



**OF NATIVE
SOVEREIGNTY AND
SAFETY FOR NATIVE
WOMEN**

June 2024 | Volume 21 | Issue 2



**NIWRC's
Community-
Based Research
Priorities**
pg. 09

**The Future of
Advertising for
Advocacy**
pg. 38

**Building Native
Political Power**
pg. 46

Letter from the National Indigenous Women's Resource Center

Dear Relatives and Friends,

During a recent NIWRC board of directors meeting, we dove deep into envisioning the future of NIWRC. What lies ahead on this journey? There's only one resounding answer: Anything is possible! The past 40 years of grassroots organizing by survivors, advocates, Tribes, and our allies is a reflection of our strength in unity to restore Indigenous protections and transform and reform federal and state systems. We each contributed Indigenous-centered ideas on projects and programs to end violence. We nurture this work from our strengths and resilience. Some of us are focused on the present, improving things here and now, and are ready to adapt to community needs. Some of us are futurists, dreaming up a world where wellness and thriving are the norm for future generations. What resonates is that each of us wants to see it all happen.

At this moment, we collectively lift the sovereignty, treaty, and human rights of our Tribal governments and Indigenous communities. Our advocacy depends upon our Tribal governments' abilities and capacities to fully exercise our sovereignty to care for our citizens and community members and hold the United States accountable for its federal trust responsibility. In the face of what may seem impossible or against the odds, Tribal Nations and Native Hawaiians survive and thrive. We re-commit to working towards accountability of systems, governments, and those who kill and cause us harm.

At this moment, we re-commit to uplifting women's safety, well-being, and thriving, as well as all our relatives. Having survived colonization and trauma together, we can surely celebrate life's blessings, joy, and resilience in community and solidarity.

For the generations to come, we plant seeds for a future without violence, for Land Back, for culture back, for language rejuvenation, and for respect and thriving. We water those seeds in our communities by centering our relations with each other, women, youth, LGBTQ+, and 2-Spirit, and paying reverence to our elders for carrying us to this moment.

While we continue to grow our capacity to affect systemic and social change with Indian Tribes, Native and allied non-Native organizations, and policymakers at the Tribal, federal, state, and international levels, what remains at the center of our work is the love and care we have for our women as "the guarantors" of Indigenous cultures and our peoples' survival.¹



Ahéhee',

Lucy Simpson, Esq.
Diné
Executive Director



Qe'ci'yew'yew',

tai simpson
Nimiipuu Nation
Board Chair



**OF NATIVE
SOVEREIGNTY AND
SAFETY FOR NATIVE
WOMEN**

Restoration of Native Sovereignty and Safety for Native Women Magazine, 2003-2024

During the reauthorization process of the Violence Against Women Act in 2005, 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. *Restoration of Native Sovereignty and Safety for Native Women* emerged to fulfill this task.

Restoration 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 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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**NATIONAL
INDIGENOUS
WOMEN'S RESOURCE CENTER**

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¹ Booklet: Indigenous Women, Inter-American Commission on Human Rights, 2017.

Contents

Volume 21 | Issue 2

IN THE NEWS

- 6** COLT and NIWRC Support Federal Law Enforcement Accountability
- 9** NIWRC Indigenous Community-Based Research Priorities
- 13** Joint NIWRC and NCAI Reception
- 17** Pride for Two-Spirit and LGBTQ+ Community
- 20** Remembering Tillie Black Bear
- 22** Joint Statement Honoring Nex Benedict
- 26** Thank You, Wendy Schlater

TRIBAL PERSPECTIVES

- 29** Health Justice
- 31** Honoring Native Advocacy Programs & Shelters
- 32** Honoring the Emmonak Women's Shelter
- 33** Honoring the White Buffalo Calf Women's Society
- 34** Organizing and Decolonizing Our Work

MISSING AND MURDERED INDIGENOUS WOMEN

- 37** MMIW State Legislation
- 38** Advertising for Advocacy
- 40** National Week of Action: Digital Honor Cards

LEGISLATIVE REFORM

- 42** Legislative Update: June 2024
- 46** NCAI Civic Engagement Building Native Political Power



NCAI VAW Task Force Co-Chairs Honored for their strong-hearted leadership. / Photo courtesy of NCAI.

STTARS UPDATE

- 48** Supreme Court Update: *Grants Pass v. Johnson*

HI UPDATE

- 53** Hawai'i Solutions for Hawai'i Problems

AK UPDATE

- 57** Educate & Inform Alaska Policy Makers
- 60** Red Dress Gala
- 62** Acquired Brain Injury
- 64** AKNWRC's Annual Meeting Is Changing Dates

VAWA & INTERNATIONAL UPDATES

- 65** VAWA Sovereignty Initiative Update June 2024
- 68** International Advocacy Update

EDITOR'S NOTE



Paula Julian, *Filipina*, Senior Policy Specialist and Editor, NIWRC *Restoration Magazine*

In this *Restoration* edition, we highlight important priority issues and policies for us to make connections with beyond the shelter doors and center women's needs.

“We can’t just stop because VAWA has given us the money to do this work. We have to make those connections beyond those shelter doors. That’s what it’s all about. We need to work in the trenches, but we have to make these connections outside those shelter doors to say this is how we can stop violence against women.”—Tillie Black Bear¹

We’re monitoring and advocating for local, regional, national, and international actions, including in:

- Federal court cases,
- Hate crimes committed against LGBTQ2S+,
- Health, housing, and economic justice for survivors of domestic violence and sexual assault,
- The spectrum of violence against Indigenous women, including domestic violence, sexual assault, sex trafficking, missing and murdered,
- The full realization of the federal trust responsibility, and
- Native advocacy and organizing efforts engaging with state, federal, and UN policymakers.

Reclaiming and deepening Tribal and Native Hawaiian knowledge, including lessons learned and how to respond to mistakes, disagreement, or conflict, is essential for developing our capacities to identify, implement, and expand responses that restore sovereignty and increase Native women’s and all community members’ safety.

