

# Restoration

OF NATIVE SOVEREIGNTY AND SAFETY FOR NATIVE WOMEN



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Reauthorizing VAWA and FVPSA  
Actions on Missing and Murdered Crisis  
Preparing for Annual Consultation



National Indigenous Women's Resource Center

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# Restoration

OF NATIVE SOVEREIGNTY AND SAFETY FOR NATIVE WOMEN

Dear Friends,

We have now spent several years, too many, focused on reporting and statistics. It is time for Congress and the Administration to make the substantive changes needed to save the lives of Native women and girls. On April 4, 2019, the U.S. House of Representatives voted and passed the Reauthorization of the Violence Against Women Act (H.R. 1585). It includes tribal amendments that have been a long time coming, some have been raised since the first annual consultation on violence against women in 2006, and others since the passage of the Violence Against Women Act in 1995. H.R. 1585 provides the authority and resources Indian tribes need to increase the safety of Native women.

We, the National Indigenous Women's Resource Center, are calling upon the national movement to join us in rallying the grassroots movement to educate the Senate on the urgent need to do the right thing and pass a Senate version of a bill identical to H.R. 1585. Every day lost is a day counted in lives. It continues to ignore the glaring reality that the crisis of MMIW is due to the lack of supportive resources for Native women and immediate protections. Native women seeking safety need increased local tribal services and immediate protections from local tribal law enforcement. This crisis is linked to the vulnerability of Native women created by legal barriers placed on Indian tribes and the denial of resources to maintain safe communities.

We are also calling for advocacy to educate state, county, and city governments to understand the MMIW crisis and create the response needed. NIWRC is now providing weekly updates of all legislative actions to create the necessary changes. States as sovereigns must each act to legislate and take responsibility for the failed response missing and murdered Native women and girls face. The vulnerabilities created for Native women and girls living in urban areas, PL 280 states, and other localities outside federal jurisdictions must also be addressed. The recent passage of Hanna's Act in Montana, creating and funding a missing person's specialist in the state's Department of Justice and S.B. 312 creating a state missing Indigenous persons task force are positive examples of state action.

This *Restoration* provides articles and insights on tribal efforts to reauthorize the Violence Against Women Act and the Family Violence Prevention and Services Act in 2019 to assist in these tribal and national organizing efforts. It also provides an overview of key national issues for the 2019 VAWA government-to-government mandated consultation on violence against Indian women.

The time is upon our movement to reauthorize VAWA and FVPSA! There is so much work to be done in the coming months. For our Native sisters and girls who are missing or murdered, we need every person to take a stand and join our effort calling for justice to end this epidemic of human brutality.



Lucy Simpson  
Executive Director  
NIWRC



Cherrah Giles  
Board Chair  
NIWRC





**Cover:** May 5, 2019, Syracuse, NY—Grammy award recipient Joanne Shenandoah released her new video and song “Missing You,” as part of the international movement to draw attention to the thousands of missing and murdered Native women in the United States and Canada. The song dedicated to Leah Shenandoah, Joanne’s daughter also a victim of violence. Joanne Shenandoah is Native America’s most celebrated musician and peace advocate. Shenandoah is the former Co-Chair of the National Task Force on American Indian and Alaskan Native Children Exposed to Violence which held hearings in 2014 across the country in response to an urgent need to address this crisis. The hearings revealed the extent to which Native women are subjected to physical assaults including murder. Shenandoah’s song “Missing You” is now available on You Tube. <https://www.youtube.com/watch?v=D6JAWsDEKRw>  
Photograph by Jane Feldman.

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## Editor's Note

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### What about the women? Have you seen my daughter? Sister? Mother?

In 2008, *Restoration* covered the murder of Victoria Eagleman, from the Lower Brule Sioux Tribe, located in SD. Terri Henry and I joined Tillie Black Bear, Roxanne Sazue, Karen Artichoker, Brenda Hill, Carmen O'Leary, and so many others on a walk for justice for Vicky. It was a life-changing reality check. As a movement, we had just won the passage of the *Safety for Indian Women Act in VAWA 2005*, and it seemed change was coming. Yet sitting and listening to June, Vicky's mother, talk about the days following her disappearance—all of the changes we won clearly fell short of what was needed. June previously worked at White Buffalo Calf Women's Shelter, one of the first Native women's shelters in the country. June knew what to do. June did everything possible. She did what I would have done if it were my daughter. June said, "Vicky was just going to get milk for the kids for dinner." Driving back to Rosebud was hard. It was a sinking feeling that it would take decades, lifetimes, generations to overhaul this system that has never protected Native women, and that many more lives would be taken.

In 2013, Malinda Limberhand on the Northern Cheyenne reservation also tried to report her daughter Hanna Harris as missing. The similarities in the response of the system between Vicky and Hanna are so close that it is a gut punch. Malinda was told, "Hanna is just too scared to come home." Like June, Malinda was told she could search for Hanna herself. And, like in Vicky's case, Malinda and the community did find Hanna, but it was too late. Hanna's murder was also close to the movement in that Lame Deer is the home office of NIWRC. Malinda and Hanna are our community members.

In 2008, *Restoration* covered Vicky's murder through her mother's words.<sup>1</sup> And, since 2008, it has covered the crisis of MMIW consistently over the years. The outrage of the families, the tribes, and so many others across the United States and the world has finally elevated the issue from a local level to a national level. From a family responsibility to a Congressional responsibility and United Nations responsibility.

Now that the injustices are in the public's eye, has the response of the system changed? The answer is a resounding no, it has not changed. Kimberly Loring Heavy Runner's recent testimony before the Senate Committee on Indian Affairs hearing on MMIW described the same failures in her sister's disappearance and murder.<sup>2</sup> Ashley Loring Heavy Runner went missing June 12, 2017, on the Blackfeet Reservation. The family received the same response Malinda and June received. They were not taken seriously and told: "Ashley is of age and can leave whenever she wants to."

From Vicky's disappearance on July 28, 2006, to Hanna's disappearance on July 4, 2013, to Ashley's on June 12, 2017, little has changed, the system's failed response remains the same. During this period of more than a decade, hundreds of Native women and girls have gone missing and have been murdered.

Over the last two years, much attention has centered on law enforcement failure to issue a police report and track cases of MMIW. Both issues are deserving of Congressional and public scrutiny. What is not receiving the same attention is the reality that the entire system fails Native women. Not issuing a missing person's report, conducting a search, and immediately responding after a disappearance is the end result of a system that has failed to provide a society that is safe for Native women in their homes and in public. And one that is safe on and off tribal lands. The system does not respond to cases of violence against Native women because it is not designed to respond to all of the injustices leading up to the abductions and homicides of Indian women. The ill-conceived policies, violence, maltreatment, and neglect that have led to centuries of injustice are acknowledged in two apologies—the 1998 Apology to Native Hawaiians and the 2009 Apology to Native Peoples. Sadly, the injustices continue to this day, as cases are still not taken seriously as reflected in all of the disparities Indian women and girls experience in this country prior to and after a disappearance.

Congressional champions for Native women in both the House and Senate are now demanding accountability, have proposed changes, and amendments to federal law. We hope that *Savanna's Act*, the *Not Invisible Act*, and the *Studying the Missing Indian Act* are just the beginning of the reforms to come. These congressional champions

1. *Restoration*, Vol. VII, March 2008, p 8-9.

2. <https://www.indian.senate.gov/sites/default/files/Kimberly%20Loring%20Heavy%20Runner%20Final.pdf>.



understand the dangers and pitfalls of the current criminal justice response to MMIW. As a national movement, it is crucial to express that reforms must address the entire spectrum of violence Native women experience—birth to death. Indian tribes have a unique legal relationship to the United States as stated by Congress in the findings of the VAWA 2005, Safety for Indian Women Title—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*.<sup>3</sup> Beyond criminal justice reform, Congress must recognize and honor their trust responsibilities such as providing adequate healthcare, educational and economic development resources, and safe housing to properly address the multifaceted and complex issue of MMIW.

A deeper and broader response to the crisis of MMIW is needed. While increasing the response to MMIW cases is important, prioritizing attention to providing advocacy and support to women and girls to prevent abductions and murders is critical. Support is needed at the frontline where women and girls are being killed. There are currently less than 50 Native Women's shelters across the country and no tribal rape crisis centers. Victims urgently need this advocacy and support. Support from the federal government for these much needed services in addition to criminal justice reform will help save Native Women's lives.

In the reauthorization of every VAWA, Congress has provided amendments to restore the authority of Indian tribes while also providing increased resources to assist Indian tribes toward this goal. Yet it has not been enough. The 2019 VAWA Reauthorization Act, H.R. 1585 passed in the House on April 4, 2019, recognizes the concerns and includes the recommendations of Indian tribes to enhance the tribal response to the spectrum of violence against Native women and hopefully, the beginnings of a preventive response to this crisis of MMIW. Now is the time for the Senate to do the right thing and pass a Senate version of a bill identical to H.R. 1585.

*"When I reported my daughter missing, the chief of police told me, 'She's probably drinking and too scared to come home. I was told I could search for Hanna myself. We did the search and found Hanna, but it was too late. Having a dedicated resource in the Department of Justice and a requirement that law enforcement takes a missing person report could have helped my daughter.'"*—Malinda Limberhand, 2019

Printed on the pages of *Restoration* are eleven years of reporting on the crisis of MMIW. We cannot shed enough tears for the sacred women and girls lost to violence and hatred. We send our prayers to the families of those lost. We honor our sisters as have their relatives, Indian tribes, and communities across the country by the vigils, walks, marches, and so many other social justice actions. And together, we are organizing to stand against the violence and create the changes needed. We pray these changes come this year through the reauthorizations of VAWA, and FVPSA, the tribal amendments to VOCA, and other lifesaving bills now before Congress.

*"We are a movement of resistance."*—Tillie Black Bear

Jacqueline "Jax" Agtuca,  
Editor, *Restoration*



3. VAWA 2005, Safety for Indian Women Title, §901. Finding 6.



# NIWRC Receives the Prestigious 2019 Angie Debo Civil Libertarian Award

The National Indigenous Women's Resource Center (NIWRC) was honored to receive the 2019 Angie Debo Civil Libertarian Award from the American Civil Liberties Union (ACLU) of Oklahoma.

"The ACLU of Oklahoma is honored to present the 2019 Angie Debo Civil Libertarian Award to the NIWRC in recognition of their pursuit to protect women, especially indigenous women." Said Sarah Adams-Cornell, Choctaw, Vice President, ACLU Board of Directors. "Much like the award namesake, NIWRC's resolute advocacy to make known and change disparities impacting indigenous people, including VAWA is a gold standard. The empowerment provided to our indigenous women through NIWRC resources and training can be felt throughout Indian Country."

The Angie Debo Award is named in honor of the writer, historian, and civil rights advocate Angie Debo, who relentlessly pursued justice in cooperation with the ACLU of Oklahoma during the late 1960s and 1970s. It is the highest award presented by the ACLU of Oklahoma and has been presented annually since 1971 for outstanding achievement in the fight for civil rights and civil liberties.

"NIWRC is honored to receive the 2019 Angie Debo Civil Libertarian Award," said RedCorn. "We appreciated this award as a meaningful statement of support for our organizing efforts to end violence against Native women

at its roots. It is support such as this award that sends the signal that laws limiting the authority of Indian tribes to protect women must be changed."

A founder of NIWRC, Tillie Black Bear, often said: "Who is going to advocate for the safety of Native women if not us?" The passage of VAWA in 1995 opened the door for the historic changes we have seen over the last several decades. These changes are the result of on-going organizing efforts at the tribal, regional and national level to inform Congress and federal departments.

"This year, 2019, NIWRC is again organizing for lifesaving reforms needed under VAWA, and we hope that our allies will continue to support our efforts," said Princella RedCorn, Communications Officer for the NIWRC. "Our organizing efforts to create the changes needed are rooted in the same injustices Angie Debo wrote about in her articles and books."



Pictured left to right: Alison Black (Cheyenne & Arapaho Tribe of Oklahoma and member of 2019-2020 ACLU of Oklahoma Board of Directors), Princella RedCorn (Omaha Nation of Nebraska and Communications Officer for the NIWRC) and Sarah Adams-Cornell (Choctaw Nation of Oklahoma and Board Vice President of ACLU of Oklahoma Board of Directors) pose with issues of NIWRC's Restoration Magazine and the Angie Debo Civil Libertarian Award, given to NIWRC at the April 20th, 2019 Annual Membership meeting for the ACLU of Oklahoma.



Members of Pouhana O Na Wahine pictured left to right:  
Dolly Tatofi, Mililani Martin, Aunty Nanifay Paglinawan,  
Dayna Schultz, and Rosemond Pettigrew



## Pouhana O Na Wahine Update

Pouhana O Na Wahine is a grassroots organization advocating for Native Hawaiian families who face challenges related to domestic violence and sexual assault, by exercising our inherent sovereign rights as indigenous people of Hawaii. The Board and its members come from the different islands in the Hawaiian chain.

Pouhana O Na Wahine's Board and members met on the island of Oahu at the Life Source Center in the ahupua'a (land division) of Manoa, on Saturday, February 23, 2019, to continue organizing efforts for the safety of Native Hawaiian's experiencing domestic violence and sexual assault.

NIWRC has a meeting scheduled with the Pouhana's Board on August 31 – September 1, 2019 on Oahu, including discussions on national strategies for increasing the safety of Native women, priority areas addressing domestic and gender-based violence against Native Hawaiian women, and exchange opportunities with Indian tribes, tribal coalitions and domestic violence and sexual assault organizations.



# Weaving a Braid of Support: Connecting Native Victims of Abuse with Tribal-Based Support Services

Calls to the StrongHearts Native Helpline confirm what Native advocates have known all along – Native victims of domestic violence prefer culturally-appropriate resources from their community

With more than 3,200 calls now reported, the StrongHearts Native Helpline (1-844-7NATIVE), an anonymous and confidential domestic violence and dating violence helpline for Native Americans, is fulfilling its purpose serving as the first culturally-appropriate, national helpline for Indian country.

Based on recent information gathered from randomly selected caller stories, at least 80 percent of Native American callers facing intimate partner violence (IPV) preferred to be connected with a Tribal-based and/or culturally-appropriate direct service provider rather than with their non-Native counterparts.

Since the launch of services in March 2017, the StrongHearts Native Helpline has offered callers peer advocacy, emotional support, crisis intervention, and connection to community-based resources based on location and services needed. Referrals for callers include Tribal shelters, Native legal services, sexual assault nurse examiners (SANE), and domestic violence advocates and programs connected to Tribal communities, among many other critical services.

“One of the first questions that many of our callers ask is whether our advocates are Native, and when they hear that the answer is yes, it opens the floodgates,” said Lori Jump (Sault Ste. Marie Chippewa), Assistant Director of the StrongHearts Native Helpline. “We hear how thankful they are not to have to explain who they are and how being Native impacts their victimization and survivorship.”

With a strong understanding of the importance of Tribal cultures, family, and traditions, StrongHearts advocates offer callers culturally-appropriate support, crisis intervention, assistance with safety planning and a connection to Tribal resources as they navigate the difficult barriers to justice and safety. StrongHearts advocates are available daily from 7 a.m. to 10 p.m. CST. Callers reaching out after hours can access the National Domestic Violence Hotline (1-800-799-SAFE) by selecting option 1.

In March 2019, StrongHearts increased its available hours to better serve victim-survivors of IPV, concerned family members and friends, ‘helper’ programs seeking

assistance for clients or patients, as well as people questioning their own abusive behavior. Advocates assist anyone who calls the helpline, which is available free of charge.

## Moving the Needle

Since October 1, 2018, StrongHearts call volume increased by 414% compared to the same time in the previous year. This increase is demonstrative of an unmet need for culturally-responsive services for Native victims and survivors of abuse.

“In our outreach to Tribal communities and at national events and trainings, we heard loud and clear from so many of our relatives how desperately their communities need a shelter or domestic violence program,” said Mallory Black (Diné), StrongHearts Communications Manager. “Many people tell us how they wish StrongHearts was around when they needed it and how grateful they are that a helpline now exists to provide a safe, supportive space for our Native people.”

The StrongHearts team continues to forge partnerships with Tribal coalitions and Native organizations, such as the Indian Health Service (IHS) and the Northwest Portland Area Indian Health Board. During October which is Domestic Violence Awareness Month, IHS and StrongHearts collaborated to provide a webinar about StrongHearts services to the IHS Domestic Violence Prevention Initiative (DVPI) grantees. DVPI is a congressionally mandated, nationally coordinated grant and federal award program for Tribes, tribal organizations, Urban Indian organizations, and federal facilities providing violence prevention and treatment services. IHS also published a blog post on its website sharing StrongHearts as a resource and provided a link to the helpline’s website and phone number.

In observance of Sexual Assault Awareness Month, StrongHearts partnered with the Northwest Portland Area Indian Health Board (NPAIHB) in April 2019 to facilitate a webinar on what domestic violence looks like, the signs of relationship abuse, and an overview of services available as a resource for service providers and community members. In June 2019, StrongHearts will continue to work with NPAIHB to help facilitate a





*In March 2019, the StrongHearts Native Helpline held an open house in collaboration with the Family Violence Prevention and Services Program, the National Indigenous Women's Resource Center (NIWRC) and the National Domestic Violence Hotline (The Hotline) in Eagan, Minnesota, to mark the helpline's second anniversary and new office headquarters. Pictures left to right: Tara Azure, NIWRC Training and Resource Specialist; Katie Ray-Jones, Chief Executive Office of the Hotline; Lori Jump, StrongHearts Assistant Director; Lucy Simpson, NIWRC Executive Director; Shawndell Dawson, Director of the Family Violence Prevention and Services Program, ACF/HHS; and Gwendolyn Packard, NIWRC Training & Technical Assistance Specialist.*

domestic violence training for Tribal service providers and a youth-specific dating violence workshop for Tribal communities in the Pacific Northwest region.

This year, StrongHearts is also collaborating on the Tribal Resource Tool (TRT) to provide expertise in populating its directory of services for victims of crime. The Office for Victims of Crime of the U.S. Department of Justice funded the National Center for Victims of Crime to create the TRT, a web-based resource mapping tool that provides a listing of all services available for Native survivors of crime and abuse and identifies resource gaps. The StrongHearts-TRT collaboration provides an administrative assistant position that will simultaneously provide support to both the TRT directory and the StrongHearts referral database. StrongHearts advocates utilize the helpline's referral database to connect callers with Tribally-run resources that can serve their needs in a culturally rooted way.

## The Steps Ahead

Data gathered from IPV victim-survivors reaching out to the helpline over the past two years has helped illustrate the great need for culturally-relevant advocacy, education and support services. According to StrongHearts' data from its first 25 months\* of operations, the severity of those 547 callers' experiences is telling:

- At least three out of four (77 percent) IPV victim-survivor callers who identified as Native American or Alaska Native reported being enrolled members of a federally-recognized or state-recognized tribe;
- More than four out of five (85 percent) reported emotional abuse; and
- About one-third (33 percent) had experienced financial abuse.
- Based on 17 random excerpts of caller experiences in April 2019, at least four out of five Native victim survivors (80 percent) had left or were in the process of leaving their abuser and needed additional support.



Funded by the Family and Youth Services Bureau, which administers the Family Violence Prevention and Services Act (FVPSA) in the Administration for Children and Families, U.S. Department of Health and Human Services, StrongHearts works to support the safety and healing of Native people by upholding the sovereignty of Native nations in protecting their people. Whenever possible, helpline advocates refer callers to resources connected with their Tribal communities and culture.

FVPSA is the primary federal funding stream dedicated to supporting lifesaving services and related programs for victims of domestic violence and their children. While FVPSA legislation is currently up for reauthorization, policymakers could enact legislation that includes an amendment for the permanent inclusion of the StrongHearts Native Helpline this fall.

