specifically invited the Council to consider this topic. "The Council's decision to hold this panel is largely the result of the advocacy efforts of indigenous women's organizations and other indigenous organizations," said Jana L. Walker, senior attorney at the Center. "We were pleased that the Council decided in its resolution on human rights and indigenous peoples to continue its consideration of the elimination of all forms of violence against women and girls, including indigenous women and girls, as a high priority as part of its annual program of work."

The Center developed and cosponsored written and oral statements with the Ewiiapaayp Band of Kumeyaay Indians, National Congress of American Indians, and Native American Rights Fund. These statements identify violence against indigenous women as a major human rights violation and make recommendations for actions by the UN and member states to address this crisis. They also urge establishment of an effective body to implement, promote, and monitor states' compliance with the rights in the UN Declaration on the Rights

of Indigenous Peoples. Supporters of the written statements also include: Alaska Native Women's Resource Center; Alliance of Tribal Coalitions to End Violence; California Association of Tribal Governments; Central Council of Tlingit and Haida Indian Tribes of Alaska; National Indigenous Women's Resource Center; Restoring Ancestral Winds, Inc.; Strong Hearted Native Women's Coalition, Inc.; and Washington State Native American Coalition Against Domestic Violence and Sexual Assault-WomenSpirit Coalition.

The Council also considered the reports of the Special Rapporteur on the rights of indigenous peoples and the Expert Mechanism on the Rights of Indigenous Peoples, and negotiated and adopted a resolution deciding on the mandate and structure of the implementing and monitoring body for the Declaration. Additional information on the Human Rights Council's 33rd session, including copies of oral and written statements and the above resolution and reports, is available at:

<http://indianlaw.org/safewomen/center-again-calls-un-human-rights-council-take-action-end-violence-against-indigenous-women>.

## **Standing Rock Sioux Tribe Takes #NODAPL to the United Nations**

On September 20, 2016, representatives from the Standing Rock Sioux Tribe in North Dakota addressed the UN Human Rights Council regarding the human rights issues associated with the construction of the Dakota Access Pipeline near the tribe's reservation. The Indian Law Resource Center worked alongside David Archambault II, Standing Rock Sioux Tribal Chairman, to build international support for the tribe's efforts to protect the environment and their human rights.

In an August 18, 2016, appeal to the UN, the tribe stated that the pipeline violates their human rights and is another breach of their treaties with the United States. "Thousands of people have come to Standing Rock in peaceful opposition to the Dakota Access Pipeline," said Tribal Chairman Archambault. "They have come in peace and prayer, but they have been met at times with violence. We are standing in solidarity to tell the oil companies and the federal government that you must respect our treaties and you must respect our right to peaceful protest."

"The Dakota Access Pipeline not only threatens the water supply that is fundamental to the tribe's existence, but it will also pass through and destroy burial sites and sacred places," said Robert T. Coulter, Executive Director of the Indian Law



(On left) Peterson Zah, Ambassador of the Navajo Nation to the United Nations, with part of the Navajo Nation delegation, speaks to the desire of tribal governments to participate at the UN, (Middle) (On right) Christopher Foley, ILRC Staff Attorney, joins tribal coalitions in support of the Standing Rock Sioux Tribe's efforts to protect the environment and their human rights.

Resource Center. "The pipeline should never have been approved, and its construction clearly violates principles of the UN Declaration on the Rights of Indigenous Peoples."

### Creating a New Status in the United Nations

On October 18, the President of the General Assembly announced upcoming consultations among indigenous peoples' representatives and member states on how to enable the participation of indigenous governments at the United Nations. Once the consultations conclude, a draft resolution will be finalized and adopted by the General Assembly.

Indigenous leaders gathered on December 14–15, 2016, to participate in the first consultation of the 71st session of the UN General Assembly in New York City. These consultations are being led by four advisers appointed by the President of the General Assembly—Dr. Claire Charters of the University of Auckland; Dean S. James Anaya; Ambassador Martha Ama Akyaa Pobee, Permanent Representative of Ghana to the United Nations; and Ambassador Kai Sauer, Permanent Representative of Finland to the United Nations. Indigenous leaders from the United States and around the world offered proposals and engaged in dialogue with member states and UN officials on where and how they wish to participate in the UN.