“Even in thought, women are sacred.”—White Buffalo Calf Woman teaching.

Emmonak Women’s Shelter Resource Advocate Coordinator Tasha Paukan said, “The only way that we can help our people is if we do something about it.”² We see, over the years, the increase of analysis, organizations, and actions aimed at or helping to restore sovereignty and end violence against Indigenous women and related injustices. This growth is reflected in:

- The ongoing development of local, Tribal responses to violence against women,
- The grassroots organizing, resulting in enhancements within reauthorizations over the past 40 years of the *Family Violence Prevention and Services Act* (FVPSA) and the past 30 years of the *Violence Against Women Act* (VAWA), which became federal laws in 1984 and 1994, respectively,
- The increase and maturation of Native organizations, including those contributing to *Restoration* and multiple generations of leaders over the past 40+ years,

¹ https://www.youtube.com/watch?v=Rw0EW84p0_Q

² <https://www.yupikwomen.org/news-and-updates/ywc-psa/>

- The groundswell demanding accountability for and the prevention of missing and murdered Indigenous Women and relatives at the Tribal, state, federal, and international levels, and
- Changes in other federal and state laws and policies, such as on June 2, the 100th anniversary of the Snyder Act, also known as the Indian Citizenship Act of 1924.

In this edition, we also continue to encourage you to deepen your understanding and exercise your responsibilities with others grounded in Indigenous teachings and laws, U.S. laws and policies, fundamental human rights, as well as rights affirmed for Indigenous peoples in the United Declaration on the Rights of Indigenous Peoples, including:³

- As law enforcement officials protect, serve, and do NOT sexually assault the citizens they respond to,
- As court officials and policymakers,
- As researchers and evaluators,
- As peer students, educators, and school officials,
- As health care, housing, and financial professionals,
- As advocates, community members, relatives, and
- As citizens with the right and responsibility to vote in elections and election officials.

This July also marks 10 years since Tillie Black Bear started her journey back to the spirit world. On pages 20-21, we share her family's memories of Tillie's love, patience, joy, and perseverance, which are important skills for survivors, advocates, and leaders to exercise. We will celebrate Tillie and her legacy with a women's gathering to take important or revolutionary time for self-care and connecting with each other for support and laughter, which we all need to recharge regularly.

"Caring for myself is not self-indulgence, it is self-preservation, and that is an act of political warfare."—Audre Lorde⁴

Please subscribe and share *Restoration* with your networks of family, friends, coworkers, first responders, court officials, health care providers, Native housing authorities, teachers and school administrators, and policymakers to educate and organize for social change, restoring sovereignty to increase women's safety.

Paula S. Julian

(Washté Wiya, Good Woman) Filipina

Editor, Restoration of Native Sovereignty and Safety for Native Women, Senior Policy Specialist, NIWRC

³ <https://indianlaw.org/undrip/home>

⁴ <https://bit.ly/3JWekWU>

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Sign up for print subscription at
niwrc.org/restoration



COLT and NIWRC Support Federal Law Enforcement Accountability in Indian Country. *Does Attorney General Garland?*



Photo license donated by Kelsey Foote.

By NIWRC

BROWNING, MONTANA - The Coalition of Large Tribes (COLT), an intertribal organization representing the interests of the more than 50 tribes with reservations of 100,000 acres or more, is proud to stand with the National Indigenous Women's Resource Center (NIWRC) in support of L.B., a Northern Cheyenne woman raped by an on-duty Bureau of Indian Affairs law enforcement officer seeking federal government accountability at the Ninth Circuit Court of Appeals. The case is *L.B. v. United States*, No. 23-35538. COLT and NIWRC submitted an amicus brief arguing that the unique context of the law enforcement deficit and Missing and Murdered Indigenous Women and Girls crises on large land base reservations mean that the United States must be liable for the torts of its officers. We also argued that the United States' Treaty promises to the Northern Cheyenne Tribe mandate compensation for crime victims like L.B.

The federal government's efforts in the case, to dodge civil liability based on the radically changed testimony of a convicted rapist, are repugnant. On January 19, 2024, the United States Department of Justice (DOJ) filed its responsive brief at the Ninth Circuit, arguing the federal government is not liable for the rape committed by its on-duty officer, and that L.B., a citizen of the Northern Cheyenne Tribe, has no individual ability to enforce her Treaty right, under the Treaty's Bad Men provision, to compensation from the United States for harms caused by Officer Bullcoming.

COLT Chairman Marvin Weatherwax reflected that the federal government's latest briefing in the case stems largely from the anti-tribal, anti-sovereignty stance routinely taken by the United States in numerous cases. Chairman Weatherwax stated: "When the USDOJ wears two hats – one that tells tribes, 'the United States will protect you because we have a Treaty and a Trust responsibility,' and when wearing the second hat, tells tribes: 'but that's not an enforceable duty of the United States,'" the tribal interest always loses out in favor of some other interest—here dehumanizing L.B. and her daughter all to save the United States money."

COLT Vice Chairman Tracy "Ching" King, of the Fort Belknap Indian Community, said, "Our women are sacred. They give us strength. To see DOJ dishonor our women, and say the United States bears no responsibility for the endless crisis of physical and sexual violence our women face is beyond offensive. Our women need the protection of our Treaties and I am proud COLT and NIWRC have stepped up to give voice to those important arguments."

King said, "There is no Native American political appointee in the Biden-Harris Department of Justice and there never has been. DOJ does not understand tribes and operates in a state of perpetual conflicts of interest. COLT—again—calls for the immediate establishment of an Office of Treaty Enforcement at the Department of Justice, with a sole duty of loyalty to tribal interests irrespective of other perceived federal interests. That office should be staffed by lawyers with knowledge and experience in Indian Law and Attorney General Garland should seek the

immediate appointment of a senior advisor who will uphold the solemn Treaty obligations of the United States, including obligations to compensate the victims of Bad Men, as promised in many Treaties."