Native advocates, including organizational efforts by the National Indigenous Women's Resource Center, have made significant steps forward to provide Tribes with the recognition, jurisdiction and resources to protect their

communities under FVPSA with each reauthorization. These advances help to support Native victim-survivors of violence in Tribal communities by breaking down barriers to justice and safety.

"Our work at StrongHearts has revealed what we have always known but struggled to prove – there is a serious resource disparity in Indian country," Jump said. "There are huge swaths of land where no resources exist for our people. In many cases, our advocates are left to refer our callers to non-Native programs, and while we are thankful for those programs, they do not always understand the specific barriers our people face. StrongHearts is a critical link supporting the safety and healing of our people and sovereignty of our communities."

*\*Based on data gathered from calls to the StrongHearts Native Helpline reported March 6, 2017 through April 30, 2019, unless otherwise specified.*

## Domestic violence is not a Native American tradition.

Does your partner ever...

- Call you names or criticize you?
- Threaten to hurt you or your children?
- Refuse to give you money for food, gas or medicine?
- Isolate you from family or friends?
- Push, slap, kick or strangle you?



**STRONGHEARTS**  
Native Helpline

Get free, confidential support at

**1-844-7NATIVE** (762-8483)

available daily from 7 a.m. to 10 p.m. CST.

Callers reaching out after hours may connect with the National Domestic Violence Hotline (1-800-799-SAFE) by selecting option 1.

Trust. Speak. Heal. Together. | [strongheartshelpline.org](http://strongheartshelpline.org)



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# NIWRC Website Selected for Inclusion in the Library of Congress

The United States Library of Congress has selected the NIWRC website for inclusion in the Library's historic collection of Internet materials related to the Women's and Gender Studies Web Archive. "It is a great honor to be included in this important collection and this historical record," said Lucy Simpson, Executive Director, NIWRC. "Internet materials on issues addressing violence against Native women is limited and on specific aspects not available."

The Library of Congress preserves important cultural artifacts and provides enduring access to them. The Library's traditional functions, acquiring, cataloging, preserving and serving collection materials of historical importance to foster education and scholarship, extend to digital materials, including websites. The Library's web archives are important because they contribute to the historical record, capturing information that could otherwise be lost. With the growing role of the web as a powerful medium, records of historic events could be considered incomplete without materials that were "born digital" and never printed on paper.

"It is amazing the speed and quantity of information passing through NIWRC's website, social media and communication's systems," said Princella RedCorn, Communication's Officer, NIWRC. "The content is historical in nature as NIWRC continues the national reform efforts and organizing required to increase safety

for Native women. It's great to know this information and work will be preserved for future generations."

The Library of Congress will start archiving in June and use the URL [niwrc.org/](http://niwrc.org/) and other portions of NIWRC's website, including public content that NIWRC's page links to third party sites such as Facebook, YouTube, etc. The Library of Congress will engage in the collection of material from NIWRC's website at regular intervals and may include it in future collections beyond the Women's and Gender Studies Web Archive. The Library will make this collection available to researchers at Library facilities and by special arrangement. The Library may also make the collection available more broadly by hosting the collection on the Library's public access website.

"We are excited the Library of Congress will preserve NIWRC's Internet materials," said Tang Cheam, Director of Information and Technology, NIWRC. "The Indigenous peoples, the general public, and researchers from across the world will now have access to NIWRC's important body of written, audio, and video materials."

Contents of the web archive will be available on the Library of Congress website in July of 2020. Check here for more information; <https://www.loc.gov/programs/web-archiving/about-this-program/> and <https://www.loc.gov/websites/>





# 2019 Annual Consultation on Violence Against Native Women

## August 21-22, 2019, New Buffalo, Michigan

This August 2019 consultation marks 14 years of government-to-government consultations between Indian tribes and federal departments on violence against Native women. Clearly, these annual consultations drive the federal legislative and policy reform efforts to increase safety for Native women forward. For more than a decade this nation-to-nation engagement as governments has provided an avenue for Indian tribes and the United States to discuss foundational issues preventing Indian tribes as governments from ensuring safety for women from abusers and predators.

At the 2018 consultation in Sioux Falls, SD, Indian tribes presented the legal, policy, and administrative issues preventing their governments from safeguarding the lives of Indian women. Many of the barriers identified by tribal leaders were legal ones—existing laws passed by Congress, U.S. Supreme Court rulings from decades ago, or administrative policies of federal departments. Tribal leaders highlighted priority concerns and recommendations, including the following:

- amendments to 25 USC 1304 to remove **remaining jurisdictional loopholes** to further the protections needed by Native women, children, and tribal personnel;
- the creation of a permanent authorization for DOJ's **Tribal Access to National Crime Information Program** and opening the program to be inclusive of all Indian tribes;
- amendments to increase protections of Native women to address the crisis of **missing and murdered Native women** in tribal communities;
- legal barriers, in conflict with the purposes of the VAWA, preventing certain Indian tribes from protecting Native women, such as in the states of **Maine and Alaska**, and
- addressing **disparities and inadequate funding** of tribes under the Crime Victim Fund and the Family Violence Prevention and Services Act.

This year's consultation occurs at a time when both the VAWA and the Family Violence Prevention Services Act have expired and must be reauthorized in 2019. It is also during a time when other significant legislation to address the safety of Native women is pending such

as the amendment to the Crime Victim Fund to create a "permanent" dedicated funding stream for Indian tribes in the SURVIVE Act introduced in both the Senate and House.

*"Under the consultation mandate, the federal departments—Departments of Justice, Health and Human Services, and Interior—must each consult annually with Indian nations on issues concerning the safety of Indian women. The annual consultation is to provide the vehicle and central point for the exchange between Indian tribes and these three federal departments." —Juana Majel, Co-Chair, NCAI Task Force on Violence Against Women.*

*"While federal departments and agencies can also consult on their particular issues, these three departments are mandated by Congress to consult. The statute is clear. It states that during the annual consultation, "the Secretary of the Department*



*of Health and Human Services and the Attorney General shall solicit recommendations from Indian tribes." In 2013 the Secretary of the Interior was added as a mandated participating federal agency. While these federal departments also consult on their particular issues, these departments are mandated to consult specifically on issues listed under the VAWA statute. This is essential because perpetrators understand the loopholes in state and federal laws and evade accountability. Creating some of the deadliest situations in the United States. It is essential that all three of the central agencies be at the consultation table.*

*Why? Because addressing this crisis is not piecemeal. The silos federal departments create to run their departments do not benefit the tribal communities these programs were designed to serve. It will take extensive coordination to remove the legal and policy barriers and implement the lifesaving reforms of VAWA."—Michelle Demmert, Co-Chair, NCAI Task Force on Violence Against Women.*



To continue to increase protections for Native women, Indian nations need to continuously identify the roadblocks and solutions that will allow tribal nations as governments to protect women. This section of *Restoration* is offered to assist tribal leaders and the movement in preparing for the 2019 consultation.

## Progress Made Based on the VAWA Annual Consultation Process

The 2019 VAWA consultation marks 14 years of annual consultations between Indian tribes and federal departments on issues concerning violence against American Indian and Alaska Native women. This consistent dialogue between tribal governments and the federal departments on the highest priorities to be addressed has created a steady process of change addressing foundational issues and also changes to increase safety in the day-to-day lives of Indian women.

*“Reforms under VAWA are a process, and each amendment is a stepping stone toward our goal of strengthening Indian tribal authority to protect their women citizens. With each amendment, we see movement toward providing more resources for Indian tribes as governments to address violence against women. The speed in reforming the antiquated system under which we live must increase so that Native women can live free from violence.”*—Lucy Simpson, Executive Director, NIWRC

### VAWA 2005 Tribal Consultation Mandate

(a) In General—The Attorney General shall conduct annual consultations with Indian tribal governments concerning the federal administration of tribal funds and programs established under this Act, the Violence Against Women Act of 1994 (Title IV of Public Law 103-322; 108 Stat. 1902), and the Violence Against Women Act of 2000 (division B of Public Law 106-386; 114 Stat. 1491).

(b) Recommendations—During consultations under subsection (a), the **Secretary of the Department of Health and Human Services and the Attorney General shall solicit recommendations from Indian tribes concerning—**

- (1) administering tribal funds and programs;**
- (2) enhancing the safety of Indian women from domestic violence, dating violence, sexual assault, and stalking; and**
- (3) strengthening the federal response to such violent crimes.**

## Consultation 2006-2018

Since 2006, tribal leaders have raised at the annual consultation the most severe roadblocks impacting the ability of Indian tribes to protect women. The barriers identified are often legal ones—existing laws passed by Congress, U.S. Supreme Court rulings from decades ago, or administrative policies of federal departments. Removing these barriers identified by tribal leaders has required ongoing discussions and national advocacy over many years.

Changes to federal law and policies are complicated due to the layers of federal Indian law. Addressing many of these barriers requires Congressional action that can occur through **changes to federal law** and at times **budget appropriations**. And some obstacles do not require Congressional action and can be made by **administrative action** of a federal department through changes to policies.

The amendment under VAWA 2000 increasing the amount of the dedicated tribal fund to 10% required amending the original amount of 4% under VAWA of 1995. The creation of a separate tribal title under VAWA in 2005 required amending VAWA 2000. The return of criminal jurisdiction to Indian tribes in cases of domestic violence made by Congress under VAWA 2013 required amending the Indian Civil Rights Act and other federal laws. And the inclusion of a dedicated tribal funding stream under the 2018 Congressional Budget Appropriations Act temporarily allows Indian tribes access to the Crime Victim Fund.

Understanding the relationship of this consultation process to the major victories of more than a decade is important in preparation for the 2019 annual consultation. Consultation provides a vehicle

### VAWA 2013 Amendments Mandate an Annual Report to Congress

“The Attorney General submits to Congress an annual report that:

- Contains the recommendations made by Indian tribes during the year covered by the report;
- Describes actions taken during the year to respond to recommendations made during the year or a previous year; and
- 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.”



for tribal governments to state their concerns, recommendations, and support or opposition to reforms under consideration. The reports from the annual consultation give a detailed record from Indian tribes on Congressional actions needed to increase the response of tribal governments to violence against Indian women. The annual government-to-government consultation provides a process for the progress to continue until safety and justice for Native women are achieved.

### Victories from Recommendations Raised by Indian Tribes During Consultation

Issues raised by tribal leaders during annual VAWA mandated consultation have resulted in steps forward to increase the safety of Native women. These gains were won based on the hard work of the national movement over many decades. The increased resources have provided the support needed to implement the necessary changes, and other changes recognize the cultural difference between tribal and non-tribal services. Listed below are examples of key changes since the annual consultation was mandated by VAWA in 2005. The challenge to our movement, tribal leaders and federal departments is to continue the forward direction of prior consultations and uphold the government-to-government consultation mandate.

**2007 OVW Policy Change**—Allowing children to be present at OVW-funded events.

**2010 Congressional Act**—Increase in sentencing limitation on tribal courts from a maximum of 1-year incarceration per offense to up to 3 years for a single

conviction under the Tribal Law and Order Act amending the Indian Civil Rights Act.

**2011 DOJ Policy Change**—28 Indian tribes allowed direct access to National Crime Information Center through the USDOJ.

**2013 Congressional Act**—Return of jurisdiction over specific non-Indian domestic violence abusers and increase in funding for the tribal coalition grant program.

**2015 State of Alaska Policy Change**—The Alaska Attorney General published a formal opinion concluding that federal law preempts the Alaska state order of protection registration law and that local and state law enforcement must enforce tribal orders of protection as a result of DOJ action.

**2015 DOJ Policy Change**—Launch of the Tribal Access Program (TAP) providing Indian tribes access to submit and obtain criminal and civil information into the National Crime Information Center databases.

**2016 OVW Administrative Response**—OVW coordinated listening session with Alaska Native villages attended by DOJ, HHS, and DOI held in Fairbanks, Alaska.

**2018 Congressional Budget Appropriations**—Funding appropriated for a dedicated tribal victims of crime program including services for domestic violence and sexual assault victims.

### Preparation for Consultation at the Tribal, Regional and National Levels

The NCAI Task Force since the first consultation in 2006, has assisted Indian tribes in preparing for the consultation. The Task Force organizes a national

webinar to summarize key national concerns and emerging issues for tribal leaders to consider in their preparation. It also coordinates a preparatory caucus for tribal leaders and representatives during which tribal leaders receive a briefing of priority issues and time to discuss their specific concerns and recommendations for the consultation the following day. This year the tribal leaders briefing and caucus will be held Tuesday, August 20, 6:30-8 PM, at the Silver Creek Room at the Four Winds Resort, in New Buffalo, Michigan. Following each year's caucus, a list of the concerns and recommendations summarizing the priority issues is developed and provided to OVW as NCAI's formal written statement.

**SAVE THE DATE**  
July 17, 2019  
WEBINAR-Tribal Consultation on Violence Against Women Act (VAWA)  
2013, Section 903  
10am Alaska/11am PST/12pm MST/1pm CST/2pm EST  
Register Here: <http://bit.ly/2H5wUel>

**Presenters:**  
Michelle Demmert, NCAI Violence Against Women Task Force, Co-Chair  
Juana Majel Dixon, NCAI Violence Against Women Task Force, Co-Chair  
Kelbie Kennedy, Policy Counsel, NCAI  
Elizabeth Carr, Senior Native Affairs Advisor, NIWRC

**National Congress of American Indians**  
**NIWRC**  
National Indigenous Women's Resource Center

For the history of VAWA consultation requirement see pages 57-60 <http://bit.ly/2f6Nhuq>  
The National Indigenous Women's Resource Center's participation in this webinar was supported by Grant Number 90EY0452-01-00 from the Administration on Children, Youth and Families, Family and Youth Services Bureau, U.S. Department of Health and Human Services.



As in past years, this *Restoration* provides a review of previous concerns and recommendations made by tribal leaders addressing the three broad statutory areas identified for consultation, and any pending legislation addressing the concerns. This section also references where relevant the tribal provisions contained in the Tribal Title and other federal statutes.

### The Federal Response to the Mandate of VAWA 2005 for Annual Consultation

Since the first consultation in 2006 the VAWA mandated consultation process organized by OVV has improved. Many of these improvements were mandated by the VAWA of 2005 and the additional amendments under VAWA 2013. In general, the tribal concerns focus on maintaining the government-to-government relationship of the annual consultation.

Tribal leaders, during consultations, have raised specific concerns and recommendations to maintain the government-to-government context of the consultation. Tribal leaders have raised consistently that the consultation is a government-to-government process and a time for tribal leaders to present the concerns and recommendations of their respective nations regarding the three broad categories stated under the statute. Tribal leaders attend with authority to represent their specific Indian tribe as a government, as do federal representatives in their capacity as federal employees. All other comments and discussion fall outside the government-to-government dialogue.

The concerns previously raised have included the following:

- Consultation is not the time for federal presentations to provide training and education.
- Framing papers developed by the federal agencies seeking a response from tribal leaders should be distributed no less than one month before the consultation if not sooner.
- The consultation agenda should reflect a

## SEC. 903. CONSULTATION.

Section 903 of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (42 U.S.C. 14045d) is amended-

Please  
join us!



## Tribal Leader's Briefing

August 20, 2019

6:30-8:00PM

Room: Silver Creek Event Center

Register: <https://tribal-leaders-briefing.eventbrite.com>

Four Winds Resort  
New Buffalo, Michigan

Hosted by Pokagon Band of Potawatomi Indians



The National Indigenous Women's Resource Center's participation in this briefing was supported by Grant Number 90EV0452-01-00 from the Administration on Children, Youth and Families, Family and Youth Services Bureau, U.S. Department of Health and Human Services.

government-to-government relationship and should not be open to the public for comment or dialogue. In 2018, OVV opened the consultation process to statements by non-profit organizations. OVV justified these statements by allowing them to occur at the end of the consultation. This opening of consultation violates the government-to-government mandate. The full agenda should be dedicated to fulfilling the statutory mandates of VAWA 2005 and VAWA 2013.

- The consultation statute mandates the Attorney General, Secretary of HHS, and DOI attend the consultation, and in both 2017 and 2018, the top leadership of these Departments did not attend the consultation. While attendance by federal leadership to make remarks is important it severely limits the government-to-government engagement.



# A Tribal Perspective on Consultation to Increase Safety for Native Women

Elizabeth Carr, Senior Native Affairs Advisor, National Indigenous Women's Resource Center

Effective consultation between tribes and federal agencies requires trust between all parties, it is an indispensable element in establishing a solid consultative relationship. Improving relationships, trust between entities, and the consultation process is a goal of mine in my role as the Senior Native Affairs Advisor at the National Indigenous Women's Resource Center.

In my previous role as Associate Director for Tribal Affairs at the U.S. Department of Health and Human Services (HHS), I was responsible for providing expert analysis, advice, and guidance to senior and political leadership on policy, regulatory and legislative issues that have a significant and direct impact on tribal governments and tribal organizations administering HHS programs. While my role was to advise, I was only able to do my job through the important input and feedback HHS received through tribal consultation.

My knowledge and understanding of tribal consultation have been shaped by my experience at HHS; however, as a tribal member and policy professional, it is evident that the consultation process throughout the federal government is inconsistent, flawed, and not functioning appropriately to ensure tribes' concerns are considered in the policy making process.

## Government to Government Relationship

Tribal governments have a unique legal relationship with the federal government as set forth in the Constitution of the United States, treaties, statutes, and court decisions. To establish and maintain a positive government-to-government relationship, communication and consultation must occur on an **ongoing basis** so that Tribes have an opportunity to provide **meaningful and timely** input on issues that may have a substantial direct effect on their people and communities.

## Executive Order 13175

Executive Order 13175 affirmed the federal government's commitment to tribal sovereignty, self-determination, and self-government.<sup>1</sup> Its purpose is to ensure that all Executive departments and agencies consult with Indian tribes and respect tribal sovereignty as they develop policy on issues that impact Indian communities.<sup>2</sup> Established in 2000 by President Bill Clinton, it has since been reaffirmed by President George W. Bush<sup>3</sup> and President Barack Obama. In 2009, President Obama directed federal agencies to engage in regular and meaningful consultation and collaboration with tribal officials in policy decisions that have tribal

1. <https://www.federalregister.gov/documents/2000/11/09/00-29003/consultation-and-coordination-with-indian-tribal-governments>.

2. <https://www.whitehouse.gov/sites/whitehouse.gov/files/omb/memoranda/2001/m01-07.pdf>.

3. <https://georgewbush-whitehouse.archives.gov/news/releases/2004/09/20040923-4.html>.

implications including, as an initial step, through the complete and consistent implementation of Executive Order 13175.<sup>4</sup>

## Tribal Consultation

While Executive Order 13175, legislation that mandates tribal consultation (VAWA 2005), and individual federal agency tribal consultation policies exist, we know that consultation is still lacking in many areas, is not effective for tribes, and is less than meaningful. VAWA 2005 statutorily mandated annual consultation on violence against Indian women, clearly recognizing the urgent need to address the barriers to their safety. It further mandated a report to Congress following the consultation containing the tribal concerns and recommendations, and the federal response, the actions and progress of the federal departments. There are many consequences of failing to meet this consultation mandate. The loss of life and suffering endured by Native women and resulting trauma upon their families, tribes, and communities make this failure unconscionable. All consultations are important, but for these reasons, the VAWA mandated consultation holds the potential to save lives.