There is now great momentum in the UN to achieve a new status that recognizes the distinct political and legal character of indigenous peoples' governing institutions and tribal leaders are helping to direct the conversation. "This process is about creating a space for indigenous governments at the UN," said Terri Henry, Secretary of State for the Eastern Band of Cherokee Indians. "Indigenous governing institutions should have the opportunity to submit documents and proposals, make statements, and take part in United Nations activities on a permanent basis. We should have priority over nongovernmental organizations in regards to seating and order of speaking."

Additional consultations are scheduled for January 30–February 1, February 27–28, and on dates to be determined during the Permanent Forum on Indigenous Issues (April 24–May 5). For more information, please see the UN website: [www.un.org/development/desa/indigenouspeoples/participation-of-indigenous-peoples-at-the-united-nations.html](http://www.un.org/development/desa/indigenouspeoples/participation-of-indigenous-peoples-at-the-united-nations.html)

### Looking Ahead:

#### UN Permanent Forum on Indigenous Issues

The Permanent Forum also will hold its 16th session, including a discussion of the empowerment of indigenous women, at UN headquarters in New York City on April 24–May 5, 2017.

#### UN Commission on the Status of Women

The 61st session of the Commission will be held at UN headquarters in New York City on March 13–24, 2017. The Focus Area for this year's session is "Empowerment of Indigenous Women," a theme suggested to the Commission by the General Assembly in the World Conference on Indigenous Peoples Outcome Document. This half-day discussion will take place on March 15, from 10 a.m. to 1 p.m. (EST) and will include discussion of violence against indigenous women and girls. It is expected to be streamed on [webtv.un.org](http://webtv.un.org). The Center, along with Alaska Native Women's Resource Center, NCAI, and NIWRC, will sponsor a parallel event during the session to focus attention on the human rights implications of the issue of violence against Native women in the United States. We also expect that one or more states and the UN Secretariat for the Permanent Forum on Indigenous Issues will hold side events relating to violence against indigenous women and the empowerment of indigenous women during the session as well. For further information about this year's CSW session, including a detailed schedule and program of work, visit [www.unwomen.org/en/csw/csw61-2017](http://www.unwomen.org/en/csw/csw61-2017).

#### Human Rights Council

The Human Rights Council's 35th session will take place in Geneva, Switzerland on June 6–23, 2017. The session will include the annual full-day discussion on violence against women, interactive dialogues with the Special Rapporteur on violence against women, Special Rapporteur on trafficking in persons, especially women and children, and the Working Group on discrimination against women. During the session, there will be informal consultations on the annual resolutions on accelerating efforts to eliminate violence against women, and on the elimination of discrimination against women.

# UN Commission on the Status of Women March 2017

## Focus Area on the Empowerment of Indigenous Women

**A**s called for in the UN World Conference on Indigenous Peoples Outcome Document, the Commission on the Status of Women (CSW) has designated the Empowerment of Indigenous Women as the Focus Area for this year's 61st Session. In support of this important UN discussion, the Alaska Native Women's Resource Center, Indian Law Resource Center, National Congress of American Indians, and National Indigenous Women's Resource Center will again join in sponsoring a panel discussion to examine various legal and policy barriers that contribute to the extreme rates of violence against indigenous women, particularly in the United States, and shared challenges facing indigenous women along common national borders.

"The event will identify reforms states must undertake to empower indigenous women and discuss how the international human rights system can also be used to advance the work to end this violence and contribute to the empowerment of Indigenous women," said Jana Walker, Staff Attorney, ILRC. "We will hold this event to provide an opportunity for interactive dialogue on these issues on Wednesday, March 15, 2017, from 10:00 a.m. to 1:00 p.m."