COLT has repeatedly called attention to how bad DOJ is. See:

- DOJ Spouts Outdated Colonialist Arguments in Face of Treaty Obligations (Media Share)
- 'Callous disrespect for tribal treaty rights': Tribes blast government attorney for U.S. Supreme Court argument (Media Share)
- COLT Calls for Action After U.S. Department of Justice Argues to U.S. Supreme Court That the Navajo Nation's Treaty Reserved Water Rights Are Basically Meaningless
- Speaking at the United Nations, Chairman Weatherwax Calls on the U.S. to respect Indigenous Peoples' Human Rights on Reservations

The dereliction of the United States when it comes to protecting public safety on Indian reservations has reached a boiling point. COLT Member Tribe, the Oglala Sioux Tribe, declared a State of Emergency to address the crisis. See Oglala Sioux Tribe declares State of Emergency: rapidcityjournal.com.

Oglala Sioux Tribe President Frank Star Comes Out signed a new proclamation on November 18, 2023 declaring a State of Emergency on the Pine Ridge Indian Reservation. The new State of Emergency declaration will remain in effect until Jan. 1, 2025. The Oglala Sioux Tribe is now seeking to hold the United States in contempt for its failure to assist the Tribe with coming up with a law enforcement funding plan.

"A State of Emergency exists on the Reservation due to the failure of the United States Government and its agencies, particularly the DOI and BIA, to honor their treaty trust and statutory obligations to the Oglala Sioux Tribe," President Star Comes Out's proclamation read.

Vice Chairman King said, "What President Star Comes Out said about Pine Ridge can be said of

virtually every COLT Member Tribe's large land base reservations. President Star Comes Out's strong State Of Emergency is a very powerful statement, and reminding everyone that the devastating elements just aren't factored in the federal budget formulation process—cartels, fentanyl, distance, weather, 'cost' of living, plus so many other factors just aren't factored in. In fact, it's like we're playing DOI/TIBC/BIA's Press Your Luck show, and the game is loaded with a bunch of damn WHAMMY squares.”

Chairman Weatherwax agreed, “The United States must honor its Treaty and Trust obligations and provide adequate funding for law enforcement. The reality we face—a handful of officers patrolling areas the size of the states of Delaware or West Virginia—at any given time is shocking to people who don't live on Indian reservations. The Biden-Harris Administration promised to do better.¹ We're not seeing it and we're calling it out.”

As Attorney General Garland visited the Crow Nation March 5, we hope he will recognize that his approach to tribal law enforcement is fundamentally wrong. As the chief law enforcement officer of the United States, he should be honoring our Treaties and doing everything within his power to protect the Nation's most vulnerable—Native American women and children.

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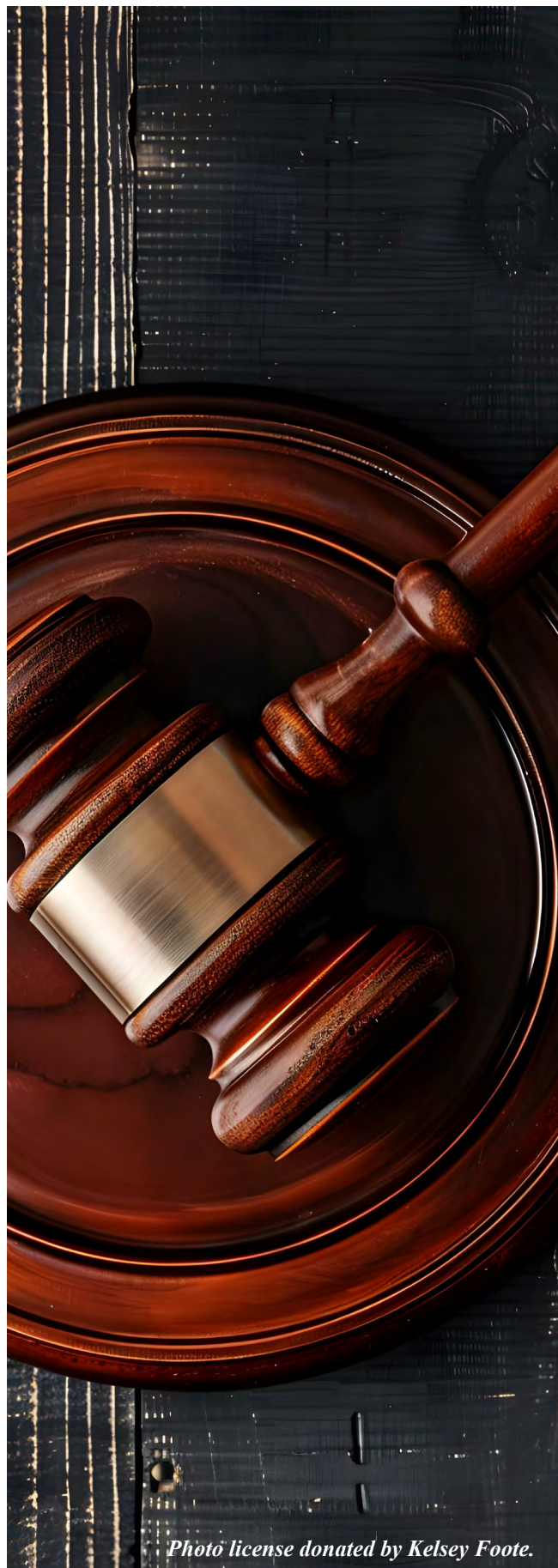


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NIWRC Indigenous *Community-Based* Research Priorities

A Tool for Uplifting Community-Informed Resources

By Kendra M. Root, *Citizen of the Muscogee Nation/Euchee*, Research Associate, NIWRC

To comprehensively understand the essential and critical needs within the movement to end violence against Indigenous women, families, and relatives, we must, first and foremost, make safe spaces and ASK! The process of creating safe spaces, asking and actively listening, and taking critical action steps show NIWRC's Research & Evaluation commitment to our Indigenous Nations and communities!