## Improving Consultation to Address the Changes Needed

Consultation should be ongoing meaningful dialogue between tribal leaders and federal representatives on priority issues impacting Indian Country. To achieve meaningful consultation the following should take place:

- Creating a mutually agreeable definition of meaningful consultation. It is clear that currently the definition differs between tribal governments and the federal government. While a standard definition does not exist to reference, it is imperative that federal agencies understand that for consultation to meet the standard of being meaningful from a tribal perspective, it must meet a basic set of standards:
  - While annual face to face consultations are important, consultation should be ongoing. Most importantly, consultation should be timely and take place throughout the process of developing proposed policies, regulations, budgetary decisions, and/or any other decisions that may impact tribal governments.
  - Appropriate federal representatives should participate. To be a true government to government consultation, a federal representative should be the equivalent of a tribal leader and/or be the individual charged with finalizing any policy, regulation, or budget decision.

4. <https://obamawhitehouse.archives.gov/the-press-office/memorandum-tribal-consultation-signed-president>.



- In addition, federal agencies should be open to and prepared to engage in dialogue on key priority issues of the tribes. They should be open and transparent regarding the current status of the issue, any barriers to achieving the tribes' desired outcome, and potential solutions and/or compromises for the tribes to provide input and feedback on.
- Ensuring federal leaders/representatives are knowledgeable of the government to government relationship, understand Executive Order 13175 and the importance of tribal consultation. Oftentimes, federal officials lack an understanding of the Government to Government relationship which creates a less than ideal consultation process. In my experience, typically once educated, federal representatives understand and respect their responsibility to tribes and understand the importance of tribal consultation. Federal agency staff working on tribal issues should ensure that political appointees and other federal officials are provided with education on trust responsibility, the government to government relationship, and consultation requirements. It is paramount that this occurs **before** officials participate in consultation to ensure that the dialogue is focused on the

- policy priorities and not on tribal leaders educating individuals on trust responsibility.
- Developing consultation agendas in partnership between tribal representatives and federal agencies would be beneficial and ensure the priority issues of both are included.
- The entirety of the consultation agenda should be devoted to consultation. Training and supplemental events should not coincide with a consultation to maintain and achieve the purpose of the government-to-government agenda.
- Providing monthly updates on the status of priority issues that fall under the purview of the agency. Oftentimes, tribal leaders have stated they feel like they are repeating themselves from year to year. It would be helpful for federal agencies to provide status updates on the issues raised at consultation sessions throughout the year so that tribal leaders are aware of the progress that has been made on priority issues.

In closing, I am excited to begin my role at NIWRC and look forward to partner with you as tribal leaders and tribal organizations to work with federal agencies to improve consultation to make it more effective and meaningful toward increasing safety for Native women.

## Meet Elizabeth Carr, Senior Native Affairs Advisor, NIWRC



Affairs at the U.S. Department of Health and Human Services. While at USHHS she was responsible for providing expert analysis, advice, and guidance to senior and political leadership on policy, regulatory and legislative issues that have a significant and direct impact on tribal governments and tribal organizations administering HHS programs. She brings to NIWRC extensive knowledge in managing and improving federal-tribal relations and experience dedicated to the analysis, development, and implementation of federal policy related to tribal governments.

The NIWRC is engaged in ongoing national strategic policy and legislative reform efforts to enhance the sovereign authority of Indian nations to protect Native women. Elizabeth Carr's experience and expertise will significantly contribute to the national public policy and educational efforts of NIWRC. It is

perfect timing for Elizabeth Carr to join NIWRC as preparations for the 2019 VAWA mandated annual consultation are underway. Ms. Carr brings to NIWRC nearly ten years of experience in the implementation of Federal Executive Order 13175 Consultation and Coordination with Indian Tribal Governments and carrying out consultation responsibilities to ensure that the consultation process is meaningful and offers tribal governments the opportunity to provide timely input.

*"I am excited to begin working at NIWRC during this very pivotal time. It is an honor to have the opportunity to continue working on tribal issues and one as important as protecting Native women."*

—Elizabeth Carr, Senior Native Affairs Advisor, NIWRC

Elizabeth is an enrolled member of the Sault Ste. Marie Tribe of Chippewa Indians and lives in Washington. Ms. Carr joined NIWRC on April 29, 2019.

*"NIWRC is excited and welcomes Elizabeth Carr as our new Senior Native Affairs Advisor to be based in Washington. Elizabeth brings over a decade of experience and expertise in national policy and programming efforts with American Indian tribes and tribal-federal relations."*—Lucy Simpson, Executive Director, NIWRC

Elizabeth Carr most recently served as the Associate Director for Tribal Affairs in the Office of Intergovernmental and External



# Tribal Consultation 2019, August 21-22, 2019

## Priority Issues to Address Violence Against Indian Women

The following concerns and recommendations are on-going national priority issues raised during past annual consultations from 2006–2018. These issues have been voted upon by Indian tribes through tribal resolutions unanimously passed during NCAI conferences by member Indian tribes (2000–2018). Regional organizations of Indian tribes have also discussed and passed resolutions in support of these recommendations. And tribal leaders and advocates have discussed and raised concerns about these barriers to protecting Native women at numerous national meetings with the administration, federal departments and agencies, and their respective Congressional delegations.

A review of the oral and written statements made by tribal leaders during prior consultations, for more than a decade, clearly document these are not new issues but complicated legal and policy barriers embedded in the layers of federal Indian law. These issues are monitored on an on-going basis by the NCAI Task Force on Violence Against Women. The Task Force recommends that federal departments address these issues and coordinate with Indian tribes regarding the implementation of the proposed recommendations to fulfill the purposes of the VAWA Safety for Indian Women Title.

*“In 2005, advocates and tribal leaders came together as a national tribal movement to engage Congress to understand the life and death need to expand VAWA to support Indian tribes in responding to violence against Native women. After 10 years it was clear VAWA fell short, was inadequate, and needed to address the roots of the violence. To reach Indian tribes VAWA had to be more than a grant program. And, Indian tribes clearly were more than ‘grantees.’ The passage of the Safety for Indian Women Title was a historic stepping stone, but we have a long road ahead of us to reach safe ground.”—Carmen O’Leary, Executive Director, Native Women’s Society of the Great Plains; Board of Directors, NIWRC*

The recommendations that follow include amendments to federal law, changes to administrative policies, and budget appropriations. These concerns and recommendations to address barriers raised at consultation are within the context of the government-to-government legal relationship of Indian tribes to the United States. In this context it is important for tribal leaders to provide statements regarding specific legislation to inform federal departments of such positions. This clarity based on an informed mutual

understanding strengthens the tribal-federal relationship whether agreement or disagreement exist on the positions.

Many of the concerns and recommendations made by tribal leaders during past consultations are addressed in the Violence Against Women Reauthorization Act of 2019, H.R. 1585. Other recommendations are addressed in the SURVIVE Act, Justice for Native Survivors, and the Not Invisible Act. In 2018 tribal leaders raised concerns about the lack of shelter and supportive services for Indian tribes. The primary and only dedicated funding for shelter is provided under the Family Violence Reauthorization Act (FVPSA) that expired in 2015 and must be reauthorized in 2019.

The concerns and recommendations raised by Indian tribes are extensive as documented in past VAWA Consultation Reports to Congress. On the following pages are provided some of the priority issues and where available any supporting legislation. Additional information on pending legislation is also provided for VAWA on pages 24-27, MMIW on pages 28-41, FVPSA on pages 42-44, and Alaska Native villages on pages 37-39 and 44-48. A chart of pending legislation is provided at pages 22-23. We hope this information is helpful to your preparation for and engagement during the 2019 Consultation.

### **Consultation Issues Regarding Reauthorization of the Violence Against Women Act, 2019**

#### **Tribal Jurisdiction Over Non-Indian Offenders and Tribal Criminal Jurisdiction (SDVCJ)**

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. While a step forward VAWA 2013 failed to make the changes needed for Indian tribes to fully protect Native women from abusers, rapists, traffickers, and predators. It also did not address protections for tribal children and public safety personnel in the context of domestic violence crimes. And, it failed to include 228 tribes in Alaska and Indian tribes in Maine. For those tribes that are implementing the jurisdiction provision of VAWA 2013, funding and resources are a significant problem. Indian tribes are concerned about payment of health care costs for non-Indian inmates who are sentenced in tribal courts.



## Recommendations to DOJ and DOI to Support the Following as provided by the VAWA Reauthorization Act (H.R. 1585):

- Expansion of tribal criminal jurisdiction over non-Indian perpetrators of domestic violence, sexual assault, dating violence, stalking, and sex trafficking for all federally recognized Indian tribes.
- Increased funding for tribal implementation of SDVCJ.
- Inclusion of 228 Alaska Native Villages as eligible to utilize SDVCJ.
- Creation of an Alaska pilot project under which tribal criminal jurisdiction over non-Indian perpetrators of domestic violence, sexual assault, dating violence, stalking, and sex trafficking can be implemented (SDVCJ) on all land within any Alaska Native village.
- Inclusion of Indian tribes in the State of Maine as eligible to utilize SDVCJ.
- Extending protections for children and law enforcement personnel on tribal lands. As also provided by the Native Youth and Tribal Officer Protection Act (NYTOPA).
- Restoring tribal authority to prosecute non-Indians in cases of sexual assault, sex trafficking, and stalking as provided by the Justice for Native Survivors of Sexual Violence Act.

## Consultation Issue: Addressing Missing and Murdered Indigenous Women (MMIW)

The federal response to the crisis of Missing and Murdered Native Women is a failure and human rights violation. We cannot continue to ignore the importance of a fully resourced local, tribal response to prevent abductions and murders. It is a continuation of the history of genocide committed against the Indigenous peoples of this country. The tribal and public calls for justice have created a National Day of Awareness for Missing and Murdered Native Women and Girls recognized by Senate Resolutions (2017, 2018, and 2019), and this year a Presidential Proclamation. In combination, over 200 tribal, state, regional, and national organizations joined with the National Indigenous Women's Resource Center in support of the Senate MMIW resolutions. The National Day of Awareness efforts reached millions of people across the United States and the world through social media platforms. And the United Nations Commission on the Status of Women joined in support of the National Day of Awareness. This public call for increased awareness is indicative of the extent of the reality that Native women go missing on a daily basis often because of the lack of tribal advocacy services and without any response by law enforcement.

## Recommendations to DOJ, National Institute of Justice (NIJ), DOI, HHS:

- OVW, OVC, FVPSA, and IHS provide increased tribally based victim services to the families and community members of the abducted, disappeared or murdered Native women. Such services should include counseling for the children of the disappeared, burial assistance, community healing such as walks for justice and to honor the disappeared or murdered, community meals and gatherings, and other tribal-specific activities. As provided for by the SURVIVE Act.
- NIJ fully implement the VAWA 2005 program of research and specifically provide Indian tribes information regarding the disappearance and murder of Native women.
- DOJ and DOI review, revise, and create law enforcement and justice protocols appropriate to the disappearance of Native women and girls, including inter-jurisdictional issues as provided by the **Savanna's Act** (see page 34) and the **Not Invisible Act** (see page 33).
- Support the Government Accountability Office efforts to prepare and submit a report on the response of law enforcement agencies to reports of missing or murdered Indians, including recommendations for legislative solutions as provided by the **Studying the Missing and Murdered Indian Crisis Act**. See page 36.
- Coordinate efforts across all federal departments to increase support for tribal responses to the disappearance or murder of Native women and girls. As provided by the **Savanna's Act**.
- Coordinate efforts in consultation with Indian tribes to increase the response of state governments, where appropriate, to cases of the disappearance or murder of Native women or girls.

## Consultation Issue: 2019 Tribal Funding and Distribution

### Disbursement of Crime Victim Funding (VOCA) and Support for a Permanent Fix

American Indians and Alaska Natives experience the highest crime victimization rates in the country.<sup>1</sup> The newly created 3% tribal set-aside from the Crime Victims Fund was celebrated across Indian tribes. This funding held the potential to change the landscape of crime victim services in tribal communities; however, disbursement by USDOJ of these funds has not met this expectation. Tribal governments have consistently asked for grantmaking processes at DOJ that respect tribal self-determination and the government-to-government

1. Rosay, R. B. (2016). *Violence against American Indian and Alaska Native women and men: 2010 findings from the national intimate partner and sexual violence survey*. Retrieved from <https://www.ncjrs.gov/pdffiles1/nij/249736.pdf>.



relationship. Tribal leaders during the last consultation and other meetings with USDOJ and the Office for Victims of Crimes (OVC) recommended how to best use these lifesaving funds and a process for disbursement. While the timing of the FY 2018 appropriations created many challenges for administering this new funding, tribal leaders stressed the importance of demonstrating success with this inaugural round of funding. And, the NCAI Task Force offered preliminary recommendations concerning: 1) the mechanism for distributing the funds and 2) permissible uses of the funds by tribal recipients. The failure to fully disburse these lifesaving funds is unacceptable given the suffering and need for services of Indian victims.

#### **Recommendations to DOJ OVC:**

- Adopt a method of distributing the tribal funds among all federally recognized tribes that takes into account the need for sufficient base funding.
- Engage in the process of consultation with tribal governments for distribution of the tribal funds and how regulations should be tailored to address the unique tribal context.
- Until a full tribal consultation process is completed OVC distribute the funds according to the formula of the Family Violence Services and Prevention Act (FVPSA) tribal grant program at USDHHS. We recommend the base amount for VOCA tribal funding at \$300,000. The FVPSA formula was developed in consultation with tribal governments shortly after Congress created a 10% tribal set-aside in FVPSA. While focused on victims of family violence it is a particularly useful model since it also provides funding for services to crime victims. The FVPSA tribal formula provides for base funding in tiers with any remaining funds distributed to all eligible applicants on a per capita basis. Eligible applicants include all federally recognized tribes who demonstrate the capacity to provide services to victims of family violence.
- Utilize a tribally-based view of what constitutes activities that will “improve services to victims of crime” as set forth in the appropriations bill. Different tribes will have different needs, and it is important that the funding can be used flexibly. The needs of victims in tribal communities may differ significantly from those in non-tribal communities. Congress enacted the tribal set-aside to rectify a longstanding inequity between tribal governments and state and territorial governments. OVC must respect the sovereign right of tribal governments to self-determination as they respect the sovereign right of state governments to self-determination.
- Extend the grant project period up to 4 years for CVF awards. A project period of up to 4 years to spend any funds would allow tribes, when appropriate, to use the time necessary at the start

of the award period for project planning and needs assessments.

- Support a permanent fix to VOCA tribal funding stream as provided by the **SURVIVE Act**.

#### **Office on Violence Against Women (OVW) Rescission from Tribal Programs**

OVW continues to apply congressionally mandated rescissions to tribal programs; for example, \$3.2 million was taken from the 2016 Grants to Tribal Governments program. It is our understanding that OVW has the discretion to determine how to apply the rescission across its funding lines. Because of the unique federal trust responsibility and heightened federal obligations to, and disparities in crime and victimization for Indian tribes, future rescissions should not be applied to tribal grant programs.

#### **Recommendation to OVW:**

- Stop any future application of rescission to tribal grant programs.

#### **Department of Interior, Bureau of Indian Affairs Disparities in Funding**

Address funding disparities for tribes in Public Law 280 (PL 280) and similarly situated jurisdictions. Indian nations in PL 280 jurisdictions have been provided substantially lower amounts of support from the BIA 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 financially supported and provided technical assistance to Indian nations for development and enhancement of their police departments and court systems. In the past few years the DOI requested and received funding towards this end.

#### **Recommendation to BIA:**

- The BIA should continue to request appropriate additional federal funding to end this disparity in funding between tribes based on their PL 280 status.

#### **Consultation Issue: Accountability of Extractive Industries for Violence Against Native Women**

The escalation of sexual and domestic violence, including sex trafficking, due to extractive industries must be addressed by the DOJ, DOI, and HHS. Industries must be held accountable for the resulting violence of itinerant workforces created within tribal communities by these industries. Native women and their children should not be exposed to violence by felons, often times serial predators employed by such industries.

#### **Recommendations:**

- DOJ and DOI create standards of protection for tribal communities for extractive industries to comply



with before, during, and post construction to protect Native women and children, including through the federal permitting processes.

- DOJ and DOI establish screening guidelines to prevent convicted rapists, domestic violence offenders, stalkers, child predators, sex traffickers, and murderers from assignments by industries on tribal lands to prevent predators from accessing vulnerable, and often unprotected, populations of Native women and children.
- DOJ assist Indian tribes in safeguarding the lives of Native women where extractive industries employ a militarized police force to ensure no militarized tactics and usage of excessive force and/or violations of civil rights are committed against members of tribal communities.
- HHS should enhance support for services and training for shelter and related advocacy services by developing materials addressing the needs of domestic violence victims who are victimized by itinerant workers who cannot be held accountable by local tribal authorities.

### Consultation Issues: Compliance with the Tribal Law Order Act of 2010 (TLOA)

**TLOA, Section 201, Federal Accountability.** Section 201 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 cases so that, in the case of an Indian defendant, a tribal prosecution may proceed, or in all other cases, tribes can at least notify the victim of

the status of the case so that the victim may take the necessary steps for protection.

**Recommendation:** The Attorney General direct U.S. Attorneys to implement the law, Section 201, and be accountable for the necessary coordination and reporting duties with tribal justice officials under the TLOA. Failure to implement the law should be tied to employee performance and merit-based reviews.

### TLOA, Section 304, Enhanced Tribal Sentencing Authority.

Section 304 provides 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:** The DOJ work with Congress to ensure that the Bureau of Prisons Pilot Project is reauthorized.

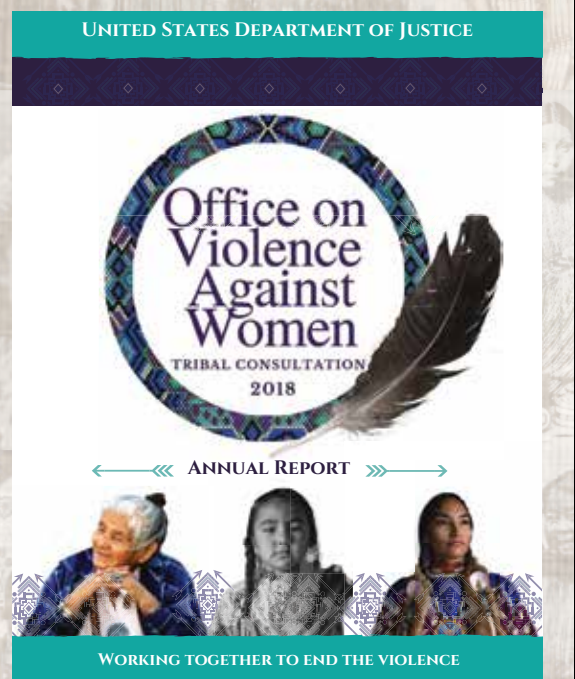
### TLOA, Section 601, Prisoner Release and Reentry.

Section 601 requires the U.S. Bureau of Prisons 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. Whether the BOP Director gives notice directly to tribal justice officials or notice to the U.S. Attorney, it is the U.S. Attorney who is responsible for relaying that message to tribal justice officials.

## 2019 Government-to-Government Violence Against Women Tribal Consultation New Buffalo, Michigan August 21-22, 2019

The 2018 consultation report, which summarizes the recommendations that USDOJ received at last year's consultation are available at <https://files.constantcontact.com/5212f69f401/302c7544-b74b-4a2e-9490-f98e3fd8538f.pdf>





# Why the United States Must Act Immediately to Stop the Violence

For over two decades, tribal advocates for Native women and tribal leaders have repeatedly raised that Congress must act to save the lives of Native women and stop the violence. Violence happens across all populations, but violence against American Indian women is different and the reasons why are not surprising. From the beginnings of the United States, the safety of Native women as citizens of Indian nations was vulnerable.

While their respective tribal nations based on teachings of respect held women as sacred, the law of the United States offered no protection. The culmination of this legacy is the current legal infrastructure by which the federal and many state governments continue to operate. Change is happening, but the toll in human life demands that Congress act in accordance to the human crisis confronting Native women and girls.