*Terri Henry provides testimony at UN Headquarters in New York during consultation on modalities of participation for tribal governments at the UN, December 2016.*

For the past several years, the Indian Law Resource Center, National Indigenous Women's Resource Center, National Congress of American Indians, and other organizations have been participating in sessions of the UN CSW held annually at UN Headquarters in New York City. Our work at the Commission offers an important opportunity to urge the United Nations to act now to end violence against Indigenous women and to meet directly with UN member states, UN officials, and other advocates from around the world on addressing this human rights crisis.

In March 2014, a delegation of representatives from the Indian Law Resource Center, National Indigenous Women's Resource Center, National Congress of American Indians Task Force on Violence Against Women, including Lynn Hootch, tribal councilwoman at Emmonak Village Alaska, and Joann Horn, director of the Emmonak Women's shelter, participated in the 58th session of the Commission to raise awareness about violence against indigenous women in the United States, with particular attention to Alaska Native women. The delegation met briefly with representatives of states, the European Union, and Rashida Manjoo, the Special Rapporteur on Violence Against Women. We presented an oral joint statement to the Commission, urging states to adopt recommendations for combating violence against indigenous women at the 2014 World Conference on Indigenous Peoples and highlighting the Millennium Development Goals' failure to address violence against women and girls. The Commission's agreed conclusions referenced these issues raised by the delegation's advocacy.

On March 22, 2016, during the Commission's 60th session, the Alaska Native Women's Resource Center, the Indian Law Resource Center, the National Congress of American Indians, the National Indigenous Women's Resource Center, and the Native Women's Association of Canada co-sponsored Together We Are Stronger: Indigenous Women's Movements to End Violence Against American Indian, Alaska Native, and Aboriginal Women. With a full house attending, this event recognized, strengthened, and honored the growing global movement to end the human rights crisis of violence against indigenous women and girls. The delegation also met with representatives of UN member states, including the United States, Canada, and Mexico, as well as the European Union and key UN officials to discuss the extreme rates of violence against American Indian and Alaska Native women in the United States and to find out more about how to use the UN system to respond to the problems indigenous women here face.

### ***Join the UN CSW61 American Indian Parallel Event***

March 15, 2017, at 10 AM to 1 PM  
Salvation Army at 221 E. 52nd Street (52nd between 2nd and 3rd)  
New York City, NY 10022. Midtown East.

The public is welcome to attend the March 15, 2017, panel discussion. There is no fee to attend but the UN CSW requires all participants to register at **<https://www.ngocsw.org/ngo-csw-forum>**.

For more information about this year's work at the Commission and other upcoming opportunities to participate in international advocacy at the United Nations, contact the Indian Law Resource Center at [mt@indianlaw.org](mailto:mt@indianlaw.org).

### ***Important Links to Commission on Status Women 61 Preparation Materials***

Link to the CSW61 website with the posting of the Organization of Work:  
**[www.unwomen.org/en/csw/csw61-2017/official-meetings](http://www.unwomen.org/en/csw/csw61-2017/official-meetings)**

Link to the PDF of CSW61 Organization of Work:  
**<http://www2.unwomen.org/-/media/headquarters/attachments/sections/csw/61/meetings/csw61%20organization%20of%20work.pdf?v=1&d=20161214T193440>**

Link to the Indian Law Resource Center for additional information on advocacy for Indigenous women internationally:  
**[www.indianlaw.org](http://www.indianlaw.org)**

# New Civil Diversion Agreement Recognizes Village Authority, Native Village of Anvik Signs Landmark Agreement with the State of Alaska

For many years, Alaska Native tribal leaders have raised the daily injustices occurring against Native women due to the lack of law enforcement in their villages. Since 2006 the Native Village of Anvik has participated in the annual VAWA consultations raising the concern that state law enforcement is not present in the village and cannot practically respond to crimes such as domestic violence. The landmark agreement recently signed by the Village of Anvik and the State of Alaska Attorney General allowing the village to sentence misdemeanor crimes is a welcomed step forward.