Our Indigenous women, families, and relatives' voices are heard, acted upon, and shown through developing specific resources which is vital to this movement. NIWRC Research & Evaluation braids culturally specific community-based research and evaluation tools into our foundational values and ethics, represented within the four R's—Relevance, Responsibility, Reciprocity, and Respect.

Some new ways NIWRC is expanding into research spaces include the NIWRC Research & Evaluation launch of the first NIWRC in-house empirical Institutional Review Board (IRB) approved research project *Indigenous Intersectionality on Colonial Gender-Based and Land Violence*. This study aims to understand how Indigenous birthing people¹ aged 18+ view their connection to Earth and how colonial violence to their community lands has

affected health and wellness. Within evaluation spaces, NIWRC launched the first NIWRC in-house comprehensive evaluation for our Women Are Sacred 2023 Conference to inform future planning and development.²

As NIWRC continues to expand into research and evaluation spaces, it is critical to understand our Indigenous Nations' and community needs, addressing, preventing, and ending violence against Indigenous women, families, and relatives. Knowledge of needs provides the platform for the



The research word cloud, visualizing the survey data to highlight and provide the collective voice.

¹ Birthing person: Someone who gives birth, regardless of their gender identity, which may be female, male, nonbinary, or other. bit.ly/4bJLLwj

² Although overlapping in many areas of thought, research and evaluation are different. Learn ways research and evaluation differ: bit.ly/3xJ3i4b.

most meaningful research and evaluation, relevant and accessible resources, training and technical assistance, policy reforms, and systemic changes for the movement.

This is why NIWRC Research & Evaluation is excited to share the NIWRC Research Priorities. We developed the Research Priorities using the *Representing Community Voice Survey*, distributed through all NIWRC communication platforms, including all social media outlets and the NIWRC email listserv. We received an excellent response from the movement! Mvto (Thank you) to everyone who participated in the survey! We then developed a word cloud using the survey data to highlight and provide the collective voice.

Based on the research survey analysis and the developed word cloud, we created the following six Research Priorities to guide the development of Research & Evaluation resources.

The Research Priorities are not in any specific order, as each priority is just as important as the others, hence the representation of circular and interconnectedness. Traditional Muscogee Nation art meanings inspired the graphic design.

Indigenous Land/Body Violence

surfaces knowing that Indigenous women and relatives inherently are connected to each other and to land, waters, air, and biodiversity that sustains the circles of life. As we know, this connection has been disrupted within the spectrums of systemic violence; thus, we must advocate for an increased understanding of healing and action steps to restore holistic wellness to the land and body.

³ Indigenous knowledge(s), also known as IK, “refers to the traditional knowledge systems, practices, and beliefs passed down from generation to generation within Indigenous communities” (p.287) Yip, S. Y., & Chakma, U. (2024). *The teaching of indigenous knowledge and perspectives in initial teacher education: A scoping review of empirical studies*. *Journal of Further and Higher Education*, 48(3), 287–300. <https://doi.org/10.1080/0309877x.2024.2327029>

Ending Violence & Abuse brings forth the spectrums of violence that have disrupted our Indigenous ways of being since colonial contact. Understanding the roots of violence, which is colonization, has disrupted Indigenous knowledge(s)³ and values, as well as holistic wellness. The spectrum of violence can happen in all intersections of life, as we are all relatives. Understanding and advocating for comprehensive social, systemic, and policy changes need to be addressed to end violence and abuse and to respect Indigenous ways of being

Indigenous Community Needs

reflect our communities’ needs and should be understood in totality. Culturally appropriate evaluation of needs, like needs assessments, for comprehensive understanding, implementation, and planned action steps to address the findings are much needed throughout our Indigenous communities. All Indigenous communities may differ in needs, as it is essential not to predetermine the needs but to let the community voices speak for themselves within the findings for developing appropriate resources and action steps. Needs such as accessibility to language revitalization, shelter, safe housing, education and educational funding, program development, management, and sustainability are examples of many needs from the NIWRC Representing Community Voice Survey findings.

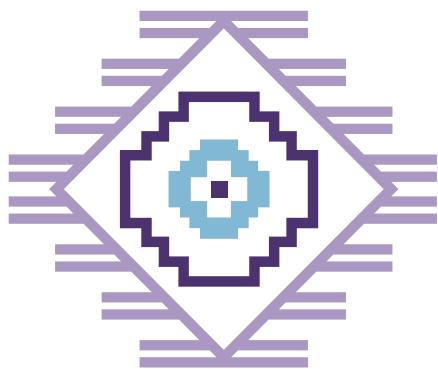
Indigenous Youth Violence & Trauma

brings to life our Indigenous values of providing for our future generations. Indigenous communities have been subjected to disproportionate generational violence(s) and trauma(s). Engaging our Indigenous youth in nonviolent ways bears our Indigenous values and traditions. This engagement will aid in understanding youth trauma and violence, what those effects are on our Indigenous youth, the pathways of healing, define the needs of our youth, what accessibilities are lacking, accessing resources such as healthcare and traditional ways of healing, shelter, fair and equal justice within the justice systems, educational systems, as well as upholding systemic policies, like that of Indian Child Welfare

Act (ICWA) to provide Indigenous children the inherent right to their health and safety and to maintain Indigenous morals and values, cultures, traditions, and languages.

Indigenous LGBTQ/2S+ captures the need for safe, equitable, and inclusive spaces for Indigenous LGBTQ/2S+ relatives. Considering historical and present systemic policies enacted that impede human rights, it is critical to understand the current violence(s), substantial trauma(s), Tribal sovereignty protections, and healing practices.

Trauma Healing & Protection presents itself within the findings as a result of historical and generational violence and trauma(s) that exist within our Indigenous communities. Understanding the impacts of historical and generational trauma(s) from the spectrum of violence(s) provides a framework for culturally appropriate community-defined resources for healing, protection, and prevention. There is substantial knowledge of historical and generational trauma(s); therefore, using this knowledge to move Indigenous communities toward healing, protection, and prevention is the prime concern.