“We call upon Congress to act to address this crisis, to make the necessary changes, for Indian tribes to have the authority and resources to protect Native women.”—Elizabeth Carr, Senior Native Affairs Advisor, NIWRC

The federal government, specifically the Department of Justice, has documented this crisis and the need for changes being called for by tribal leaders. Three specific Congressional findings separate Native women from all other women in the United States and must be continually highlighted by the movement. Three injustices lived by American Indian and Alaska Native women include: higher rates of violence; violence committed more commonly by non-Native perpetrators; and as victims of violence they are less likely to receive

the services needed. These three facts reflect the inequalities imposed upon and lived by Native women from birth to death.

“To change our reality, we must understand it. Not case by case, but over lifetimes and generations. The pattern of violence over hundreds of years is what screams to be recognized and calls for change.”—Lucy Simpson, Executive Director, NIWRC

These injustices are well documented by the federal government and reflected by the following data:

**More than 4 in 5** American Indian and Alaska Native (AI/AN) women (84.3 percent) have experienced violence in their lifetime.

**More than half** of AI/AN women (56.1 percent) have experienced sexual violence in their lifetime.

**More than half** of AI/AN women (55.5 percent) have experienced physical violence by intimate partners in their lifetime.

**Almost half** of AI/AN women (48.8 percent) have been stalked in their lifetime.<sup>1</sup>

In 2019, Congressional champions have responded to this crisis with the introduction of the following legislation to address barriers raised by Indian tribes to the safety of Indian women.

1. Rosay, R. B. (2016). *Violence against American Indian and Alaska Native women and men: 2010 findings from the national intimate partner and sexual violence survey*. Retrieved from <https://www.ncjrs.gov/pdffiles1/nij/249736.pdf>.

## 2019 Legislation Addressing Violence Against Native Women

### Name & Numbers

### Summary of Bill

Violence Against Women Reauthorization Act of 2019 (VAWA)  
H.R. 1585  
Passed on 4/4/2019

1. Reauthorizes 2013 provisions and expands prosecution of non-Indians to include obstruction of justice-type crimes, sexual assault crimes, sex trafficking and stalking; and creates pilot project for five Alaska Tribes and expands the definition of Indian Country to include ANCSA lands, townsites and communities that are 75% Native. 2. Expands definition of DV to include children who witness the crime. 3. Provides a specific finding for Alaska and jurisdictional challenges because of restrictive land settlement. 4. Expands Tribal Access Program (TAP) to tribes without law enforcement. 5. Expands enforcement of tribal protection orders and specifically in Alaska with land issues. 6. Addresses MMIW in urban areas by allowing states to fund tribal victim advocates in eligible areas.



## 2019 Legislation Addressing Violence Against Native Women (cont.)

Name & Numbers	Summary of Bill
<p><b>Native Youth &amp; Tribal Officer Protection Act (NYTOPA)</b> S. 290 / H.R. 958</p>	<p>Reaffirms tribal criminal jurisdiction over non-Indians in cases of child abuse and crimes that are committed against certain public safety and justice officials responding to domestic violence under SDVCJ of VAWA 2013.</p> <p><b>Status:</b> S. 290 referred to the Indian Affairs Committee. Sen. Udall (D-NM), Sen. Murkowski (R-AK), Sen. Smith (D-MN).</p> <p>H.R. 958 referred to the Committee on Natural Resources, and the Committees on Education and Labor, Energy and Commerce, and Subcommittee on Indigenous Peoples of the United States. Rep. O'Halleran (D-AZ), Rep. Cole (R-OK), Rep Sewell (D-AL), Rep. Gallego (D-AZ), Rep. Haaland (D-NM), Rep. Kuster (D-NH). <b>Included in VAWA H.R. 1585.</b></p>
<p><b>Justice for Native Survivors of Sexual Violence Act</b> S. 288</p>	<p>Reaffirms tribal criminal jurisdiction over some crimes committed by non-Indians including sexual assault, stalking, and trafficking.</p> <p><b>Status:</b> Referred to the Committee on Indian Affairs. Sen. Smith (D-MN), Sen. Murkowski (R-AK), Sen. Udall (D-NM). <b>Included in VAWA H.R. 1585.</b></p>
<p><b>Securing Urgent Resources Vital to Indian Victim Empowerment Act (SURVIVE)</b> S. 211 / H.R. 1351</p>	<p>Directs that five percent of the total annual outlays from the Crime Victims Fund (CVF) be provided to Indian tribes to provide crime victim services and expands types of services for which the funds can be used, including domestic violence shelters, child and elder abuse programs.</p> <p><b>Status:</b> S. 211 reported favorably without amendment by the Senate Committee on Indian Affairs. Sen. Hoeven (R-ND) (with 14 bipartisan cosponsors). H.R. 1351 Rep. O'Halleran (D-AZ). <b>Included in VAWA H.R. 1585.</b></p>
<p><b>Savanna's Act</b> S. 227 / H.R. 2733</p>	<p>The bill increases coordination among all levels of law enforcement, increases data collection and information sharing, and empowers tribal governments with the resources they need in cases involving missing and murdered indigenous women and girls wherever they occur.</p> <p><b>Status:</b> S. 227 U.S. Senators Lisa Murkowski (R-AK) and Catherine Cortez Masto (D-NV). H.R.2733 Rep Deb Haaland (D-NM), Norma Torres (D-CA).</p>
<p><b>Not Invisible Act</b> S. 982 / H.R. 2438</p>	<p>Establishes an advisory committee of local, tribal and federal stakeholders to make recommendations to the DOI and DOJ on best practices to combat the epidemic of disappearances, homicide, violent crime and trafficking of American Indians and designates that an official within the BIA be charged with improving coordination of violence crime prevention across federal agencies.</p> <p><b>Status:</b> S. 982 Introduced 4/2 and referred to the SCIA. Sen. Cortez Masto (D-NV), Murkowski (R-AK), Tester (D-MT). H.R. 2438 introduced 5/1 and referred to the Committee on Natural Resources, and in addition to the Committee on the Judiciary. Rep. Debra Haaland (D-NM) with 20 cosponsors.</p>
<p><b>Studying Crisis of Missing and Murder Indian People</b> S. 366 / H.R. 2029</p>	<p>Directs the Government Accountability Office (GAO) to conduct a full review of how federal agencies respond to reports of missing and murdered Native Americans, recommend solutions based on their findings, and provide other data research and recommendations to improve the response to such cases. <b>Status:</b> S. 366 and H.R. 2029 introduced 5/6. <b>Included in VAWA H.R. 1585.</b></p>



# American Indian Tribes and the Violence Against Women Act, 1995—2019

## The Continuing Maturation of VAWA

The Violence Against Women Act (VAWA) was enacted in 1995 as a result of national grassroots organizing by battered women and advocates. These efforts included Indian women who organized to engage state and federal systems to hold governments accountable to address the national statistics, crisis, and seriousness of violence—domestic violence, sexual assault, and stalking—against women.

The Act's passage in 1995 marked the federal government's acknowledgment of the extent and pervasiveness of violence against women and the need for more dedicated resources for services, law enforcement and judicial responses to these crimes. Over the last two decades, VAWA has grown into a historic Act reshaping the laws, policies, and responses of federal, tribal, and state governments.

For each reauthorization, NIWRC has joined with the NCAI Task Force, tribal leaders, and the grassroots advocacy movement for Native women to partner with Congressional champions. This national alliance has secured legal protections and increased resources for Indian tribes to protect and support Native women. As a result, the VAWA has expanded its reach over the years to more fully include support for Indian tribes to address domestic violence, sexual assault, dating violence, stalking, and sex trafficking.

### VAWA's Tribal Amendments Since 1994

The VAWA has been reauthorized three times: 2000, 2005, and 2013. With each reauthorization of VAWA, the national movement has achieved significant victories in support of tribal authority and also resources needed to increase the safety of Native women. These legislative victories include the following highlights:

- 1994—VAWA included a 4% dedicated funding stream for American Indians and Alaska Natives tribes with a statutory purpose of *“developing, enlarging, or strengthening programs addressing the needs and circumstances of Indian tribes in dealing with violent crimes, including sexual assault and domestic violence, against women.”*
- 2000—VAWA increased the tribal dedicated funding stream from 4% to 5%, provided increased clarity regarding tribal court protection orders and enforcement, and created a tribal coalition grant program.
- 2005—VAWA included a Safety for Indian Women Title, recognizing the unique legal relationship of the United States to Indian tribes and women. Congress explicitly provided that the title was *“to*

*strengthen the capacity of Indian tribes to exercise their sovereign authority to respond to violent crimes committed against women.”* It authorized the creation of a single VAWA tribal grant program, increased tribal funding across VAWA to a minimum of 10%, created a tribal unit and Deputy Director for Tribal Affairs, and mandated annual tribal-federal VAWA consultations. VAWA 2005 also added dating violence as a new purpose area.

- 2013—VAWA included a historic amendment affirming inherent tribal authority over non-Indians committing specific acts of domestic violence or dating violence or violation of certain protection orders in the Indian country of the tribe, provided increased funding for the tribal coalition's program, and recognized sex trafficking as a new purpose area under the tribal grants program.

### Continued Support and Inclusion of Indian Tribes is Needed

These amendments demonstrate an increasing awareness of the need to address violence against Native women and the critically important role of Indian nations in the full implementation of VAWA. The high crime statistics among Native populations represent the ongoing impact colonization has had on Indian people and nations. The federal Indian legal framework is devastatingly complex and one that Native victims must confront and navigate all too frequently while seeking safety and protection.

Overall, resources are scarce and culturally appropriate resources are practically non-existent. Many barriers and questions exist concerning jurisdiction, law enforcement and/or funding availability, lack of culturally appropriate services and victim advocates, emergency shelter availability, and coordinated rape crisis responses. In addition, many Indian tribes are excluded from utilizing all of the legal advances gained under VAWA to protect and serve Native women. During the annual consultation, tribal leaders from Alaska Native villages, Indian tribes from Maine and Michigan, and other regions of the United States have testified to these restrictions and need for additional reforms under VAWA.



# Reauthorize VAWA 2019!

The House of Representatives recently passed a Violence Against Women Act Reauthorization bill—HR 1585. The NCAI Task Force strongly supported HR 1585 because it contains amendments raised by Indian tribes for more than a decade at consultations, national conferences, and meetings. HR 1585 includes lifesaving amendments outlined below and the resources for tribal leaders and advocates to make the changes needed. HR 1585 passed by bipartisan support, with a vote of 263 to 158. The “yes” votes included 33 Republicans.

The Senate has failed to introduce a bill to reauthorize VAWA.

## Tribal provisions of HR 1585:

- Restores tribal jurisdiction over non-Indians for specific crimes involving children and elders, sexual violence, stalking, sex trafficking, obstruction of justice, and assaults against law enforcement and corrections personnel (Section 903).
- Improves the response to cases of missing and murdered Indian Women:
  - Clarifies that federal criminal information database sharing extends to tribal law enforcement entities (that have no federal or state arrest authority) as designated by a tribe as maintaining public safety within a tribe’s territorial jurisdiction (Section 704).
  - Amends the DOJ STOP Formula Grant Program for states (authorized by 34 U.S.C § 10441) to address the lack of victim resources for Native American women in urban areas by providing for the inclusion of victim advocates/resources in state courts for urban American Indians/Alaskan Natives where 71 percent of the Native American population resides due to federal relocation and termination policies (Section 101 Grants).
- Creates a \$3 million authorization for DOJ’s Tribal Access Program (TAP) (Section 902).
- Directs the Government Accountability Office (GAO) to submit a report on the response of law enforcement agencies to reports of missing or murdered Indians, including recommendations for legislative solutions (Section 905).
- Changes the definition of land eligible for a tribe’s jurisdiction to include all land within any Alaska Native village for the Alaska tribal jurisdiction pilot project (Section 903).
- Expands the definition of domestic violence in the Indian Civil Rights Act of 1968, as amended by the bill, to include violence against or witnessed by a child under the age of 18, or an elder as defined by tribal law (Section 706 Definitions).

“As tribal leaders, we have no greater priority than protecting our women, children, and elders. Too often, we as Native women are invisible but today, we celebrate and thank the representatives here for seeing us, for standing with us, and for fighting with us. HR 1585 includes amendments necessary for Indian tribes to protect Native women. We urge the Senate to move quickly to take up this legislation. Victims in Indian Country cannot wait. We will not accept a bill that leaves Native victims behind. They are counting on us.” —Juana Majel-Dixon, Co-Chair for the Task Force on Violence Against Women and Recording Secretary at National Congress of American Indians (NCAI)







# A BRAID OF SAFETY FOR ALL

- Would alleviate the financial impact of expanding criminal jurisdiction by allowing the Attorney General to reimburse tribes for costs incurred to improve law enforcement, tribal court, personnel and criminal codes (Section 903 Grants).

## **Understand the Differences in House and Senate Versions of VAWA 2019**

The NCAI Task Force strongly supports HR 1585 and is working to ensure the same provisions are included in a

Senate VAWA Reauthorization bill. "We hope the Senate version of VAWA includes the tribal provisions of HR 1585," said Michelle Demmert, NCAI Task Force Co-Chair. "Understanding HR 1585 and educating Senators to include these provisions is our challenge."

In 2013, the misinformation regarding the VAWA tribal amendments created challenges for tribal leaders. Clarifying why some tribal amendments would prevent Indian tribes from protecting women and others would help was an ongoing struggle.



# PROTECT NATIVE SURVIVORS... REAUTHORIZE THE VIOLENCE AGAINST WOMEN ACT

#VAWA4ALL    #VAWA19    #TRIBALVAWA  
#VAWA4NATIVES    #VAWA4MMIW



National Indigenous Women's Resource Center

"It will be important to understand any differences between HR 1585 and a Senate proposed VAWA," said Juana Majel Dixon, NCAI Task Force Co-Chair. "This is our responsibility as tribal leaders and as a national movement. We have a government-to-government relationship with the United States and must educate Congress to understand the tribal provisions of HR 1585."

For detailed information and background materials on HR 1585 follow these online links. A copy of the bill is available at <https://www.congress.gov/116/bills/hr1585/BILLS-116hr1585pcs.pdf>. VAWA section by section is available at <https://www.congress.gov/bill/116th-congress/house-bill/1585/text>. VAWA fact sheet is available at <http://www.niwrc.org/resources/vawa-fact-sheet>.

To see how your Representative voted go to <http://clerk.house.gov/evs/2019/roll156.xml>



# Missing and Murdered Indigenous Women and Girls #MMIWG

Missing and Murdered Indigenous Women and Girls is a serious crisis within the United States. Organizing efforts, from the grassroots to national level, have brought this issue into the public's eye. As social justice actions continue to increase across Indian tribes and communities, lawmakers and government departments are being educated and held accountable to make the changes needed.

## Governmental Responses to Calls for Justice and Change

The increased attention to the issue of MMIW is long overdue. In the first five months of 2019, three bills were introduced in the Senate with companion bills in the House, and hearings on MMIW in both the Senate and House. The changes contained in these bills are needed and will bring attention to the injustices of MMIW. They are critical first steps to fully understanding the injustices and defining solutions.

As affirmed in the **2009 Apology to Native Peoples**<sup>1</sup>, the U.S. recognized that there have been years of official depredations, ill-conceived policies, and the breaking of covenants by the Federal Government regarding Indian tribes; and apologized for the many instances of violence, maltreatment, and neglect inflicted on Native Peoples. The release in 2018 of the U.S. Commission on Civil Rights **Broken Promises Report**<sup>2</sup> also continues to affirm the need for the government to fulfill their trust responsibility with appropriate allocation of resources. The crisis of MMIW is reflective of this history and ongoing failure of the United States to protect Native women. This crisis is in part what the U.S. apologized for; the lack of resources for tribes to provide justice and victim services; and, the failure of local, state and federal responses to these crimes.

The NIWRC is working in partnership with the NCAI Task Force to educate Congress to strengthen tribal authority to respond to these crimes and ensure availability of resources to support such increased tribal responses. Efforts at all levels of tribal, state and the federal government are required to begin making the changes needed. The following state and Congressional legislative actions are highlights of such change.

**National Responses:** In 2019, Congress introduced three bills in both the Senate and House to recognize, study, and increase the coordination and response of law enforcement agencies to the MMIWG crisis.

1. <https://www.congress.gov/bill/111th-congress/senate-joint-resolution/14/text>

2. <https://www.usccr.gov/pubs/2018/12-20-Broken-Promises.pdf>

The **Savanna's Act, Not Invisible Act**, and **Studying the Missing and Murdered Indian Crisis Act** were introduced this year. The last bill providing a study by the GAO of the current government response to MMIW passed out of the House and under the **Violence Against Women Reauthorization Act (HR 1585)**. In addition, the House<sup>3</sup> held a hearing on the crisis of MMIW. And, on May 5th, 2019, the White House issued a Presidential Proclamation recognizing May 5th, 2019 as the National Day of Awareness for Missing and Murder Indigenous Women.<sup>4</sup>

The U.S. Congressional effort was launched in 2017 by the delegation from Montana after the murder of Hanna Harris on the Northern Cheyenne Reservation and other abductions and killings of Native women. The 2017, Senate Resolution calling for a **National Day of Awareness** marked the first Congressional recognition of MMIW as a national issue. Like, every year since 2017, a resolution recognizing May 5, 2019, as a **National Day of Awareness for Missing and Murder Native Women and Girls** was passed in the Senate with increased support and awareness of the need to take action.<sup>5</sup> These proclamations and social justice actions on May 5 have resulted in the increasing response from Congress and the current administration.

*"As a mother, nothing will replace the loss of my daughter but by organizing to support the National Day of Awareness, and creating the changes needed I know it will help others. And Hanna and so many others will not be forgotten."*—Malinda Limberhand, Mother of Hanna Harris, Honored by the National Day of Awareness Senate Proclamation

**State Responses:** These changes are reflected in actions by city, county, state, and national legislative bodies. From the entire west coast to the great plains, southwest and upper mid-west state lawmakers have acted. Twelve states (AK, AZ, CA, NM, MN, MT, ND, NE, OR, SD, UT, WA) have introduced and passed legislation such as establishing a MMIW Task Force to respond, proclamations recognizing the National Day of Awareness, authorizing and funding a study, etc.

NIWRC is now tracking legislative actions by state and federal governments to address the crisis of MMIW. In May, NIWRC created a system to email weekly updates of this MMIW legislative activity. Every Monday

3. <https://naturalresources.house.gov/hearings/unmasking-the-hidden-crisis-of-murdered-and-missing-indigenous-women-mmiw-exploring-solutions-to-end-the-cycle-of-violence>.

4. <https://www.whitehouse.gov/presidential-actions/missing-murdered-american-indians-alaska-natives-awareness-day-2019/>.

5. <https://www.congress.gov/116/bills/sres/144/BILLS-116sres144ats.pdf>.



a compilation of MMIW legislative actions, state and federal, is released to our listserv. To sign up for the "Weekly National Legislative Summary Update," visit <https://bit.ly/2Hh1dzM>.

## Recognition and Support for Tribal Authority and Responses

The NIWRC envisions a return to Indigenous values where women are respected and recognized as sacred. The normalization of violence against Native women occurred over several hundred years as federal law and policies eroded the authority of tribal governments to protect women. It happened as the fundamental right of Native women to safety as human beings were ignored by the United States and violated. These laws and policies over time placed Native women in the status of "unprotected." Laws shape public perception and change the cultural norm of what is unacceptable or is a crime. Many of the laws that led to this crisis continue to exist today and must be changed.