While the Civil Diversion Agreement between the village and the state covers crimes broader than domestic violence, it is recognized that the agreement will specifically address the serious concerns about the current inadequate response of the state law enforcement to domestic violence in rural villages. The agreement requires state law enforcement to offer defendants of certain misdemeanor offenses a referral to the Anvik Village tribal court. The agreement allows the tribal court to provide sentencing for a variety of other offenses, such as the illegal possession of alcohol—a major problem also raised by tribal leaders from dry villages where alcohol is banned or limited. The offenders must consent to village jurisdiction and may be a member of a tribe or not.

"In our vast state, criminal justice resources get spread thin," said Attorney General Jahna Lindemuth. "By partnering with tribal governments, we get culturally based solutions. It's a win-win for the state and the tribes. I am excited that the Anvik Village Tribe has entered into this agreement and look forward to more tribes participating in this innovative program."

"Our tribe is located in a remote area of Alaska

as are most of the tribes in the state. Because of our PL 280 status, we are dependent on state law enforcement for protection of our citizens," said Jerue. "State law enforcement and prosecution are often unable to respond to domestic violence cases, which leaves perpetrators with no or remote accountability for the crimes perpetrated against victims. These situations also create apathy among the community that leaves victims at the mercy of perpetrators repeatedly."

Under this agreement, offenders who would otherwise be charged with certain fourth-degree assaults, reckless endangerment, Class B misdemeanors, crimes involving substance abuse, and certain alcohol and drug-related offenses must be given the option to go before the tribal court for a culturally based remedy, instead of state court. The offender must consent in writing and agree to a tribally imposed remedy, or face the possibility of prosecution in state court. The tribal court can also decline to take the matter and send it back to state court. In addition, the agreement retains additional safeguards and sideboards before any domestic violence offense would be diverted from state court.

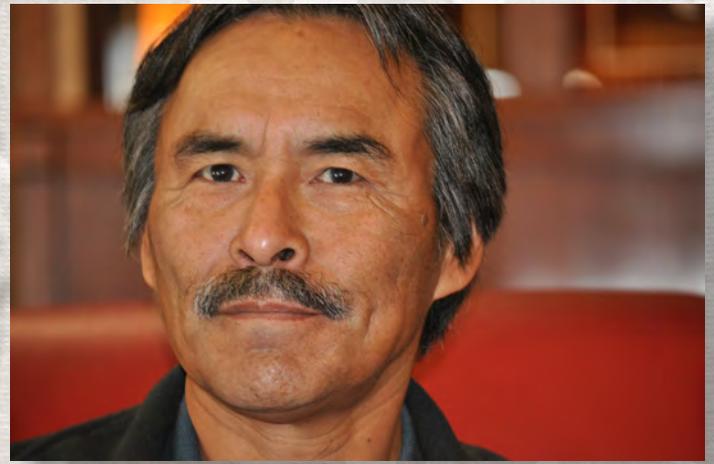
"We believe in consistency in relationship building and have taken to heart that change is dependent upon how well we communicate our needs and how effective the response of the federal government is in reaching rural Alaska," said Carl Jerue, First Chief, Village of Anvik. "Addressing violence against women is an ongoing process that can steadily increase the safety of our women. For these reasons, we have provided written and oral testimony since the first VAWA consultation in 2006. In our past oral and written VAWA consultation testimony, we have stated the hard facts describing the circumstances of many of the women who live within our village. These difficult living conditions include the lack of appropriate



January 10, 2017, Anchorage, Alaska—"We see a lack of law and order out in our villages, not only in Anvik, but throughout the state, so this is a good thing that's going to be happening for our tribal members."

—Carl Jerue, First Chief, Native Village of Anvik

**“Anvik is a small tribe and has many cultural and traditional practices that uphold respect for our women. These practices may seem strange in the context outside of our village, but we believe these traditional practices and activities will strengthen respect and safety for women.”—Carl Jerue, First Chief, Native Village of Anvik**



## Civil Diversion Statement of Purpose

WHEREAS, the state and the tribe recognize that:

- In Alaska, there are 229 federally recognized tribes that exist as sovereign governments.
- Remoteness, lack of connection to a road system, and extreme weather conditions often prevent or delay travel by law enforcement personnel into some communities, resulting in challenging law enforcement conditions.
- Tribal governments can provide local, culturally relevant remedies and are not impeded by location or harsh weather conditions.
- In addition, the use of local culturally relevant remedies may assist in lowering crime, alcohol abuse, drug abuse, domestic violence, and rates of suicide, while fostering educational achievement and economic development.
- Increasing tribal involvement in judicial services and law enforcement will encourage community involvement, create greater local accountability with respect to public safety, and promote a stronger link between the tribe, the state, and all Alaskans.

law enforcement response to domestic and sexual violence, lack of crisis services or resources to assist women following such an assault, and lack of safe shelter (due to long distances and the costs associated with those distances) for women seeking safety from violence. Where such services are available, there is a lack of consistent funding for these programs.

These concerns were also addressed by the U.S. Indian Law and Order Commission in 2013. In its report to President Obama, *A Roadmap for Making Native America Safer*, the Commission dedicated Chapter 2 to issues of concern and recommendations to address law enforcement inadequacies in villages.

“The Commission believes that devolving authority to Alaska Native communities is essential for addressing local crime. Their governments are best positioned to effectively arrest, prosecute, and punish, and they should have the authority to do so—or to work out voluntary agreements with each other, and with local governments and the state on mutually beneficial terms.”—*A Roadmap for Making Native America Safer* [www.aisc.ucla.edu/iloc/report/files/A\\_Roadmap\\_For\\_Making\\_Native\\_America\\_Safer-Full.pdf](http://www.aisc.ucla.edu/iloc/report/files/A_Roadmap_For_Making_Native_America_Safer-Full.pdf)

The Civil Diversion Agreement is available at <http://law.alaska.gov/pdf/press/170110-CivilDiversionAgreement.pdf>

# Upcoming NIWRC Webinars



## WEBINAR SCHEDULE

### February 2017

- **“Increasing Public Awareness of Missing and Murdered Native Women”** Thursday, February 9, 2017, at 12:00-1:30pm MDT. This webinar is designed to provide an overview and discussion of this crisis and the importance of increased public awareness. NIWRC will share public awareness materials to assist tribal communities and advocates in addressing the issue of missing and murdered Native women.
- **“Indigenous Healing-Mind, Body, Spirit”** Wednesday, February 22, 2017, at 2:00-3:30pm MDT. Webinar presentation on indigenous healing and how to use mindfulness as a tool of decolonizing views and empowerment. When you make the choice for healing mind body and spirit, you reclaim your power and become an active participant in your healing process.

### May 2017

- **“Domestic Violence Safety Issues When Meth Is Present”** Wednesday, May 17, 2017, at 1:00-2:30pm MDT.

### August 2017

- **“Reviving the Movement: Voices of Advocates”** Wednesday, August 23, 2017, at 1:00-2:30pm MDT.

Be sure to register and mark your calendars to keep up to date with the latest news and resource information to end gender-based violence in your tribal community. Webinars offer video-streaming training material through live interactive platform and include special guests with downloadable handout resource material.

Can't make a scheduled webinar? No problem. All webinars are recorded and archived and available for the public! Please visit [www.niwrc.org/events](http://www.niwrc.org/events) to register, watch recorded webinars and keep be on the lookout for new additions. We will announce availability of following previously recorded webinars before respective awareness months.

## REGISTER ONLINE:

[http://www.niwrc.org/events?field\\_event\\_type\\_tid=11&field\\_date\\_value%5Bvalue%5D%5Bdate%5D=Jan+26+2017](http://www.niwrc.org/events?field_event_type_tid=11&field_date_value%5Bvalue%5D%5Bdate%5D=Jan+26+2017)



## Welcome Tina Marie Osceola, NIWRC's Newly Nominated Southeast Region Board Member



**T**ina Marie Osceola is the National Indigenous Women's Resource Center's (NIWRC) newly nominated Southeast Region Board Member. Tina is an enrolled member of the Seminole Tribe of Florida, and a lifetime resident of Naples a beautiful town on Florida's Southwest Gulf Coast. Tina is a tribal associate judge for her tribe and owns several small businesses. Tina completed her undergraduate studies at Rollins College in Winter Park (BA, Political Science) and her Master's Degree in Public Administration from Nova Southeastern University. Tina is also well known as a public speaker for both local civic organizations as well as a keynote speaker for national associations and formats. Tina is married and the mother of two, and grandmother of one.