Our Research *Committment*

Research & Evaluation realizes the needs of the movement to end violence against Indigenous women, children, and relatives are constantly shifting and evolving. NIWRC Research & Evaluation will continue to prioritize providing a safe space to uplift Indigenous Nations, community voices, experiences, and knowledge-sharing. We will continue to monitor the constant shifts and evolvments of the movement through evaluation. We are committed to making research and evaluation accessible, ethically, and culturally specific for our Indigenous communities and helpful in NIWRC's vision of restoring Tribal sovereignty to increase women's safety!



Kendra Root
RESEARCH ASSOCIATE, NIWRC

Research Priorities

The National Indigenous Women's Resource Center (NIWRC)'s Research Priorities were developed using a survey distributed within our communication platforms. In identifying codes and themes from the survey data, the following six priorities were thus developed.

Priorities for FY24 and the movement continue to shift, change, and evolve. NIWRC will continue efforts to uplift and provide the community with an uplifting community voice.



niwrc.org/research



Paula Julian, Wendy Schlater, and Tami Truett Jerue standing proudly with two previous *Restoration Magazine* covers.
Photo courtesy of NCAI.

Joint NIWRC and NCAI *Reception*

Celebrating 20 Years of the *Restoration Magazine* and
Honoring the Leadership of the NCAI VAW Task Force

By Paula Julian, *Filipina*, Editor, *Restoration Magazine*

On February 12, the National Indigenous Women's Resource Center (NIWRC) and the National Congress of American Indians (NCAI) hosted a reception celebrating 20 years of *Restoration of Native Sovereignty and Safety for Native Women Magazine* (*Restoration*) and honoring the past and present leadership of the NCAI Violence Against Women Task Force. Excerpts from the speakers are included below.

Restoration Magazine was launched 20 years ago and echoes the voices of advocates, survivors, families, Tribal leaders, and communities—our

Tribal groundswell—who called for the inclusion of what was eventually called the Safety for Indian Women title in the 2005 Violence Against Women Act (VAWA) bill. With each reauthorization of VAWA since 2005, in 2013, and 2022, our Tribal groundswell, in alliance with our non-Tribal groundswell, has succeeded in what seemed impossible.

Restoration, now a publication of NIWRC, has become an essential tool in the movement to protect and promote Tribal sovereignty and increase safety for Native women. We are thankful for the hard

work, vision, and insight of everyone who has contributed to, read, and shared *Restoration* over the past two decades.

Founded in 2003, the NCAI VAW Task Force provides a space for advocates, Tribal Coalitions and organizations, and Tribal leaders to organize to ensure that ending violence against women is a priority for Tribal Nations. Thanks to the work of past Task Force leadership, dedicated members, and our current co-chairs, Juana Majel Dixon (Pauma Band of Luiseño Indians) and Shannon Holsey (Stockbridge-Munsee Community Band of Mohican Indians), we have made monumental strides in our mission for safety and sovereignty.

Excerpted Speaker Remarks

NCAI Board President Mark Macarro (Pechanga Band of Indians):

“On November 17, 2000, in St. Paul, Minnesota, the National Congress of American Indians passed a resolution establishing the Violence Against Women Task Force.

“It reads, ‘WHEREAS, it is necessary for NCAI as the leadership for tribal governments to be proactive in defense of Native women to curtail and prevent violence against Native women; WHEREAS the future of indigenous nations rests in the secure status of women, to live in an environment free of violence.’

“Three years later, nonprofit Tribal domestic violence and sexual assault coalitions partnered to breathe life into this resolution. The NCAI Violence Against Women Task Force was born.

“That same year, the *Restoration Magazine* was launched. The creation of the magazine coincided with the campaign for the Violence Against Women Act of 2005. [We] recognized that for Tribal leaders, advocates, and Tribal communities to fully participate in the movement, they needed continuous political briefings on issues impacting the safety of Native women and emerging legislation. Article by

article, the Magazine provided the analysis required to make systemic reforms. It outlined initiatives and goals in the struggle of resistance, which continues today.

“For twenty years, the Task Force has convened at each NCAI conference. For twenty years, its members have worked tirelessly to protect Native women and to ensure the sovereign rights of Tribal Nations to protect their own people. For twenty years, advocates and allies have been putting their stories on paper. For twenty years, the people in this room— and many others— have refused to stay silent.

“Twenty years ago, the maximum sentence a Tribe could issue for convicted felonies was one year of imprisonment and a \$5,000 fine. Only 4% of VAWA funds were dedicated to Tribal Nations. The state of Alaska was largely ignored by VAWA despite having the highest rates of violence of any state in the country. Sex trafficking was not yet outlined as a purpose area for tribal grants. The inherent Special Tribal Criminal Jurisdiction of Tribes had not yet been affirmed over non-Indians committing domestic violence on tribal lands. Because of the policy gains of the last twenty years, Native women are safer. Tribal sovereignty is stronger.

“And yet jurisdictional gaps remain. Native women experience violence at higher rates than any other demographic. The epidemic of murdered and missing indigenous women continues to be a crisis exacerbated by threats like man camps on tribal lands and the removal of resources from Indian Country in the wake of the Castro-Huerta decision.

“Public safety continues to be a leading concern of tribal leaders. Our work is not done until all victims in Indian Country have access to the life-saving provisions of VAWA. We gather here not just to celebrate but to reenergize and reinvigorate.

“Congress must take action to remove the gaps in tribal jurisdiction, provide resources for exercising that jurisdiction, improve tribal access to federal criminal databases, respond to the need for a thorough criminal investigation of every case for

the murdered and missing, address the unique challenges in Alaska, and ensure there are resources available for victim services. Domestic violence, sexual assault, stalking, and trafficking will not be tolerated on tribal lands. Our work is not done.”

NIWRC Board Vice Chairwoman Carmen O’Leary (Cheyenne River Sioux Tribe):

“Over the past 20 years, the *Restoration Magazine* has served as a primer on violence against Native women, including assisting Tribal Governments with their testimonies for the annual USDOJ Tribal Consultation on VAWA. Communication is necessary to get our needs met.