*"Together, we call for prayer and healing for the families in response to this violence," said Lucy Simpson, Executive Director of the NIWRC. "But we also demand meaningful legislative reforms that remove barriers to safety for Indian women by recognizing and strengthening the sovereign ability of all tribal nations to protect Indian women and their children."*

## TAKE ACTION! Organize to Increase Protections for Native Women! Honor MMIWG!

The National Indigenous Women's Resource Center (NIWRC) continues our efforts to address this crisis and offers resources to raise awareness and organize community action. New resources include a new MMIW Special Collections Resource Page, MMIW digital awareness cards, and access to NIWRC weekly compilation of state and federal MMIW legislative actions. Connect online to any of the following resources provided to assist you in understanding and responding to the crisis of MMIWG.

- **LISTEN:** "Honoring Missing and Murdered Indigenous Women to Guide our Advocacy for Change." A recorded webinar available on NIWRC's Resource Library at [www.niwrc.org](http://www.niwrc.org).
- **SIGN ON:** Support May 5th as the National Day of Awareness for Missing & Murdered Indigenous Women & Girls! [https://docs.google.com/forms/d/e/1FAIpQLScW6R4jHRrDDBLLWXZJhkIEQt295BOgi6UGn0-g\\_xWEpL-Jg/viewform](https://docs.google.com/forms/d/e/1FAIpQLScW6R4jHRrDDBLLWXZJhkIEQt295BOgi6UGn0-g_xWEpL-Jg/viewform)

- **EXPLORE:** MMIW Special Collections Resource Listing <http://www.niwrc.org/resources/special-collection-missing-murdered-indigenous-women-girls>
- **DOWNLOAD:** Wear Red for MMIW Digital Postcards and share on your social media with hashtags: #MMIW, #MMIWG, #WhyWeWearRed- [https://drive.google.com/drive/folders/1vodfuuf\\_xIVW\\_NgLMhV5am3wVM-wRnxC?usp=sharing](https://drive.google.com/drive/folders/1vodfuuf_xIVW_NgLMhV5am3wVM-wRnxC?usp=sharing)
- **WATCH:** NIWRC's 2019 Wear Red Slide Show for MMIWG May 5th Social Media Campaign! <https://youtu.be/eCloku5VWfw>
- **DOWNLOAD:** "Tribal Community Response When a Woman is Missing: A Toolkit for Action" in NIWRC's Resource Library. <http://www.niwrc.org/resources/tribal-community-response-when-woman-missing-toolkit-action>
- **EXPLORE:** NIWRC's Online Resource Library for past webinars, reports, and articles on MMIW. <http://www.niwrc.org/resources/>
- **SHARE:** The StrongHearts Native Helpline (1-844-7NATIVE). The StrongHearts Native Helpline is a safe, confidential and free helpline for American Indians and Alaska Natives impacted by domestic violence and dating violence. Trained Native advocates offer emotional support, crisis intervention, assistance with safety planning, and a connection to local Native resources. If you or someone you know is in an abusive relationship, get free, confidential support and referrals to resources by calling 1-844-7NATIVE (762-8483), available daily from 7 a.m. to 10 p.m. CST nationwide. Callers reaching out after hours may connect with the National Domestic Violence Hotline (1-800-799-7233) by selecting option 1. More information at [www.strongheartshelpline.org](http://www.strongheartshelpline.org)
- **MMIW DATABASE:** The Sovereign Bodies Institute. <https://www.sovereign-bodies.org/mmiw-database?fbclid=IwAR15hpz2hfDmSFuqs0PZlWvH9e4VcGvdk4aT0Cqhhua7DKRR5iPOv7nxag>
- **DOWNLOAD:** Urban Indian Health Institute's "Missing and Murdered Indigenous Women & Girls: A Snapshot of data from 71 Urban Cities in the United States." <http://www.uihi.org/wp-content/uploads/2018/11/Missing-and-Murdered-Indigenous-Women-and-Girls-Report.pdf>
- **DATABASE:** NamUs-National Missing and Unidentified Persons System. <https://namus.gov>





May 5, 2019, Lame Deer, Montana—As in past years, the Northern Cheyenne Indian tribe held a justice walk and program calling for national recognition and increased response to the crisis of MMIW. Pictured from left to right Northern Cheyenne President Rynalea Whiteman Pena, mother of Hanna Harris Malinda Harris Limberhand, Montana House of Representative Rae Peppers, and Hanna's sister Rose Harris. Representative Peppers (D-Lame Deer) was the primary sponsor of Montana Bill 21, Hanna's Act. The Act provides for a new Montana state missing persons specialist to track cases. **Native Americans make up 6.7 percent of the state's population yet account for 26% of the missing persons reports. 23 of Montana's 77 missing women, or 30 percent, are Native American.** Lame Deer is where NIWRC's main office is located and is home for many staff members.



# A National Day of Awareness: Recognition of the Crisis

This year S. Res. 144 designating May 5th as a **National Day of Awareness** was introduced by Senator Daines and joined by Senators Tester, Hoeven, Rounds, Warren, Gardner, Crapo, Lankford, and Murkowski. As in 2017 and 2018, the Senate resolution passed by unanimous consent. These National Day of Awareness resolutions acknowledge the wrong done to missing and murdered Native women and girls and honors their lives. The resolutions are the beginnings of change, the opening of national recognition of the wrongs committed against Native women. Public honoring's are important, they offer a path for the healing of the families and communities from the trauma of the disappearance or murder of loved one. The National Day of Awareness is also a call for justice for the changes needed to prevent future abductions, to prevent future killings, and future murders. NIWRC is honored to share the full remarks of Malinda Limberhand, the mother of Hanna Harris, during a national webinar honoring missing and murdered Native women and girls.

*I want to thank all of you for joining us today.*

*Each one of you by joining is taking action to say enough-is-enough. Together we are raising our voices calling for justice for our Native women and girls. We are saying to this state, country and the world that the lives of Native women and girls are important.*

*Hanna went missing on July 4, 2013. Like in so many cases of missing Native women the system was slow to respond. We as her family, friends,*

*and community had to conduct the search for Hanna. And this is what happens across Indian tribes when a Native women or girl goes missing or disappears. This failed response is not acceptable and must change.*

*Today's webinar and the other actions being held are so important to telling our story. We are telling the world Native women do matter. We are telling the world the disappearance of a Native woman or girl must be responded to and not ignored.*

*As a mother of a Native woman who became one of the "Missing and Murdered" I am committed to organizing to make these changes happen. I do this for my daughter and all our missing and murdered Native women.*

*This is not a new problem. It is an old problem. Traditionally Native women were respected. But today we face levels of violence greater than any other group of women. This violence touches every family. Every tribe has Native women and girls who are missing or have been murdered. Since Hanna went missing and was found murdered, I have become very aware of how large a problem we face as Native women and as tribes. The Department of Justice has found that in some tribal communities, American Indian women face murder rates that are more than 10 times the national average.*

*Hanna was just 21 years old when she went missing. Her future was stolen, and her beautiful son denied his mother. Like Hanna murdered Native women will not live to see their dreams come true. Their tribes will not see their talents and contributions.*

*As a mother, nothing will replace the loss of my daughter but by organizing, by working to support the National Day of Awareness, and creating the changes needed I know it will help others. And Hanna and so many others will not be forgotten.*

*To end this problem, we must understand it. Many Native women go missing or are murdered by a rapist, abuser, sex trafficker, or as in the movie "Wind River" oil rig workers. These men rape, abuse, beat, and murder Native women because we are seen as "unprotected." They know nothing will be done.*





Acceptance of violence against Indian women is not new. It goes back to the Indian wars and the boarding schools when violence was used by the government. It also goes back to an old standard of not doing anything when an Indian woman was raped, beaten or murdered. It is an old problem we continue to live with today.

Bad people commit these horrible crimes against Native women, but it is the system that allows it to happen generation after generation.

This needs to stop. The system must change. And that is why I am speaking today.

A National Day of Awareness for Missing and Murdered Native Women and Girls will help shed light on this horrible reality. I thank Senator Daines and Tester for leading the way for passage of the Senate resolution declaring May 5, 2019, Hanna's birthday, as a National Day of Awareness for Missing and Murdered Native Women and Girls.

To all those supporting missing and murdered Native women across Indian tribes I say thank you! I ask you to wear red to honor our missing and murdered Native women and girls! Post your actions on social media! Tell the world of these crimes!

Together we must stand for justice and safety for our daughters, granddaughters, sisters, mothers, grandmothers! We must stand for all Native women and girls!

Néá'eše! Thank you!

—Malinda Limberhand, Mother of Hanna Harris,  
Member of the Northern Cheyenne Tribe



"When I reported my daughter missing, the chief of police told me, 'She's probably scared to come home.' I was told I could search for Hanna myself. We did the search and found Hanna, but it was too late. Having a dedicated resource in the Department of Justice and a requirement that law enforcement takes a missing person report could have help my daughter."

—Malinda Limberhand



# The “Not Invisible Act of 2019,” Legislation to Increase Coordination Efforts to Address the Crisis of Missing, Murdered and Trafficked Native Women

The Not Invisible Act of 2019 is legislation aimed at addressing the crisis of missing, murdered, and trafficked Native people by engaging law enforcement, tribal leaders, federal partners, and service providers and improving coordination across federal agencies. This bipartisan bill will establish an advisory committee of local, tribal and federal stakeholders to make recommendations to the Department of Interior and Department of Justice on best practices to respond to the crisis of disappearances, homicide, violent crime, and trafficking of Native Americans and Alaska Natives.

H.R. 2438 is the first bill in history to be introduced by four enrolled members of federally recognized tribes. The bipartisan backers include Rep. Deb Haaland (D-NM), and Reps. Tom Cole (R-Okla.), Sharice Davids (D-Kan.), and Markwayne Mullin (R-Okla.).

“Women are disappearing and dying in Indian country. We must act.”

—Rep. Deb Haaland



The Not Invisible Act, S. 982, also has bi-partisan support and was introduced by U.S. Senators Catherine Cortez Masto (D-NV), Lisa Murkowski (R-AK), and Jon Tester (D-MT). “Human trafficking is a horrifying reality across the state of Alaska and is disproportionately affecting our Alaska Native communities. This legislation paves the way for greater collaboration between federal agencies, law enforcement, and elected tribal officials, ensuring Alaska Natives have a voice in developing methods to end these horrible crimes. Through partnerships, coordination, and pooling resources we can turn the tide of women and girls falling victim to sex trafficking,” said Senator Murkowski. “I am proud to work with Senator Cortez Masto to build upon our efforts to shine a spotlight and address the issue of missing and murdered indigenous women and drive

legislation that will help end human trafficking of our American Indian and Alaska Native populations once and for all.”

Native women and girls are disproportionately likely to become victims of sex trafficking, contributing to the crisis of missing and murdered indigenous women and girls. While there are some federal programs and resources that can be directed to address the problems of violent crime in Indian Country and of Native Americans and Alaska Natives, there is no overarching plan or strategy to do so. The Not Invisible Act amends federal law to increase the coordination needed to begin to address the crisis of missing and murdered Native women.

The Not Invisible Act will:

- Require the Secretary of the Interior to designate an official within the Office of Justice Services in the Bureau of Indian Affairs to coordinate violent crime prevention efforts across federal agencies.
- Require the Secretary of the Interior, in coordination with the Attorney General, to establish an advisory committee on violent crime composed of members including tribal, state, and local law enforcement, service providers, representatives of relevant federal agencies, tribal leaders, and survivors and family members.
  - o The Committee will identify legislative, administrative, training, and staffing changes to increase reporting and prosecutions of relevant crimes.
  - o The Committee will develop best practices for tribes and law enforcement to better collect and share information across systems and agencies.
  - o The Committee will make recommendations to the DOI and DOJ on what more the department can do to combat violent crime.

“Our Native communities need more support to combat human trafficking and stop violent crime across Indian Country,” said Senator Cortez Masto. “We need stronger partnerships and programs to properly address this epidemic of violence. By ensuring that there is better coordination between the federal government, law enforcement, and tribal governments and leaders, all parties can work together to find the best strategies to respond to this crisis.

“We are grateful for the support of The Not Invisible Act of 2019 (H.R.2438), a bipartisan bill to increase national focus on the silent crisis of missing and murdered Indigenous women,” said Principal Chief Bill John



Baker. "We at Cherokee Nation, a matrilineal tribe, support this effort and are thankful for the leadership, including the two Representatives from Oklahoma, for taking the lead on this critical issue. It is crucial that we not wait any longer to raise awareness about violence against Native Americans, especially women and children. The statistics are shocking."<sup>1</sup>

"A lack of communication and coordination between the federal government and tribal communities in cases involving missing, murdered, and trafficked indigenous women has slowed law enforcement and delayed justice," Senator Tester said. "We have to do better addressing this crisis, and this bipartisan bill gives the tribal, local, and state leaders - the folks who

understand it best - a seat at the table to work the federal agencies to more effectively combat it."

*The Not Invisible Act is supported by the National Indigenous Women's Resource Center (NIWRC). For full text of the S. 982 legislation, visit: <https://www.congress.gov/116/bills/s982/BILLS-116s982is.pdf>.*

1. <https://www.indianz.com/News/2019/05/08/bill-john-baker-the-not-invisible-act-is.asp>

## Savanna's Act Calls for Law Enforcement Focus on Missing and Murdered Indigenous Women Murkowski and Cortez Masto Reintroduce Savanna's Act

The Savanna's Act responds to the calls for justice, and the concerns and recommendations for changes to the current failed response to the crisis of missing and murdered Indigenous women (MMIW). The families, communities, and tribes of MMIW have organized nationally and internationally creating a groundswell to hold lawmakers accountable for this crisis. In response to the murder of Hanna Harris at Lame Deer, MT, and other cases of MMIW, NCAI passed a resolution in 2016 calling on the federal government to make urgently needed changes.<sup>1</sup> While not addressing all of the concerns, Savanna's Act is an important step forward in recognition of the injustice of MMIW and proposes important changes.

The legislation is named for Savanna LaFontaine-Greywind, who was abducted and killed in 2017 in Fargo, North Dakota. Indian tribes in ND and across the United States were outraged by Savanna's murder. The United Tribes of North Dakota called for government action in response to their specific set of recommendations for addressing the crisis of MMIW.<sup>2</sup> In

October of 2017, former U.S. Senator Heidi Heitkamp introduced Savanna's Act, cosponsored by Senator Murkowski. Savanna's Act is the first piece of major legislation specifically addressing Missing and Murdered Indigenous Women and Girls. Savanna's Act passed the Senate unanimously in December of 2018 but did not pass in the House.



**Senate 2019:** U.S. Senators Lisa Murkowski (R-AK) and Catherine Cortez Masto (D-NV) reintroduced the Savanna's Act, S. 227. Senators John Hoeven (R-ND), Dan Sullivan (R-AK), Maria Cantwell (D-WA), Tom Udall (D-NM), Jon Tester (D-MT), Christopher Coons (D-DE), Kevin Cramer (R-ND), Martin Heinrich (D-NM), Jeff Merkley (D-OR), and Thom Tillis (R-NC) are all original cosponsors.

Specifically, the legislation aims to bridge the gap of the limited data on the number of missing Native

women by directing the US Department of Justice to formulate new guidelines for the reporting of violent crimes against indigenous people. The bill improves tribal access to certain federal crime information databases by mandating that the Attorney General and the Secretary of the Interior consult with Indian tribes on how to further improve these databases and access to

1. [http://www.ncai.org/attachments/Resolution\\_QhZqbxotTvDxsknKMOVORfimFgceBPsTDOrNdEXtOPcYleBIPZbg\\_PHX-16-077%20final.pdf](http://www.ncai.org/attachments/Resolution_QhZqbxotTvDxsknKMOVORfimFgceBPsTDOrNdEXtOPcYleBIPZbg_PHX-16-077%20final.pdf)

2. <https://www.documentcloud.org/documents/5977487-UTND-Letter-on-Savanna-Greywind-and-MMIW.html>



them. It also requires certain federal agencies to solicit recommendations from tribes on enhancing the safety of Native women, as murder rates against Indigenous women are ten times the national average.

“In Alaska many rural communities lack public safety and are often hundreds of miles away from the nearest community with a Village Public Safety Officer (VPSO) or State Trooper. Compound that with the fact Alaska lacks a unified 911 system, which makes accessing resources even more challenging in many rural communities. Enacting this legislation will allow for greater partnerships between law enforcement at all levels and ensure they have accurate data from which to work. It will also ensure that law enforcement has the resources and cultural understanding to wholly and effectively address this epidemic. We have a duty of moral trust toward our nation’s first people and we must all be part of the solution,” said Senator Murkowski.

“It is long past time that Congress took action to help curb the tragic epidemic of violence toward Native American women,” said Senator Cortez Masto. “I’m proud to join Senator Murkowski in reintroducing Savanna’s Act.

**House 2019:** Savanna’s Act failed to pass the House in 2018, and on May 19, 2019 it was reintroduced by Rep. Deb Haaland (D-NM) and Rep. Norma Torres (D-CA), with provisions strengthening certain sections of the legislation and adding new purpose areas to the OWW STOP Grant Program and the Grants to Tribal Governments Program..

### **Senate and House Bill Highlights:**

- Improves tribal access to certain federal crime information databases and mandates that the Attorney General and the Secretary of the Interior consult with Indian tribes on how to

further develop these databases and access to them.

- Requires the DOJ, Interior, and HHS to solicit recommendations from tribes on enhancing the safety of Native women and improving access to crime information databases and criminal justice information systems during the annual consultations mandated under the Violence Against Women Act.
- Requires the creation of standardized guidelines for responding to cases of missing and murdered Native Americans, in consultations with tribes, which will include guidance on inter-jurisdictional cooperation among tribes and federal, state, and local law enforcement.
- Requires statistics on missing and murdered Native women, and recommendations on how to improve data collection, to be included in an annual report to Congress.
- Broadens the purposes for which funding under two VAWA grant programs can be used to include the development of protocols for responding to MMIW cases. And provides incentives from the same two programs for development and implementation of these protocols addressing MMIW cases.

### **Concerns Regarding MMIW and the Savanna’s Act**

- No new funds are allocated under the Savanna’s Act.
- The resources under the Act are proposed by allowing tribes to use existing, limited funds they receive under the Tribal Governments Grant Program to address the development of a protocol to respond to MMIW cases.

- Broadening the purpose areas for these grant programs does not address the reality or restore the authority that the *Oliphant* decision erased, leaving Tribes unable to investigate, arrest, and prosecute the perpetrators who commit the majority of violent crimes on tribal lands.
- Tribes have not had the resources they need to protect Native women. Current funding under the Tribal Governments Grant Program is inadequate and does not reach all Indian tribes. If tribal governments had adequate funds, they would already be developing such protocols and increased responses.
- The incentive increases under the Savanna’s Act are taken from existing – not new funding under the Tribal Governments Grant Program. Thus, funds for the incentives to tribes complying with Savanna’s Act will be taken from the funds currently received by all Indian tribes under the grant program, these are already less than adequate funds to respond. Without increased or new funding, the other lifesaving services that tribes provide with this grant funding will be reduced.
- Indian tribes need increased, additional resources to broaden and address the crisis of MMIW. Further stretching what funds a tribe receives to provide incentives to others, falls short of “increasing support” to Indian tribes.

*The Savanna’s Act is supported by the National Indigenous Women’s Resource Center (NIWRC). For full text of the S. 227 legislation, visit: <https://www.congress.gov/116/bills/s227/BILLS-116s227is.pdf>.*



# Senators Call for GAO Report of Crisis of MMIW Studying the Missing and Murdered Indian Crisis Act

17 Senators and Representatives asked the government's top watchdog to conduct a review of how federal, state, and tribal agencies respond to MMIW cases.

Over the past six months, both the Senate Indian Affairs Committee and the House Subcommittee for Indigenous Peoples have convened oversight hearings to examine the federal response to the MMIW crisis. Following these hearings, Senator Tester and Representative Gallego introduced the *Studying the Missing and Murdered Indian Crisis Act* in the Senate (S.336) and House (H.R. 2029) respectively. The bill is now included in the House-passed version of the *Violence Against Women Reauthorization Act of 2019* (H.R.1585).