**Keep up to date with the NIWRC e-newsletter**

*Beyond the Shelter Doors*  
**Advocate!**

**W**e at the National Indigenous Women's Resource Center have been supporting and praying for the Water Protectors at the Oceti Sakowin Camp these past few of months. In our open letter/statement we called for the community to acknowledge the relationship between extractive industries and increased incidents of violence against women in communities impacted by extractive industries, and further, to hold perpetrators and industries accountable for these violent crimes. One of our current endeavors includes linking extractive industries to violence against Native women. We partnered with Liveyourdream.org, who recently published an article, NIWRC Executive Director, Lucy Simpson, wrote titled "Oil Development (DAPL) & Violence Against Native Women." We continue to send our support and prayers to the Water Protectors and the Standing Rock Sioux Tribe.

The 2016 Winter edition of *Advocate! Beyond the Shelter Doors* newsletter includes: a welcome to our new board member Wanette Lee and staff Kaycee Sherrad; heartfelt congratulations on awards received by NIWRC staff Gwendolyn Packard and Princella RedCorn; along with updates on our NativeLove youth program, the Alaska Native Women's Resource Center, winter awareness month activities, our new journalist resource page on covering violence against Native women, guest contributor Molly Ryan-Kills Enemy and her views on advocacy, and a special Speaker's Bureau spotlight on Rebecca Nagle and her work honoring survivors of rape and abuse at the Oceti Sakowin Camp.

# Update on VAWA Implementation: Special Domestic Violence Criminal Jurisdiction

**T**hirteen Indian tribes have implemented special domestic violence criminal jurisdiction (SDVCJ) over non-Indians under VAWA 2013. Through their implementation efforts, each tribe has experienced challenges and successes offering valuable lessons for other Indian tribes. The implementing tribes shared these lessons and provided updates during the December 2016 ITWG meeting held at the Agua Caliente Indian Tribe in Palm Springs, CA.

The status of nine of these Indian tribes as of November 4, 2016, is provided below. Together, they have made 82 SDVCJ arrests, resulting in 18 guilty pleas, 5 referrals for federal prosecution, 1 acquittal by jury, 19 dismissals, with 4 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 the implementing tribe is below. For more information about tribal implementation of SDVCJ, contact Virginia Davis, Staff Attorney, National Congress of American Indians.

**Pascua Yaqui Tribe (AZ).** The Pascua Yaqui Tribe began exercising SDVCJ on February 20, 2014, as part of the DOJ Pilot Project. As of November 4, they have had 35 SDVCJ investigations involving 16 separate offenders, resulting in 12 convictions, 7 dismissals, 9 declinations, 4 referrals for federal prosecution, 2 jury trials, including 1 acquittal. Half or more of the cases include alcohol or drugs; 20 children have been involved in the incidents. Pascua Yaqui reports that since they 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 November 4, they have had 15 SDVCJ arrests involving 9 defendants, resulting in 6 guilty pleas, 1 referral for federal prosecution, 2 dismissals, with 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 November 4, they have had 7 SDVCJ arrests, resulting in 4 guilty pleas, with 2 cases pending.

**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 November 4, they have had 5 SDVCJ cases, 2 defendants have been indicted by federal attorneys, 2 defendants have plead guilty in tribal court, and 1 defendant has absconded.

**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 November 4, they have had 9 SDVCJ arrests.

**Little Traverse Bay Band of Odawa Indians (MI).** The Little Traverse Bay Band of Odawa Indians began exercising SDVCJ on March 7, 2015. As of November 4, they have had no SDVCJ arrests.

**Seminole Tribe of Oklahoma.** The Seminole Tribe began exercising SDVCJ in July 2015. As of September 4, they have had no SDVCJ arrests.