“Over the years, *Restoration* has contributed to providing analysis to make systemic reforms and working with the national movement to create changes to federal laws, policies, programs, and practices. Communicating our realities through the Magazine has helped to inform and inspire Tribes and grassroots organizations to:

- Prioritize restoring local Indigenous protections rooted in Tribal voices, languages, and teachings, and
- Exercise Tribal sovereign authority to inform, engage, and advocate for transforming federal responses and removing systemic barriers. Such an exercise helps to hold the U.S. government accountable for fulfilling the federal trust responsibility to assist Tribal Governments in safeguarding the lives of Native women.”

“As Indigenous women, we understand that we form the backbone and lifeblood of our Nations. Hence, the Cheyenne quote on the back of *Restoration*: ‘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.’”

“*Restoration* is a publication dedicated to informing Tribal leadership, Governments, and communities, as well as federal, state, and international leadership, of issues impacting the safety of American Indian and Alaska Native women. The name of the



MIWSAC Executive Director Nicole Matthews speaking at the reception. / Photo courtesy of NCIA.

Magazine reflects the grassroots strategy of the NCIA Violence Against Women Task Force that by strengthening the sovereignty of Indian Nations to hold perpetrators accountable, the safety of Native women will be restored.

“We look forward to our strong-hearted partnerships with NCIA, our contributors, Tribal Coalitions, and allies. Join us as we continue to discuss strategic questions in the struggle for survival, deepening and expanding how we rebuild American Indian, Alaska Native, and Native Hawaiian Nations. As our beloved sister and friend Tillie Black Bear would say, join us in resistance.”

NIWRC Board Chairwoman tai simpson (nimiipuu):

“I am a storyteller. The stories I carry are a gift from my ancestors and the story I write with my own life is a gift to my descendants. Each of us has a responsibility to live in a good way, to write a good story with our lives, and to cast that good story into the future for our descendants.

“Our work over the last 30 years or more is a story we are writing together to end violence in Indian Country. Our work is not just to mitigate violence but to liberate our people from the harmful effects of violence in all of its forms. We are overrepresented in incarceration as Indigenous people, in houselessness,

and as victims of crime and violence, but that's not a story our ancestors wrote for us. We were prayed and loved into existence to be in this moment with each other right now to imagine a future for our descendants where violence is a far-off memory and not an experience or a fear day to day on our reservations or in our urban Indian communities.

“It is important to remember that the big vision of a violence-free world is based on our togetherness, on the fact that we are oykalo (relatives). We are all drops in a river wide and slow that moves across time, gentle enough to give life but strong enough to destroy the rocks that have oppressed us over time. Together in a movement to end gender-based violence in Indian Country. How does that look? What does it feel like?

“Culture is prevention. Language is prevention. [We must] empower youth voices. They should be taking up half of these tables. [We must] respect and honor the wisdom of our elders, making sure that they are cared for to restore balance in our communities and end violence. Being a storyteller isn't just about me telling you a story. It's about creating spaces for each of you sharing your story in a good way. The more a story is told, the more we give life to it, and the more the story has life, the more room for healing we have. We need to tell those stories of healing.

“What I wish for, what I pray for, what I story for is the wellness, the ease, the joy, the auntie cackles and laughter of our people, frybread, stew, our lodges, our longhouse, free of violence, shame, oppression, and racism. Each of us has that responsibility to serve, to show up, and to be part of our communities in a good way so that the story that we do write is a good story for our descendants, so I leave you with that—how are you showing up today, tomorrow, and for the rest of your lives that makes you worthy of your descendants.”

MIWSAC Executive Director Nicole Matthews (Anishinaabe):

“In 2003, while pregnant with my now 20-year-old daughter, I attended NCAI for the first time, along

with my Tribal Coalition sisters. Following those first few meetings we attended, the NCAI VAW Task Force was created so that the Tribal Coalitions and those of us doing this work in Tribal communities could partner with NCAI to ensure that violence against Native women was a priority, especially advocating for changes in federal laws and policies. Without the work of our Tribal Coalition relatives, along with countless Tribal programs and people, and in partnership with the NCAI, we would not be where we are today.

“So, while we have a lot more work to do and many more battles to fight, tonight, we take this moment to celebrate all the wins we have achieved. I'm so grateful for the leadership of Juana and for the many Native women who paved the way for us, including Tillie Black Bear, Cecilia Fire Thunder, Eileen Hudon, Karen Artichoker, Jax Agtuca, Terri Henry, and many more. Coming full circle, last week, that daughter that I was pregnant with all those years ago traveled on her own to Chicago to speak on a panel about missing and murdered Black and Indigenous women. I hope that someday, her children will not have to do this work because our work will be done, and we will have ended gender-based violence. And for our young relatives coming up behind us and carrying the torch, we can't wait to see all the amazing and inspiring work you will do on behalf of our Tribal Nations.”



Cover of the 20th Anniversary Edition of Restoration Magazine. / Photo courtesy of Kelsey Foote.

Join Us!

Join our NCAI VAW Task Force meetings, generally scheduled at the start of each NCAI's Executive, Midyear, and Annual Sessions.

Please see www.ncai.org for more information.

Pride for Two-Spirit and LGBTQ+ Community

By StrongHearts Native Helpline



Photo courtesy of StrongHearts Native Helpline.

June is Pride Month, a time to celebrate the achievements of the 2SLGBTQ+ community and advocate for equal rights and community acceptance. It's also a time to remember a people known as "Two Spirits," who were revered before colonization and considered gifted by the Creator.

"Colonization forced us to accept values and beliefs that did not fit within our own customs and traditions," said CEO Lori Jump, StrongHearts Native Helpline. "Culture is very important to the health and well-being of our people, and that is why it is important to

remember that as this nation's first people, we look to the past to find that part of history that helps us to define who we were and still are today."