In addition, 17 legislators led by Senators Tester, Hoeven, and Udall and Representatives Gallego, Cook, and Grijalva signed a letter asking GAO to conduct a review of law enforcement response to the MMIW crisis.<sup>1</sup> The letter was also signed by U.S. Senators Catherine Cortez Masto (D-Nev.), Tina Smith (D-Minn.), Steve Daines (R-Mont.), Jerry Moran (R-Kan.), John Barrasso (R-Wyo.), Maria Cantwell (D-Wash.), Brian Schatz (D-Hawaii), and Lisa Murkowski (R-Alaska), as well as U.S. Representatives Matt Cartwright (D-Pa.), Ed Case (D-Hawaii), and Deb Haaland (D-N.M.).

"As Members of the Indian Affairs Committee and the Indigenous Peoples Subcommittee and Senators and Representatives representing the majority of federally recognized Tribes, we must do all we can to fully understand the extent of, and implement meaningful solutions to, the MMIW crisis," the legislators wrote to Comptroller General Gene Dodaro. "Federal officials, tribal leaders, and members of families directly impacted by the MMIW crisis all agreed that failures in cross-jurisdictional coordination, inadequate MMIW reporting protocols, and poor data collection limit the effectiveness of efforts to track, investigate, and solve MMIW cases."

The Studying the Missing and Murdered Indian Crisis Act provides a full review by the GAO of how federal agencies respond to reports of missing and murdered Indian persons and recommend solutions based on their findings. Specifically, the GAO's report should include:

- A review of federal, state, local, and tribal law enforcement agencies' jurisdiction over MMIW cases and inter-jurisdictional coordination best practices, as well as recommendations for improving coordination among these organizations.

- A review of the Federal Bureau of Investigation, the Bureau of Indian Affairs, and other federal law enforcement agencies' response policies and procedures regarding MMIW cases and recommendations for improvement.
- A review of the impact that law enforcement staffing levels may have on exacerbating the MMIW crisis or hindering federal, state, local, and tribal MMIW response.
- A review of all federal, state, and local databases relating to missing or murdered Indian persons, along with recommendations for improving access to missing person databases and increasing technical assistance for tribal law enforcement.
- A review of federal, state, and tribal notification systems relating to missing persons, and recommendations for improving and coordinating these systems.

The group of 17 legislators includes U.S. Senators John Hoeven (R-N.D.) and Tom Udall (D-N.M.), Chairman and Ranking Member of the Senate Indian Affairs Committee respectively, as well as U.S. Representatives Ruben Gallego (D-Ariz.) and Paul Cook (R-Calif.), Chairman and Ranking Member of the House Subcommittee for Indigenous Peoples, and Chairman of the House Natural Resources Committee Raul Grijalva (D-Ariz.).

*"A voluntary reporting system reliant on families and community is not responsive to a human rights crisis and falls short of the reality of the daily abductions and murders of Indigenous women. This type of response is a statement by itself that the crisis of MMIW is not a serious issue for the United States government."*

—Tami Truett Jerue

1. [https://www.testersenate.gov/files/Letters/2019-05-06%20Comptroller%20Dodaro\\_GAO\\_MMIW%20GAO%20Study.pdf](https://www.testersenate.gov/files/Letters/2019-05-06%20Comptroller%20Dodaro_GAO_MMIW%20GAO%20Study.pdf)



# A Tribal Perspective on the Crisis of Alaska Native Women and MMIW

In the face of thousands of abductions and murders of Native women, why is a voluntary database acceptable? The government can do better.

There are many stories of Alaska Native women and girls that have faced victimization just because they are Indigenous women. Too many of our relatives have suffered abuse and death because of a government system that fails in their legal trust and moral responsibility to assist Indigenous nations in safeguarding the lives of our women and children. Simply stated for Alaska Native women, there is little, if any, help available. The safe shelter, law enforcement, medical services, and other types of help dealing with the trauma and crisis after being victimized for most do not exist. The services needed to help Alaska Native women from going missing or being murdered do not exist. Yes, we want to know how many women are missing and have been killed. And, at the same time, we must address the lack of services to prevent future disappearances and murders.

We have no closure with many of our women who die unexpectedly and unnaturally. The manner of death, while often considered “suspicious” and often with visible injuries, are classified as accidental, suicidal, or undetermined. In the village of Klawock, police suspected “foul play” in the unnatural death of Francile Ella Turpin (37) on January 14, 2018, a year later, there

is no resolution.<sup>1</sup> Why is it that our women and their families do not receive the closure regarding the cause of death that the general population takes for granted?

40 percent of our communities have no law enforcement, or any 911 services to speak of, so who do they call? The first responders are often volunteer medics whose first inclination is to address the injury. The possibility that there could be a crime committed is not even contemplated, and the scene can easily be contaminated before a semi-qualified individual can preserve the scene. Other potential first responders are tribal leaders and our volunteer women advocates who go to attempt to preserve any crime. Joel Jackson, President of the Organized Village of Kake, has had to respond to the crime scenes, including murders because he is the closest that the village of 800 plus has to a police officer. President Jackson is a former policeman.

How do we track the missing and murdered? We don't. NamUs is about the only database that tracks MMIW and does contain valuable information, but it is a **volunteer system** and it does not currently talk to the

1. <https://www.ktva.com/story/37289178/klawock-police-say-foul-play-suspected-in-womans-death>.





FBI CJIS's Missing persons file, which is the system law enforcement is most familiar with. Anyone can have access to NamUs—literally. All they have to do is set up an account and enter the information they want to enter about a missing person. The NamUs staff take that information and confirm with Law Enforcement before it can go out publicly. There are less missing Native persons in NamUs than there are in FBI CJIS's missing persons file, likely because law enforcement doesn't use it in the same way.

NamUs is completely voluntary and was originally set up to try to match remains found with people who were missing. FBI CJIS's database is also voluntary except for the entry of missing persons under age 18 which is mandatory, and then some states have mandatory missing person reports to CJIS by their state law, but it is way less than half. A tribe, or any person, have access to initiate cases in NamUs, however, the net effect of going that route is unknown.

In addition, there is a component in which genetic material is requested in NamUs. While this request is voluntary, it makes most Native Americans shy away from the process. Anyone can provide a family reference sample, DNA collection, to NamUs, a law enforcement officer, or agent of a criminal justice agency for testing at the University of North Texas Health Science Center, Center for Human Identification, where NamUs is housed. Upon completion of the testing, the DNA profile is sent directly from the lab and uploaded to CODIS; no DNA samples are housed in the NamUs system. While NamUs says that the family reference sample can only be run against the unidentified decedent database and cannot ever be run against the convicted offenders or the forensic profiles. Apparently, at any time a family would like their DNA removed from CODIS they can send a written request to NamUs/UNT and the lab will request that the profile be removed from CODIS. Again, while this is the current policy, we do not have the assurances that our DNA won't be used in ways not approved.

According to the National Institute of Justice, the NamUs team was in Alaska in October 2018 to do outreach with several law enforcement agencies, the Alaska medical examiner, Department of Public Safety, and others. During those discussions it was raised that there is a backlog in digitizing 1,200 missing persons cases. Apparently, there is only one person currently working the backlog (Search and Rescue Program Coordinator, Missing Persons Clearinghouse Manager,

Alaska State Troopers). That is not to say those cases are not being worked, just that they are not digitized thus unknown how many of those 1200 cases are American Indian and Alaska Natives.

As for missing persons, Alaska has the highest number of any state in the union and these are not per capita numbers. As of January 2019, out of the 347 missing Alaska Native and American people's in the NamUs system 74 of those were from Alaska—the most of any state. Overall, 92 % have been missing for less than a year, and the majority of cases are male—about 1/3 to 2/3 respectfully. Why does it take so long to work our cases compared to other populations? And where are all the cases of women who are missing from their families and communities?

As for the murder epidemic, the Violence Policy Center reports that Alaska is ranked first among states with the highest homicide rates of women by men and is the most violent state, with Anchorage as the most violent city within the Union. The Seattle-based Urban Indian Health Institute reports that Alaska is among the top ten states with the highest number of missing and murdered Native Americans and Alaska Natives with 52 active cases.

While there is tremendous diversity among all tribes, it is worth noting that many of the 229 tribes in Alaska experience extreme conditions that differ significantly from tribes outside Alaska. Most of the Alaska Native villages are located in remote areas that are often inaccessible by road and have no local law enforcement presence. The Tribal Law and Order Commission found that "Alaska Department of Public Safety (ADPS) officers have primary responsibility for law enforcement in rural Alaska, but ADPS provides for only 1.0-1.4 field officers per million acres."<sup>2</sup> Without a strong law enforcement presence, crime regularly occurs with impunity. Victims live in small, close-knit communities where access to basic criminal justice services is non-existent and health care is often provided remotely through telemedicine technology. Providing comprehensive services and justice to victims in these circumstances presents unique challenges. In many of these communities, tribal members receive services in informal ways. Domestic violence victims, for example, may be offered shelter in a home that is a known "safe house" in the village. Furthermore, Alaska tribal governments are unique among Indigenous American tribes in their lack of access to the same type of government revenues available to nearly every other sovereign entity in the country.

2. *A Roadmap for Making Native America Safer: Report to the President and Congress of the United States* (November 2013), available at <http://www.aisc.ucla.edu/iloc/report/>.



For years tribal leaders have raised concerns at the annual VAWA mandated consultation the inadequate response to cases of missing or murdered Native women. DOJ summarized tribal leader testimony on this issue in 2016:

“At the 2016 consultation, many tribal leaders testified that the disappearance and deaths of American Indian and Alaska Native (AI/AN) women are not taken seriously enough, and that increased awareness and a stronger law enforcement response are critical to saving Native women’s lives. They noted that missing AI/AN women may have been trafficked, and they also provided examples of abusers who murdered their partners after engaging in a pattern of escalating violence for which they were not held accountable. Tribal leaders also raised concerns that cases involving Native victims are often mislabeled as runaways or suicides, and that cold cases are not given sufficient priority. Recommendations included the creation of a national working group to address these issues and an alert system to help locate victims soon after they disappear, as well as the development of an Indian country-wide protocol for missing Native women, children, and men.”<sup>3</sup>

We call on the United States for a jurisdictional fix to the Alaska Native Indian country issue, meaningful consultation, and consistent tribal justice funding. The Savanna’s Act, the Not Invisible Act, and the Studying the Missing and Murdered Indian Crisis Act introduced this year are beginnings. And, while these are steps forward, they are not enough. Alaska Native women need services to prevent these crimes. And, Alaska Native Villages must be included in any legislative response to address the crisis of MMIW in Alaska.

There is a unique opportunity to recognize these issues and make corrections to the laws. In Deg it tan Athabascan, as with other language groups in Alaska, we had no words or description for violence within a family home. We had traditional forms of justice that kept our community in check and women valued as the life giver of the family. We had community justice, which we are now returning to.

The federally funded Alaska Native Women’s Resource Center through the Office on Violence Against Women, U.S. Department of Justice and the Family Violence Prevention and Services Office, U.S. Department of Health and Human Services, is providing meaningful

3. U.S. Department of Justice, Office on Violence Against Women, “2017 Update on the Status of Tribal Consultation Recommendations,” (2017).

village engagement sessions with Alaska Native tribes. Through this engagement we help to identify the resources within each tribe to address violence against women in their own voices, language and teachings. With each engagement session we partner with the tribe towards restoring balance in their community.

The story of Sophie Sergie recently in the news finally gave closure to her family.<sup>4</sup> Sophie traveled to Fairbanks from her village in western Alaska in 1993, to visit her friend at the University of Alaska dormitory. She left the room to go outside and smoke a cigarette and never returned. There was a search for her, and she was found raped and murdered in a dormitory bathroom. For 25 years, there was no justice in her case. Then a DNA link was made to a man living in Maine who was a student who at the University at the time of the murder. On February 15, 2019, after 25 years an arrest was made. The arrest is a step forward and we believe other cases must also be solved.

To address the crisis of missing and murdered Alaska Native women and girls requires restoring and enhancing local, tribal governmental capacity to respond to violence against women to provide for greater local control, safety, and accountability. These crimes are far removed from the reach of the state or federal governments. From this local approach we create the possibilities of safer communities and a pathway for long lasting justice. We have the possibilities of preventing Alaska Native women from going missing or being murdered.

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*Tami Truett Jerue, Executive Director of the Alaska Native Women’s Resource Center, and a citizen of the Anvik Tribe, Deg it’ tan Athabascan presented at a hearing of the Resources Subcommittee for Indigenous Peoples of the United States,*

*“Unmasking the Hidden Crisis of Murdered and Missing Indigenous Women (MMIW): Exploring Solutions to End the Cycle of Violence,” held on March 14, 2019. Read her testimony at [https://naturalresources.house.gov/imo/media/doc/Written%20Testimony\\_Tami%20Jerue.pdf](https://naturalresources.house.gov/imo/media/doc/Written%20Testimony_Tami%20Jerue.pdf).*

4. [https://www.washingtonpost.com/crime-law/2019/02/16/suspected-killer-eluded-capture-years-then-investigators-got-his-aunts-dna/?noredirect=on&utm\\_term=.70a9d1f88791](https://www.washingtonpost.com/crime-law/2019/02/16/suspected-killer-eluded-capture-years-then-investigators-got-his-aunts-dna/?noredirect=on&utm_term=.70a9d1f88791).



# NIWRC Releases A New Resource!

## “Special Collections: Missing & Murdered Indigenous Women & Girls”

The National Indigenous Women’s Resource Center (NIWRC) is excited to announce the release of the Special Collections: Missing and Murdered Indigenous Women & Girls in the NIWRC Online Resource Library!

This Special Collection is developed to highlight the issues, concerns, recommendations, and resources for addressing Missing and Murdered Indigenous Women & Girls (MMIWG) within our communities. The Special Collection organizes information, resources, tips and curricula drawn from the wealth of knowledge of NIWRC’s sister organizations, partners, experts from the field, and other allies from the web.

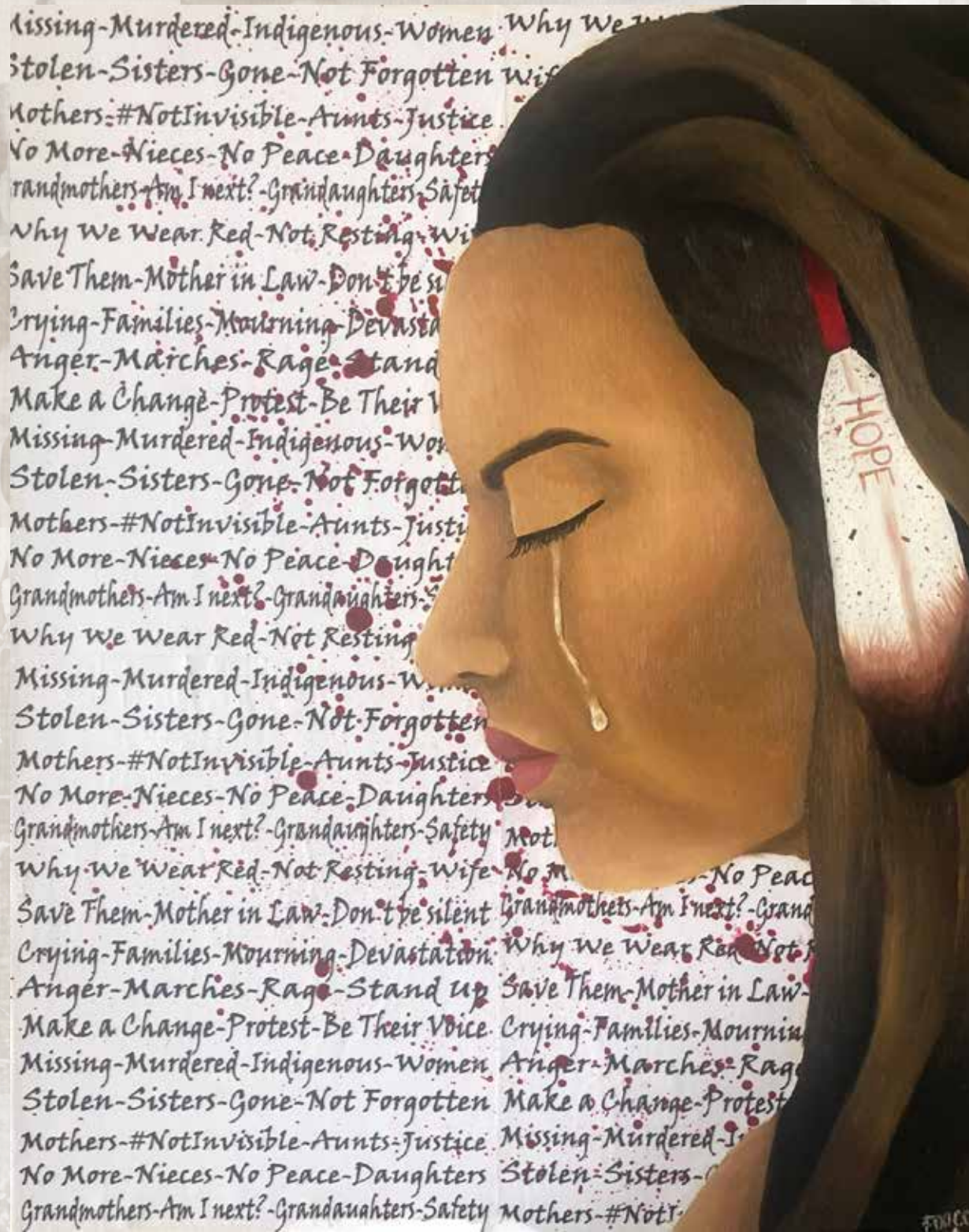
“This toolkit will house resources on cultural issues, national sources, statistics, topical issues and approaches, existing programs, and available material and resources to create awareness and promote important discussions about MMIWG,” said Princella RedCorn, Communication Officer, NIWRC. “We plan to expand this collection as resources and new information become available.”

This Special Collection is primarily designed for domestic violence programs, sexual assault programs, sex trafficking programs, tribal coalitions, tribal leaders, educators, advisors, and community members to obtain resources, education and other materials to use in the development and delivery of services. In addition, families of the missing and murdered Indigenous women & girls may access this toolkit directly. It is intended to assist readers in locating advocates and providing the information they can share with professionals, schools, or resources to use for their own outreach projects. The Special Collection is also a resource for our communities to learn about MMIWG.



- VISIT: Special Collection: Missing & Murdered Indigenous Women & Girls- <http://www.niwrc.org/resources/special-collection-missing-murdered-indigenous-women-girls>
- EXPLORE: NIWRC’s Online Resource Library, searching by category- <http://www.niwrc.org/resources>





"#Notinvisible, Am I next? and stolen sisters are phrases of the Missing and Murdered Indigenous Women and Girls movement. Often with major social issues, we are wrapped up in statistics and politics. The faces of the women and girls are lost in the numbers, and with their faces are their stories. Until real action is taken the phrases are just words, and unfortunately, meaningful action is not taken by most until it directly affects them. She has a name, she has a face, she is loved, and she is important, the time to act is now. With Indigenous people becoming more vocal in politics and standing up for our values, there is hope for the future that justice will finally be served."—Danielle Reyse Fixico

### About the Artist

Chokma, my name is Danielle Reyse Fixico. I am a proud member of the Chickasaw Nation and descendant of the Muscogee (Creek) Nation. I am 20 years old and a senior Native American studies major, with a focus in art and media, and fine arts minor at the University of Oklahoma. I will be graduating with my bachelor's degree in December 2019. After graduation, I will be pursuing my graduate degree in fine arts. I will then be pursuing my Ph.D. in Native American art. I hope to be an art professor at a tribal college to inspire more Indigenous artists to use their creative voices to share our culture with the world.