**Eastern Band of Cherokee Indians (NC).** The Eastern Band of Cherokee began exercising SDVCJ in July 2015. As of November 4, they have had 10 SDVCJ arrests resulting in 8 guilty pleas, including 1 defendant who re-offended and 1 case dismissed.

**Nottawaseppi Huron Band of the Potawatomi (MI).** The Nottawaseppi Huron Band of the Potawatomi began exercising SDVCJ on March 18, 2016. As of September 4, they have had no SDVCJ arrests.

**Standing Rock Sioux Tribe (ND).** The Standing Rock Sioux Tribe began exercising SDVCJ on May 1, 2016. As of November 4, they have had one SDVCJ arrest.

## The 13 Indian tribes implementing SDVCJ include the following:

- o Pascua Yaqui Tribe (AZ)
- o Tulalip Tribes (WA)
- o Confederated Tribes of the Umatilla Reservation (OR)
- o Sisseton Wahpeton Oyate (SD/ND)
- o Assiniboine & Sioux Tribes of the Ft. Peck Reservation (MT)
- o Little Traverse Bay Band of Odawa Indians (MI)
- o Eastern Band of Cherokee Indians (NC)
- o Seminole Nation (OK)
- o Nottawaseppi Huron Band of the Potawatomi (MI)
- o Standing Rock Sioux Tribe (ND)
- o Muscogee (Creek) Nation
- o Sac and Fox Nation
- o Kickapoo Tribe of Oklahoma

## Get Technical Assistance Organizations that can assist OVC tribal grantees and potential grantees:

- National Congress of American Indians [www.ncai.org](http://www.ncai.org)
- Tribal Law and Policy Institute [www.tlpi.org](http://www.tlpi.org)
- National Council of Juvenile and Family Court Judges [www.ncjfcj.org](http://www.ncjfcj.org)



# Restoration

OF NATIVE SOVEREIGNTY AND SAFETY FOR NATIVE WOMEN

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RESTORATION OF SOVEREIGNTY & SAFETY MAGAZINE, 2003-2017

Thirteen 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 NCAL conventions and the annual USDOJ Tribal Consultation on VAWA.

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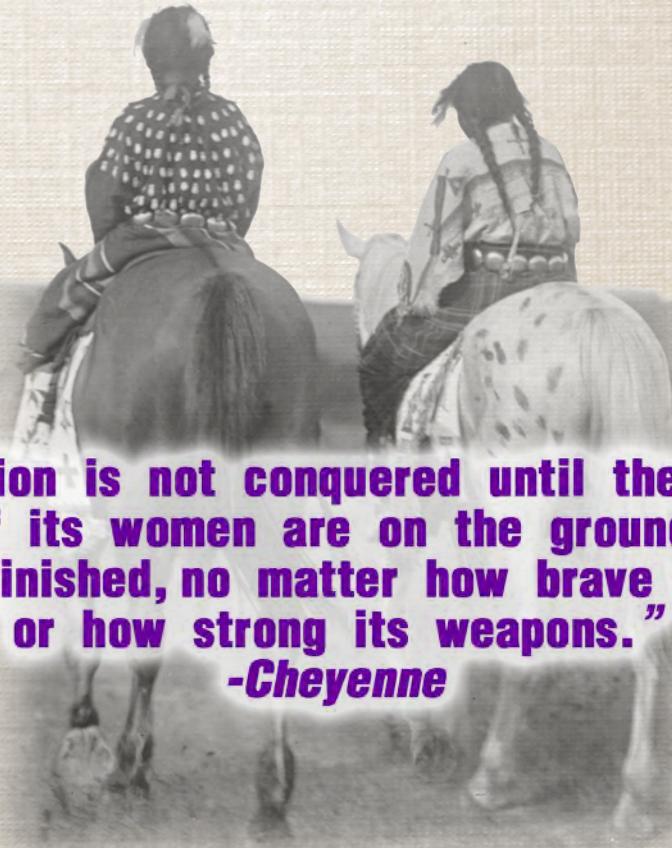
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# Restoration

OF NATIVE SOVEREIGNTY AND SAFETY FOR NATIVE WOMEN



**“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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