The Two-Spirited People

It was during an Indigenous lesbian and gay gathering in Winnipeg in 1990 that the term "Two-Spirit" was used to distinguish Native LGBTQ+ peoples from non-Native LGBTQ+ peoples. It is a name that ties Two-Spirit to our cultural beliefs and spirituality. In many

ways, the 2S and LGBTQ+ people share the same life experience: sometimes accepted, shunned, or even ignored.

According to the Indian Health Service, “Native American two-spirit people were male, female, and sometimes intersexed individuals who combined activities of both men and women unique to their status as two-spirit people.” For example, women may have had to be the hunter and the gatherer or men the homemakers. These were skill sets tied to their natural inclination.

Two-Spirit people may be straight, gay, bi-sexual or asexual, male, female, transgender female, transgender male, non-binary, queer, or plus (something else). Two-Spirit embodies an Indigenous worldview of gender, including any individual who may express or present as having both male and female qualities.

“The biggest takeaway from the concept of our Two-Spirit relatives is that alternative lifestyles were accepted as a matter of course; they were never frowned upon,” Jump explained, adding that Indigenous people understood that a birth didn’t have predetermined assignments and there was a purpose and a need for all walks of life.

“If only we could see through the eyes of our ancestors, we might see how acceptance is key to our health and wellbeing.”

Bullying and Suicidal Risk Factors

Sadly, a lack of awareness, education, and an understanding of 2SLGBTQ+ people often leads to bullying, discrimination, and harassment, which can contribute to a decline in mental health and increase the risk of suicide.

Bullying and Discrimination: Two-Spirit individuals often face bullying, discrimination, and harassment based on their sexual orientation, gender identity, or expression. It can occur in various settings, such as schools, workplaces, communities, and even within families.

Impact on Mental Health: Persistent bullying and discrimination can have serious negative effects on the mental health of Two-Spirit individuals who experience these forms of mistreatment. It can lead to a higher risk of developing depression, anxiety, low self-esteem, and other mental health issues.



Photos courtesy of StrongHearts Native Helpline.

Suicide Risk: Two-Spirit youth, in particular, are at a significantly higher risk of suicidal ideation, suicide attempts, and completed suicides. This is due to persistent bullying and discrimination, which can exacerbate feelings of isolation, hopelessness, and worthlessness.

Lack of Support: Two-Spirit individuals who experience bullying and discrimination may also face challenges in accessing supportive resources and networks. Fear of rejection or further mistreatment can lead to social withdrawal and reluctance to seek help.

Intersectional Factors: The impact of bullying and discrimination can be compounded by intersecting factors such as race, ethnicity, socioeconomic status, disability, and cultural background.

It is essential to understand that addressing bullying and discrimination against the 2SLGBTQ+ requires a multifaceted approach involving education, raising awareness, supportive environments, and increased access to services. Also, creating inclusive and affirming spaces where individuals feel safe, valued, and supported is crucial to the health and well-being of future generations.

StrongHearts Native helpline stands with Two-Spirit people and the LGBTQ+ community and recognizes the need for acceptance, equal protection, social and racial justice, and reconciliation across the nation. For those who may be experiencing domestic or sexual violence, StrongHearts can help by providing culturally appropriate support and advocacy for Native Americans and Alaska Natives.



StrongHearts Native Helpline serves all individuals who reach out for their services regardless of race, ethnicity, gender, gender identity, age, religion, national origin, sexual orientation, disability, or any other factor protected by local, state, or federal law.

Call or text **1-844-762-8483** or chat online at **strongheartshelpline.org**.



Lori Jump

**Chief Executive Officer
StrongHearts Native Helpline**

*Photo courtesy of StrongHearts Native Helpline
Communications Department.*

Sources

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Remembering *Unci* (Grandmother) and *Ina* (Mother) *Tillie Black Bear*



Tillie with daughter Connie and Takojas Chey (far left) and Laura (far right). / Photo courtesy of Connie Brushbreaker.

By Cheylynn Brushbreaker and Connie Brushbreaker, *Sicangu Lakota*

CHEY

I wrote the following as part of a 6-page class assignment in my Senior year of high school in 2014 after interviewing my Grandmother, Tillie Black Bear. I have edited it and included a short piece for this article, remembering and missing her as July 19, 2024, will be 10 years since she started her journey back to the spirit world.

Tillie Black Bear (Wa Wokiye Win, Woman Who Helps Everyone) is a leader among Lakota women and

paved the way in fighting for women's rights against domestic violence. A woman who inspires me and many others to do so much with life. My beautiful, caring Grandmother. She has done so many great things in her lifetime, which inspires me to do so, too.

My Grandma is a Tribal member of the Rosebud Sioux Tribe, born in 1946. She had two older brothers and seven younger siblings. She was born in the "Boarding School Era." She went home only during Christmas and summer. She was very spiritual, and when she went to school, her rights were taken away, and she never practiced them there. She hung on to

speaking Lakota, not letting that be taken away from her. She cherished her language.

My Grandma only left the reservation to go to college. She received her BS at Northern State University in 1972. She received her MA and started her Doctoral Studies in 1974 at the University of South Dakota. Leaving the reservation was hard at first, but she got used to the whole thing after a while. After a few weeks of being there, she finally knew what she wanted to go into, and that was helping young people and then, eventually, victims of domestic violence. Of course, she also changed her mind a million times after seeing relatives experience domestic violence. My Grandma was the first Indian woman from our Tribe to receive a bachelor's degree in sociology.

My Grandmother had two children, Corrine and Constance Black Bear. She helped to raise others as well. Some call her mom because Tillie was there when they were younger. She showed them how to be men and women and to respect one another. For most of them, she was their only mom and parent. She was a foster mom helping take care of them. She fed, clothed, and gave them a safe place to sleep.

After college, Tillie came back to the reservation to help women experiencing domestic violence. Tillie started working on opening a shelter for women who experienced any form of abuse and who didn't feel safe where they were. She was the former executive and co-founder of WBCWS. She tried her best to provide for women and their families. Tillie went out of her way to get the things they needed and for them to feel safe and not feel scared.