To me, art is a universal language; there is not a dictionary to understand art, it is boundless. A single art piece can have a different meaning for each individual that views it, depending on who they are and what they are facing in their life. Art can be an expression of freedom, it can bring people together, and it can inspire. When words are lost, and action is futile, art always speaks.



# Family Violence Prevention Services Act (FVPSA) FVPSA Has Expired and 2019 Reauthorization Is Needed!

The Family Violence Prevention and Services Act Grants to American Indian Tribes are formula grants funded through a 10% set aside under the FVPSA appropriation. FVPSA is the only federal grant dedicated to domestic violence shelter and supportive services. A tribal domestic violence shelter or safe home can provide Native women the support, advocacy and emergency services they need to escape abuse and violence.

“For a woman trying to escape, a domestic violence shelter may be her only option - if one is available. Housing and transportation are scarce across most of Indian Country, and domestic violence shelters are still rare,” said Brenda Hill, NIWRC Director of Training. “Leaving is complicated and more challenging when she has children, or other loved ones who are dependent. Women hide in fields, abandon houses, and many are forced to leave for a nearby city where there are other predators. They leave behind family, friends, jobs - connections to their community and culture in exchange for safety. Shelter programs can make the difference between life and death.”

FVPSA funds are also used for supportive services. Tribes have used FVPSA funds in efforts to increase public awareness, for supportive services for victims and their dependents, and services. Yet, despite these advances, funding and services remain nonexistent for over one-half of all Indian tribes and tribally based technical assistance must increase.

Three other essential tribal programs funded by FVPSA include the National Indigenous Women’s Resource Center (NIWRC) serving as the National Indian Resource Center, the Alaska Native Women’s Resource Center (AKNWRC) serving as the Alaska Native Tribal Resource Center providing assistance to the 229 Indian tribes in Alaska, and the StrongHearts Native Helpline the only national hotline that is tribally based. The last two programs are currently funded only through the FY 2019 Congressional appropriations. Unfortunately, funding for both of these programs is on a discretionary, non-permanent, basis.

## FVPSA 2019 Recommendations

It is vital that the FVPSA be reauthorized in 2019. The overarching theme of our recommendations is based on one simple fact. Tribal governments, tribal coalitions, and tribal people are best equipped and situated to help American Indian and Alaska Native (AI/AN) survivors of domestic violence and abuse. The current

breakdown of FVPSA funding allows AI/AN survivors to fall through the cracks and only by making tribal programs permanent (such as AKNWRC and Strong Hearts) and reallocating funding percentages to meet current needs can more AI/AN survivors be helped. The NCAI Task Force recommends four amendments to FVPSA to strengthen tribal capacity to provide shelter and supportive services by authorizing:

1. An increase in the tribal government percentage to increase the reach of tribal services;
2. Formula funding for the Alaska Native Women’s Resource Center to serve as the Alaska Native Tribal Resource Center on Domestic Violence;
3. Permanent funding of the StrongHearts Native Helpline to serve as the National Indian Domestic Violence Helpline;
4. Formula funding for the Tribal Domestic Violence Coalitions to provide training and technical assistance (TTA) similarly to what the State Domestic Violence Coalitions provide through a 3% set aside.

## Increased Tribal Government Grant Program Funding from 10% to 15%

Prior to 1994 Alaska Tribes were not eligible for funding through FVPSA. In a Solicitor’s Opinion issued 1/11/1993, entitled “governmental Jurisdictional Alaska Native Villages Over Land and Nonmembers,” the Solicitor rejected the view that Alaska Native Villages were not tribes. As a result of this decision, roughly 220+ tribes were added to the FVPSA eligibility—nearly doubling the eligible tribes, but not increasing the amount available to tribes.

## Permanent Authorization of the Alaska Native Tribal Resource Center on Domestic Violence supporting the Alaska Native Women’s Resource Center (AKNWRC)

Located in Fairbanks the AKNWRC serves as a technical assistance center for 229 Indian tribes in Alaska. The AKNWRC is committed to strengthening local, tribal government responses through community organizing efforts, advocating for the safety of Native women and children in their villages and homes, especially against domestic and gender-based violence. The AKNWRC provides assistance to Alaska Native villages through providing technical assistance and training, including needs assessments; public awareness/resource development; policy development and systems advocacy/engagement; and, advocacy on an Alaska Native program of research and knowledge development.





**We can do this!**

**Reauthorize FVPSA in 2019 to include:  
Increased funding to Indian tribes;  
Permanent authorization of the StrongHearts Native Hotline;  
Permanent authorization of the Alaska Native Women's Resource Center; and,  
Authorization to create a FVPSA tribal coalitions program.**

**Increased FVPSA funding for tribal domestic violence shelters and supportive services are needed now!**

**#FVPSA4All #TribalFVPSA #FVPSA2019**

**National Tweet:  
Increase funding for tribal shelters and support services #FVPSA2019**

### **Permanent Authorization of the StrongHearts Native Helpline**

Trained with a strong understanding of Tribal cultures, sovereignty, and law, StrongHearts advocates offer one-on-one, peer-to-peer support, and referrals to local resources in a safe and healing environment. All calls are anonymous and confidential. To date, StrongHearts (1-844-7NATIVE) has received more than 1,400 calls from survivors, concerned family members and friends, service providers and more, helping to close the gap in culturally-appropriate resources for American Indians and Alaska Natives facing domestic violence. As the first culturally- appropriate domestic violence helpline specifically targeting Native Americans, StrongHearts is also expanding its staff of advocates to respond to callers, many of whom are seeking support as they navigate difficult barriers to justice and safety.

### **Creation and Permanent Authorization of a Tribal Coalitions Grant Program**

Tribal Coalitions exist throughout Indian Country to provide culturally specific training, technical assistance, and support to tribal governments and tribal victim services providers in their respective service area. Currently, 18 tribal coalitions exist with more forming to address gaps in services and as need is demonstrated. A dedicated funding stream is needed under FVPSA to

provide additional training, technical assistance, and support for the tribal governments. State governments are offered such a resource under FVPSA through the state coalitions program. State coalitions lack the expertise to provide such support to Indian tribes, and the creation of the tribal coalition program will fill this void. The overarching goal of Tribal Coalitions is to raise awareness, educate, and to provide culturally specific technical assistance, training, and services to advance and enhance the responses to crimes of domestic violence committed in Indian Country.

### **FVPSA's Longstanding Support of Indian Women**

First passed in 1984, the Family Violence Prevention and Services Act (FVPSA) continues as the primary federal funding source dedicated to providing immediate shelter and supportive services for victims of family violence, domestic violence, or dating violence and their dependents. For over a decade it was the only funding for tribal domestic violence shelter programs. While limited the FVPSA support of tribally based services has and continues to provide meaningful resources where often none exist.

"While we work to fix a broken system, victims need shelter and services today to stay alive," said Tami



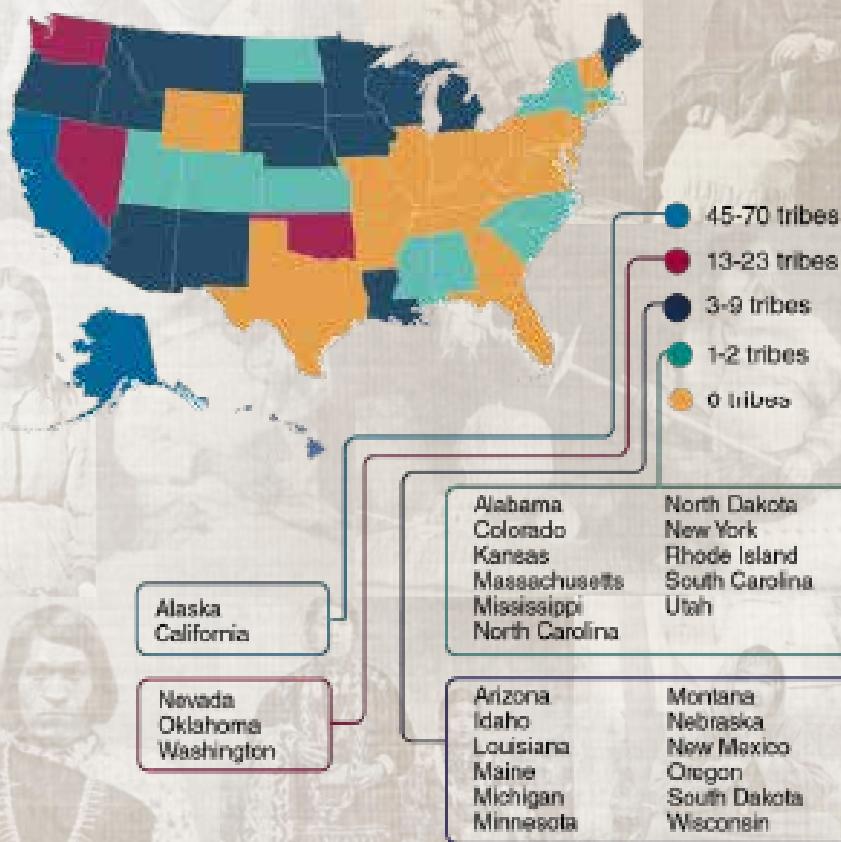
Truett Jerue, Director, Alaska Native Women's Resource Center. "My home in our village was a safe home and I served as the director of a Native women's coalition which operated a Native shelter in Fairbanks. I know first-hand the importance of FVPSA funding. I also know the FVPSA program could do so much more with increased funding."

### Funding Under the FVPSA 2019 Reauthorization Must Increase

While all federally recognized Indian tribes are eligible to apply for tribal FVPSA funding the program currently does not. "Typically, the largest number of tribes funded are in Alaska and California (between 45 to 70 tribes), followed by Nevada, Oklahoma, and Washington (13 to 23 tribes). All other states have fewer than ten tribes funded through FVPSA. To meet the need for shelter, tribal programs contract with hotels, utilize safe homes, and access non-native shelters outside of their villages, communities, and reservations."<sup>1</sup>

1. [https://www.acf.hhs.gov/sites/default/files/fysb/fvpsa\\_tribaldvservices\\_071818\\_508.pdf](https://www.acf.hhs.gov/sites/default/files/fysb/fvpsa_tribaldvservices_071818_508.pdf).

### Number of Tribes Funded by States in 2017



## Addressing the Urgent Concerns and Recommendation of Indian Tribes in Alaska

In March, the House Judiciary Committee Subcommittee on Crime, Terrorism and Homeland Security held a hearing on the reauthorization of the Violence Against Women Act (VAWA). The following concerns and recommendations were summarized and presented in written testimony by the Alaska Native Women's Resource Center (AKNWRC). The AKNWRC is a nonprofit organization dedicated to ending violence against women in partnership with Alaska's 229 tribes and allied organizations. AKNWRC's philosophy is that violence against Indigenous women is rooted in the colonization of Indigenous governments. In the context of VAWA reauthorization, the goal of the AKNWRC is to assist Alaska Indian tribes in protecting their citizens from crimes included under VAWA. We believe each tribe has the knowledge to do this.

### Jurisdictional Challenges for Alaska Native

**Recommendation:** Create a jurisdictional fix to address the exclusion of Alaska tribes under the current definition of Indian country and work closely with the Alaska Delegation, Alaska tribes, and the AKNWRC to ensure that provisions added will provide

for the unaddressed needs of Alaska Native victims of domestic and dating violence, sexual assault, stalking, sex trafficking, and the crisis of missing and murdered Native women.

**Discussion:** The 2013 Tribal Law and Order Commission (TLOC) issued the Report, "A Roadmap for Making Native America Safer" and devoted a chapter to the unique issues in Alaska.<sup>1</sup> The Report found that the absence of an effective justice system has disproportionately harmed Alaska Native women who are continually targeted for all forms of violence. The Commission found that Alaska Native women are over-represented in the domestic violence victim population by 250%; they comprise 19% of the state population but are 47% of reported rape victims. And among other Indian Tribes, Alaska Native women suffer the highest rates of domestic and sexual violence in the country. Alaska Indian tribes lack and desperately need access to tribal and state justice services, those services are centered in a handful of Alaska's urban areas, making them often more theoretical than real.

1. A Roadmap for Making Native America Safer: Report to the President and Congress of the United States (November 2013), available at <http://www.aisc.ucla.edu/iloc/report/>.



# Save the Date: Unity Meeting 2019

## Increasing the Safety of Alaska Native Women

When: October 16, 2019 at 8:30 am - 1 pm

Where: Wedgewood Resort  
212 Wedgewood Drive  
Fairbanks, Alaska

Who: Alaska Native village-based advocates/victim services, tribal leadership & community members

Please register @  
<https://unitymeeting2019.eventbrite.com>



As mentioned, many tribes have no advocacy services, law enforcement, no 911, no state official they could conceive of raising a complaint to, given the separation of geography, language, and culture. Jurisdictional issues in Alaska create extremely dangerous conditions for our small, remote communities.

Historically, Alaska tribes have been treated differently than lower 48 tribes, confusing the fundamentals of tribal court jurisdiction resulting in recognized disparities which justified the FY17 appropriations for an Alaska Native Tribal Resource Center on Domestic Violence.<sup>2</sup> With the passage of the Alaska Native Claims Settlement Act (ANCSA) in 1971, the only remaining reservation in the state is the Annette Island Reserve in Southeast Alaska.<sup>3</sup> Rather than recognize sovereign tribal lands, ANCSA tasked the for-profit corporations to manage more than 40 million acres of fee land. ANCSA divided the state into 12 regional corporations and over 200 village corporations that would identify with their regional corporation. Many of these villages had corresponding tribal village governments, but with the passage of ANCSA, no meaningful land base. As

a result, unlike most court systems that have defined territorial jurisdiction and personal jurisdiction. Alaska Tribal courts generally exercise jurisdiction through tribal citizenship, and not through a geographic space defined as "Indian country" because of ANCSA and in part due to a United States Supreme Court case.

As a result of the United States Supreme Court's unfavorable decision in *Alaska v. Native Village of Venetie Tribal Government*, 522 U.S. 520 (1998), most of the tribes' traditional territory is not considered "Indian country." Without the ability to tax, without Indian gaming, and without consistent and predictable tribal justice appropriations, Alaska tribes lack the revenue typically available to other tribal governments to fund and sustain essential governmental programs. All Alaska tribes are in a similar position and must find innovative ways to raise government revenue and to leverage other resources to sustain their tribal courts and public safety programs. As a result of this resource dilemma, available grants for developing and maintaining programs are incredibly important for Alaska tribes. Whether a tribe has advocacy services or public safety personnel makes a difference if victims have support and someone to call for help.

2. "A Tribal Perspective on VAWA 2018," Restoration-V15.3- October 2018. <http://rm.niwrc.org>.

3. 25 U.S.C. 495 (1891).



*“The strongly centralized law enforcement and justice systems of the State of Alaska . . . do not serve local and Native communities adequately, if at all. 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.”—Tribal Law and Order Commission Report, 2013*

Domestic violence and sexual assault survivors in Alaska Native villages are often left without any means to seek help and justice for the crime against them because many villages lack advocacy services and law enforcement. When law enforcement does finally arrive, sometimes the evidence is stale, or the chain of custody can no longer meet applicable legal standards, and the case cannot be prosecuted. In addition, tribal victims of domestic violence crimes may need to leave their home village to seek safety for themselves and their children. In a 2018 case in a small remote interior village, a victim waited 17 days to get out of the village to safety. During this time the victim had been treated at the clinic, called law enforcement (Alaska State Troopers) located in a hub community one hour away by plane. The weather was unflyable for 3 weeks and the victim could not even get a charter plane to pick her up so she could go to a neighboring village to relatives, she could not get to a regional medical clinic for further treatment, or law enforcement could not get into the community for an investigative report. There was no safe homes or safe housing available and so she had to wait, afraid that her partner would find out that she was trying to leave.

Recent studies such as the newly released, National Institute of Justice, *Research Report on the Violence Against American Indian and Native Women and Men*, document the dire safety circumstances that Alaska Native villages are in as a result of their unique geographic situation. One startling statistic is that 38% of Native victims are unable to receive necessary services compared to 15% of non-Hispanic white female victims.<sup>4</sup> Our young woman described above waited in fear for more than two weeks to get to safety.

### Jurisdictional Challenges for Alaska Native

**Recommendation:** 1) Create a Pilot Project for Alaska so that more than just 1 of the 229 federally recognized tribes can exercise Special Domestic Violence Criminal

4. Rosay, André B., “Violence Against American Indian and Alaska Native Women and Men,” *NIJ Journal* 277 (2016): 38-45, available at <http://nij.gov/journals/277/Pages/violence-against-american-indians-alaska-natives.aspx>.

Jurisdiction (SDVCJ) and creates a path forward. The pilot phase could be similar to the SDVCJ pilot project in VAWA 2013, requiring an application, participation in an Alaska Intertribal SDVCJ Working Group, involve a planning phase for the development of written tribal laws and ordinances, development of enforcement mechanisms, and tribal court structuring. The VAWA Reauthorization Act, HR 1585, includes this amendment.

**Discussion:** The repeal of section 910 of VAWA 2013 was a victory as it was a necessary step towards removing a discriminatory provision in the law that excluded all but one Alaska tribe from enhancing their response to violence against Native women in ways afforded other federally recognized tribes. Nevertheless, because of the *Venetie* decision, additional reforms are needed before Alaska tribes will be able to increase safety for Alaska Native women and hold all offenders accountable. This is because section 904 of VAWA 2013 limits the exercise of the special domestic violence criminal jurisdiction restored to tribes to certain crimes committed in “Indian country.” Yet, at the same time, the State does not have the resources to provide the level of justice needed in tribal communities and ultimately the State is not the local, tribal authority. In the NIJ report, we learned that American Indian and Alaska Native women are 3 times more likely to experience sexual violence by an interracial perpetrator than non-Hispanic White-only females.<sup>5</sup> Alaska Indian tribes need to be able to exercise Special Domestic Violence Criminal Jurisdiction to address these staggering statistics.

HR 1585 begins to address these jurisdictional challenges. It recognizes a tribe’s territorial jurisdiction equivalent to the corresponding village corporation’s land base and traditional territory.<sup>6</sup> In addition, removing

5. *Id.* at 18.

6. A federal regulation was developed after the U.S. District Court for the District of the Columbia held that exclusion of Alaska tribes from the land-into-process was not lawful. See *Akiachak Native Community v. Salazar*, 935 F. Supp. 2d 195 (D.D.C. 2013). The State of Alaska appealed the decision and its motion to stay was granted to prevent the DOI from considering specific applications or taking lands into trust in Alaska until resolution of the appeal.





## The Memorial Qaspeq for Alaska Native Women

*"The main inspiration for the qaspeq was the disappearance of Val Sifsof in July of 2012 from Granite Creek camp ground. She was a family friend. It was also the awareness of the pattern of deaths and disappearances that I didn't hear people talking about but that I'd been aware of since I was about 8 years old. They are all our relatives. The goal of the project is to humanize the issue and find a way to make people feel it. I wanted to make the qaspeq large to represent the space that the grief occupies within Native communities. It was done to honor the memory of our relatives and remind the world that it shouldn't be up to Native women to prove their innocence before crimes against them are investigated. It was also about healing myself and sparking healing for all Native women. I carry these stories, but they are not mine. The project has its own energy and my job is just to facilitate its movement. I can't undo these crimes, but if we can open conversations about the root causes of violence that are honest and do not minimize the effects of violence, then the project is worth doing. The project has been ongoing for the last 18 months. With the larger qaspeq, I'm hoping that my efforts will also honor the advocacy work happening all over North America. This work has been driven by the efforts of Native women and it's important to acknowledge that. Visibility is a step toward changing social attitudes. It has been featured on Alaska channels 2 and 11, the Juneau Empire, First Alaskans magazine, First Americans magazine, and was present during testimony in Juneau for HR 10 in support of Savanna's Act and continued funding for VAWA. The resolution passed unanimously."—Amber Webb, Creator of the Memorial Qaspeq*

the requirement of "Indian country" to enforce a protection order would assist Alaska Tribal villages and provide stronger footing for enforcing protection order violations.

We need to begin a dialogue that gets at the heart of community safety issues and concerns. Government-to-government consultations must be held to develop a solution to address the jurisdictional issues found in Alaska. Until the issue of "Indian country" in Alaska is addressed, Alaska Tribes, except Metlakatla, are largely left without inclusion in this important legislation that recognizes the inherent authority of a tribe to prosecute violent crimes against women. This situation is especially dire with the economic strain the state of Alaska is currently in. The state lacks resources to

address the concerns of the village. The VAWA's Title IX. Safety for Indian Women, Section 901. Findings state: Congress finds that (6) 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 Violence Policy Center reports that Alaska is ranked first among states with the highest homicide rates of women by men and is the most violent state with Anchorage as the most violent city within the Union. The Seattle-based Urban Indian Health Institute reports that Alaska is among the top ten states with the highest number of missing and murdered Native Americans and Alaska Natives with 52 active cases. While some of these crimes are not domestic violence related, it does demonstrate the high rate of violence against Native women.

On December 18, 2014, the DOI published its final rule rescinding the "Alaska Exception," which became effective on January 22, 2015. 79 Fed. Reg. 76888.



## Disparity in Resources Affecting Native Victims of Abuse

**Recommendation:** 1) Reauthorize the grant programs for Indian tribes under VAWA and make additional appropriations available to address the serious need for victim services in tribal communities. 2) Make permanent and increase the dedicated tribal funding stream included under the Consolidated Appropriations Act of 2019.

**Discussion:** As sovereign nations, tribes engage in a government-to-government relationship with the federal government and utilize their sovereignty to exercise care and control over their people. In exercising care and control in tribal communities, tribes must address gender-based violence in all forms. Yet resources are scarce, and culturally appropriate resources are practically non-existent. This resource disparity continues, in part, because tribes continue to be shut out of meaningful access to the Crime Victims Fund (CVF). Though the Consolidated Appropriations Act of 2019, includes a 3% set aside for tribal government, a permanent fix is needed. There must be a permanent government-to-government funding stream established for tribal governments accessing the CVF. Alaska Native women and children who are victims of crime are mostly shut out of receiving any state assistance as crime victims primarily because nearly 1/3 of Alaska Native

Villages do not have law enforcement, thus cannot meet applicable requirements for funding—a police report number. We need equal access to resources such as domestic violence shelters, rape crisis services, legal services for victims, basic health services, mental health services and related services, alcohol and substance abuse treatment services, fatality reviews, which are vital to any meaningful response to violence in Alaska Native Villages.

## Lack of Research on Violence Against Alaska Native Women

**Recommendations:** 1) The NIJ specifically develop under the VAWA-mandated program of research studies specific to Alaska Native women. 2) Inclusion of Alaska Native Villages, tribal leaders, and advocates in the creation and implementation of all research efforts addressing violence against Alaska Native women.

**Discussion:** In 2013, VAWA was amended to include the 229 “Alaska Native Villages” under the National Baseline Study being implemented by the National Institute of Justice (NIJ). The baseline study is intended to provide recommendations to enhance the effectiveness of federal, state, tribal, and local responses to violence against Indian women. It is a concern that research specific to violence against Alaska Native women committed in Alaska Native villages is lacking.

## SUPREME COURT UPDATE

By Mary Kathryn Nagle, Partner, Pipestem Law, P.C. and Legal Counsel to NIWRC, Pro Bono

As of the deadline to send this article to print for the June 2019 issue of *Restoration*, we have yet to receive word on any decision in two critical Supreme Court cases: *Carpenter v. Murphy*, No. 17-1107, and *Gamble v. United States*, No. 17-646. Both will have huge implications for Tribal Nations who seek to protect their women and children from domestic violence and abuse on tribal lands.

*Murphy* arises from a tribal citizen’s conviction of murder in Oklahoma State court. After exhausting his appeals, he filed a *habeas corpus* petition in federal district court asserting that because the crime occurred within the Tribe’s reservation boundaries, and because he is Indian, the state court was without jurisdiction. The federal district court denied his petition, holding that Oklahoma possessed jurisdiction because the Muskogee (Creek) Nation (MCN) reservation was disestablished. On appeal, the Tenth Circuit Court of Appeals utilized the three-factor *Solem* reservation disestablishment analysis to conclude that the reservation had not been disestablished and granted Mr. Murphy’s petition. The

State of Oklahoma appealed to the U.S. Supreme Court.

Oklahoma has asked the Supreme Court to reverse the Tenth Circuit’s decision. Specifically, Oklahoma posits that because the MCN reservation no longer remains a “reservation,” lands within the reservation boundaries do not constitute “Indian country” under 18 U.S.C. § 1151(a).

The NIWRC, in conjunction with many Tribal Nations and tribal coalitions, filed an *amicus* brief, noting the implications the Court’s decision could have for Native women. In re-authorizing the Violence Against Women Act in 2013 (“VAWA 2013”), Congress tethered its restoration of tribal criminal jurisdiction to lands that constitute “Indian country.” VAWA, Pub. L. No. 113-4, title IX, § 904, 127 Stat. 120 (March 7, 2013) (codified at 25 U.S.C. § 1304(a)(3)). Thus, because the lands within a Tribal Nation’s borders—its “reservation”—constitute “Indian country” under § 1151, a judicial decision disestablishing a Tribal Nation’s reservation would effectively preclude that Nation from fully implementing





VAWA's restored tribal jurisdiction. For instance, if this Court were to declare the MCN's reservation "disestablished," the MCN's ability to prosecute a non-Indian engaged in an act of domestic violence or dating violence within its territorial jurisdiction would be severely truncated.

During oral argument in November 2018, Lisa Blatt, on behalf of the State of Oklahoma, argued vigorously that in creating the State of Oklahoma, Congress intended to obliterate every aspect of MCN's sovereignty, and consequently, the MCN is without a reservation today. Justice Breyer expressed skepticism regarding Ms. Blatt's position that Congress completely terminated tribal authority, commenting at some length about how the Tribe continually maintained a legislative body.

According to Mr. Kneeder, who argued on behalf of the United States Department of Justice, this case implicates not just the MCN's reservation, but all of eastern Oklahoma, and affirming the Tenth Circuit would require increased federal resources of all crimes involving an

Indian and call into question "a number of convictions" (which he later characterized as "several thousand" convictions). Moreover, he asserted, Indians would not be subject to state taxation in the entire area of eastern Oklahoma.

Arguing on behalf of the MCN, Riyaz Kanji emphasized that significant disruption would result not from affirming the Tenth Circuit, but from reversal. He stressed that other large metropolitan areas, such as Tacoma, Washington, exist within reservation boundaries without the dire consequences that Oklahoma suggests. If the Court affirms, he said, the State would retain significant authority over non-Indians within the reservation, over non-Indian fee lands, and that existing cooperative agreements would continue allocating tribal, state, and local governmental activities within the reservation boundaries.

It has been six months since the oral argument, and with Justice Gorsuch having recused himself, the delay in issuing a decision may indicate the Court is struggling



to reach a decision that does not result in a 4-4 tie. Of course, a tie in this instance would result in a victory for the MCN, as well as Native women and children, since the Tenth Circuit Court of Appeals ruled in the Nation's favor. We remain hopeful that the Court will reach the right outcome and uphold the existence of the MCN reservation.

In *Gamble*, the Supreme Court is considering whether to abandon the dual-sovereignty view of the Double Jeopardy Clause, by which separate sovereigns—that is, the federal government, States, and Tribes—are not precluded from bringing separate, successive prosecutions for the same criminal act. Although the case specifically concerns a subsequent federal prosecution following a state one, a holding for *Gamble* would almost certainly impede the application of the dual-sovereignty doctrine to subsequent tribal court prosecutions. Together, NIWRC and the National Congress of American Indians (“NCAI”) filed an *amicus brief* noting that:

[T]he eradication of the “separate sovereigns” doctrine would require a Tribal Nation to choose whether to prosecute a case before the U.S. Attorney has had

sufficient time to perform the necessary investigation to determine whether he or she will prosecute under federal law and sentencing authority. The Tribal Nation may be forced to go ahead and prosecute, and without the “separate sovereigns” exception, such a prosecution would then preclude the more meaningful and deterrent sentencing authorized under federal jurisdiction.

And thus, until or unless tribal criminal jurisdiction—and sentencing authority—is fully and completely restored, federal prosecutions will remain an essential tool in preserving the safety of Native women and children in their own homes. See *U.S. v. Wheeler*, 435 U.S. 313, 331 (1978) (“Were the tribal prosecution held to bar the federal one, important federal interests in the prosecution of major offenses on Indian reservations would be frustrated.”).

Oral arguments were held in December 2018, and Justice Breyer specifically referenced the brief that NIWRC and NCAI filed, noting the concerns that a complete eradication of the dual sovereignty doctrine would effect “Indian tribes” because of the crisis of “abuse of women.” No decision has yet to be issued in this case, and NIWRC continues to monitor it closely.

## NIWRC Amicus Briefs

Since 2015 NIWRC has filed six *amicus briefs* providing the perspective of safety for Native women. Over the last three years NIWRC in partnership with Pipestem Law has filed *amicus briefs* in the following cases:

*Dollar General v. Mississippi Band of Choctaw Indians*  
<https://goo.gl/XydtG>

*United States v. Bryant*  
<https://goo.gl/oeKxvj>

*Carpenter v. Murphy*  
<https://goo.gl/4pHpRF>

*Standing Rock Sioux Tribe v. United States Army Corps of Engineers*  
<https://goo.gl/Y3kLvr>

*Gamble v. United States*  
<https://goo.gl/5WcZa7>



# International Update

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

## United Nations Permanent Forum on Indigenous Rights

On April 24, 2019, Alaska Native Women's Resource Center, Indian Law Resource Center, National Congress of American Indians, and the National Indigenous Women's Resource Center held a panel discussion at the United Nations in New York, *Violence against Indigenous women in the United States: How Indigenous nations and women are leading the movement to end the epidemic of violence in Indian country and Alaska Native villages*. This was a side event at the annual session of the UN Permanent Forum on Indigenous Issues, one of the United Nations' bodies specifically tasked with examining matters affecting indigenous peoples around the world including their human rights.

Terri Henry, a member of the Permanent Forum on Indigenous Issues, opened the panel with a review of the international human rights framework that protects Indigenous women's rights. **"When crimes against indigenous women are not being investigated or prosecuted as zealously as crimes against non-indigenous women, then there are racial equity rights that are implicated."** Calling for law reform to better protect indigenous women, Ms. Henry added that **"non-discrimination standards are at the center of the human rights system and also the UN Declaration on the Rights of Indigenous Peoples, which recognizes the right of Indigenous peoples and individuals to be free from any kind of discrimination."**

Paula Julian, Senior Policy Specialist for National Indigenous Women's Resource Center, spoke about the need to continue grassroots organizing and law reform work to

indigenize federal law to reflect the needs and realities of American Indian and Alaska Native women. She drew attention to the legislative and policy victories Native women and nations have won, including the tribal provisions in VAWA 2013 and the 2009 apology by the United States Congress in which Congress acknowledged **"years of official depredations, ill-conceived policies"** and explicitly apologized for **"many instances of violence, maltreatment, and neglect inflicted on Native peoples by citizens of the United States"** throughout U.S. history. While emphasizing the importance of these victories, Ms. Julian urged the audience to continue pressing the United States for concrete actions. **"As citizens of our countries and of the world, we are responsible for holding our governments accountable,"** she said. **"Apologies and promises are worthless unless we hold our leaders accountable, and provide direction with solutions rooted in Indigenous voices, languages, teachings and laws."**

Alaska Native Women's Resource Center's Executive Director Tami Truett Jerue concluded the discussion by noting how United States laws, even laws benefitting tribes in the lower-48, continue to fail to protect Alaska Native women. She called for jurisdictional changes to allow Alaska Native villages to better protect the women and girls in their territories. **"Our mothers are our hearts. Our children are our hearts. We must have the right to safety."**

Besides educating UN staff and indigenous advocates about these issues, the speakers offered two recommendations to the UN. First, they called on the Permanent Forum to propose an international

expert group meeting to study and discuss missing and murdered Indigenous women as a complex international phenomenon that needs a multi-faceted response from the UN. **"We know that this is not a problem unique to the United States and Canada,"** said **Chris Foley, staff attorney at the Indian Law Resource Center. "It is a violation of indigenous women's human rights that is occurring worldwide, and it is very often connected with human trafficking, with issues of femicide and legal impunity, and with colonialism and discriminatory criminal justice systems."** Secondly, panelists urged the UN to adopt new rules to improve the ability of Indigenous peoples' representative institutions, including tribal and village governments, to participate in UN meetings on matters affecting them.

**"Our governments have the expertise, the resources, and the legitimacy to speak about our needs, but the UN needs to create space for our leaders to advocate directly for us and the UN needs to give our governments a status that respects them as rights-holders and global actors,"** said Foley.

## International Covenant on Civil and Political Rights

In April 2019, the UN Committee on Civil and Political Rights, presented the United States with a list of issues about its implementation of the International Covenant on Civil and Political Rights (ICCPR). The Committee is a UN human rights treaty body responsible for monitoring the implementation of the ICCPR by those countries that have ratified it. The Committee listed several requests concerning issues affecting indigenous peoples, including but not limited to "steps





*Terri Henry, Tami Truett Jerue, and Paula Julian, pictured left to right, speak at the Side Event during the UN Permanent Forum on Indigenous Issues, April 24, 2019.*

taken to combat the incidence of missing and murdered indigenous women” and comments on the high levels of violence against Indigenous women. The United States has one year to submit a response. The Committee’s full list of issues for the U.S. are available at <https://undocs.org/pdf?symbol=en/CCPR/C/USA/QPR/5>.

## Looking Ahead

### Human Rights Council

The UN Human Rights Council works to enhance the promotion and protection of human rights and to investigate human rights violations. During its 41st session in Geneva, Switzerland on June 24 – July 12, 2019, the Council will hold a day-long discussion on women’s rights, including panels on violence against women in the world of work, the rights of older women, and women’s rights and climate change.

The Council’s 42nd session on September 9-27, 2019 is expected to include a half-day discussion of indigenous peoples’ rights. Further information about these sessions is available at <https://www.ohchr.org/EN/HRBodies/HRC/Pages/Sessions.aspx>.

### Expert Mechanism on Human Rights

The Expert Mechanism on Human Rights functions is the implementing and monitoring body for the UN Declaration on the Rights of Indigenous Peoples. As a subsidiary body of the Human Rights Council, the Expert Mechanism offers indigenous peoples a dedicated access point to the workings of the UN Human Rights System. The Expert Mechanism meets each summer in Geneva for one week. This year’s session will take place

July 15-19. Among other topics, the provisional agenda for the session includes a panel discussion on indigenous women in power, as well as study and advice on indigenous peoples’ rights in the context of borders, migration and displacement. For more information about the session visit <https://www.ohchr.org/EN/Issues/IPeoples/EMRIP/Pages/Session12.aspx>.

Note: For further information or assistance with meeting registrations or participation, please contact the Indian Law Resource Center at [mt@indianlaw.org](mailto:mt@indianlaw.org).



# A Call to Action!

## Declare October 1, 2019, The Tillie Black Bear Women Are Sacred Day

Tillie Black Bear (Sicangu Lakota), Wa Wokiye Win (Woman Who Helps Everyone) gave hope and healing to generations of Native Americans and the national movement for the safety of women. Tillie inspired thousands from all walks of life to end domestic and sexual violence. We will celebrate her life with a National Day to honor her life and life's work. In 1978, Tillie was the first Native woman to organize at the national level to educate Congress on domestic violence and the federal trust responsibility to assist Indian tribes in protecting tribal women.

*"In the early years, women opened their homes to other women in need and the children that came with their mothers. In the 1970s, we did this as women helping other women, sisters helping sisters. Since that time, our movement has grown to open the eyes of this country and the world to better understand violence against*

*women. Our role has and will continue to be to connect the violence beyond individual acts to the oppression that gives rise to the violence. As Native women this violence is linked to the colonization by the United States of our nations, lands, and peoples. As women of the movement we play many roles. One is to understand and reform those laws, policies, lack of resources, and so much more that continues to separate us as Native women. Another is to restore the sovereignty and protections that are original to our Indian tribes. Looking back over three decades, having spent most of my life as a woman in our resistance movement, I am so proud of our women who went beyond the shelter doors. I am so proud of our movement for safety and sovereignty. As tribal women, as indigenous women, we are helping to create a safer, more humane world.*

—Tillie Black Bear, Sicangu Lakota, Rosebud Sioux Tribe, 1946–2014



### NIWRC Honors Tillie Black Bear During Domestic Violence Awareness Month

**"I believe that in order for us to stop the violence in our country and in tribal communities, it has to do with how are we as relatives.**

**How can I be a better relative? Those are the kinds of beliefs and practices that need the resources from the federal government. If we could do that, I think we could end up with nations, with communities without violence."**

—Tillie Black Bear (Sicangu Lakota), statement during 2011 UN Special Rapporteur's visit



**SIGN ON to support Oct. 1st as Tillie Black Bear Women Are Sacred Day!**  
<http://bit.ly/TillieSignOn>





The Tillie Black Bear Women Are Sacred Day on October 1st will kick off October's Domestic Violence Awareness Month. Tillie Black Bear was a founding mother of the NCADV and led in the national and tribal organizing efforts to establish DVAM. The intent was to connect the advocates across the nations who were working to end violence against women and children. The Day of Unity soon became an entire week devoted to a range of activities conducted at the local, tribal, state, and national levels. The activities and themes varied from location to location but included the common themes of mourning lives lost, celebrating survivors, and connecting those working to end the violence—themes that continue to shape current DVAM activities. The first DVAM month was

observed in October 1987, and in 1989, Congress designated October as National Domestic Violence Awareness Month.

Tillie stressed the importance of utilizing tribal cultures and traditions to address violence in our communities. As relatives, respect is a foundation for our relationships and treating each other in a good way. "Even in thought, women are to be respected. We teach this to our children. We teach it to our grandchildren. We teach it to our kids so that the generations to come will know what is expected of them. Those generations to come will also know how to treat each other as relatives."—Tillie Black Bear.

"Tillie leaves a strong legacy of tribal grassroots organizing," said

Lucy Simpson, Executive Director, NIWRC. "Tillie is a founding mother of NIWRC, and we are honored to continue her legacy of movement building."

As we pause to honor and reflect on Tillie's life, the National Indigenous Women's Resource Center (NIWRC) asks all advocates and activists to commit to an action to celebrate Tillie's life and the beginning of the national battered women's movement. Join us by declaring **October 1st as the National Tillie Black Bear Women Are Sacred Day.**

Follow the link below to sign on in support of the Tillie Black Bear Women Are Sacred Day.  
<http://bit.ly/TillieSignOn>

*"Even in thought, women are to be respected. We teach this to our children. We teach it to our grandchildren. We teach it to our kids so that the generations to come will know what is expected of them. Those generations to come will also know how to treat each other as relatives."*

—Tillie Black Bear





# Restoration

OF NATIVE SOVEREIGNTY AND SAFETY FOR NATIVE WOMEN

Subscriptions Now Available!  
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## RESTORATION OF SOVEREIGNTY & SAFETY MAGAZINE, 2003-2019

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

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

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## Restoration

OF NATIVE SOVEREIGNTY AND SAFETY FOR NATIVE WOMEN

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# 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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