When she opened the WBCWS in 1979, it was the first to open anywhere. She was one of the battered women's movement's first activists. Tillie was an inspiration to many others to start doing something about domestic violence against women. Tillie received awards from the National Organization for Women (NOW) and Lifetime Television as a Leader of the Lakota. Tillie thought she was by herself to receive the award, but her whole family was there without her knowing. We had to keep it a secret that we were coming. We were all so proud of her. When they announced her name, we all came out and surprised her. She was shocked and started to cry. She was also one of 21 Leaders for

the 21st Century award by Women's eNews in 2004.

Tillie was an instructor in Human Services at the community college (SGU) here on the Rosebud. She was licensed as a foster parent. Tillie wanted to help however she could, just to give someone something they never had. Tillie had done everything you could think of. She couldn't help but go and make something out of all the degrees she received.

Tillie taught cross-cultural ministry at Catholic Theological Union through Shalom Ministries out of Chicago. Tillie and a colleague, Sally Roesch Wagner, completed a poster series on Dakota and Lakota women elders in each of the nine Dakota and Lakota Nations in South Dakota entitled: "Dakota and Lakota Women, Keepers of the Nation." Tillie was a therapist, certified school counselor, administrator, college instructor, and comptroller. Tillie is also the founding mother of two organizations, the National Coalition Against Domestic Violence (NCADV) and the South Dakota Coalition Against Domestic Violence and Sexual Assault (SDCADV&SA).

CONNIE

These past 10 years without my Ina have been challenging. Not one day has gone by that I didn't wish I could pick up the phone or drive to her house to visit with her. Remembering everything she taught me has helped me move on, live my life to the fullest, and support my family, communities, the Rosebud Tribe, and anyone who asks for help, just as Ina did. I'm thankful to NIWRC, the Native Women's Society of the Great Plains, and all of the many survivors, advocates, and organizations—old and new—who continue to center women's needs and voices to create spaces where all are loved, respected, and valued as they deserve to be.

As I think about my Ina's legacy, being a good relative is at the top of what Tillie practiced and encouraged others to learn and practice every day.



Joint Statement Honoring *Nex Benedict* and Demanding the Upholding of Dignity for Non-Binary and 2SLGBTQAI+ Children and Youth

By NIWRC , STTARS, and the LA LGBT Center

(LAME DEER, Mont., February 23, 2024)—NIWRC, STTARS, and the Los Angeles LGBT Center write this joint statement condemning the death of 16-year-old Nex Benedict (Choctaw) following an assault committed while Nex was in a school bathroom in Owasso, Oklahoma that was preceded by persistent and ongoing bullying from student peers.

All children should be able to expect a duty of care and a safe learning environment that is identity affirming. Unfortunately, in the State of Oklahoma, pervasive and bigoted sentiments supported by recent anti-trans legislation have resulted in a profound lack of safety for 2SLGBTQAI+ students. There is a strong correlation between anti-trans bills and the uptick of violence against 2SLGBTQAI+ and non-binary children and youth.¹

We firmly believe the following:

- Non-binary and 2SLGBTQAI+ children and youth are a vibrant part of our past, present, and our future generations. Non-binary and 2SLGBTQAI+ children and youth have been a valuable part of our Tribal Nations since time immemorial.
- In Indian Country, we have a duty to care for our relatives. We have a responsibility to uphold the teachings of our Nations and to ensure that the next seven generations have a safe place to exist.
- As anti-violence organizations, we have an affirmative duty to address oppression in all forms, uphold our collective right to safety, strengthen access to responsive resources, and hold individuals and institutions accountable.

¹ <https://reports.hrc.org/an-epidemic-of-violence-2023>.



PROTECT

TRANS

YOUTH!

- Non-binary and 2SLGBTQAI+ children and youth deserve to learn in identity affirming spaces, free of violence and free of bullying.²
- Non-binary and 2SLGBTQAI+ children and youth deserve to thrive: to grow up, to lead healthy and long lives, and to have their well-being prioritized.
- Non-binary and 2SLGBTQAI+ children and youth deserve to be honored as they identify. To be clear, this includes respecting and honoring pronouns, respecting and honoring names, and allowing trans people to access bathrooms and public accommodations that align with their gender identity without judgment, bias, or violence.
- It is abhorrent that anyone would use the killing of a child to justify their prejudices, bigotry, limited ideologies, and self-expressions of internalized oppression. Non-binary and 2SLGBTQAI+ children and youth deserve to engage in the modern social and digital world without experiencing debates about their validity. Children deserve a soft place to exist, a caring world that embraces and celebrates each of them.
- The life of a child is not a political pawn. Nex was a child, a grandchild, a relative, a community member, a peer... a future promise.
- Committing to implementing a comprehensive anti-bullying education in the classroom.
- Setting actionable consequences for gender and sexual orientation violence within schools.
- Establishing a school safety plan and protocol when violence erupts in a school setting with strict adherence to these established plans and protocols.³

Our organizations also uplift the following:

We must recognize and confront the violence that anti-trans legislation incites while ensuring that school communities support the safety and well-being of non-binary and 2SLGBTQAI+ children and youth. There is ample testimony, congressionally, and otherwise, that details the rates of violence (homicide, assault, sexual assault, strangulation, trafficking, stalking, family violence, dating violence) against non-binary and 2SLGBTQAI+ children and youth, percentages of representation across other intersectional issues (such as homelessness/foster care involvement) and self-harm and suicide.

For information on current and pending legislation, please visit <https://translegislation.com/>.

Educators and administrators, who are responsible for student safety, **MUST** be robustly held accountable for their failures in upholding their legal duties and the obligations of their profession.

Law enforcement and other related agencies must comply with their obligations to thoroughly investigate the killing of Nex Benedict and the abject failures of other adults in keeping Nex safe, especially if those adults had both a duty of care and the knowledge of ongoing/persistent harm (including their inability to address repeated acts of bullying, violence, and targeting that occurred allegedly on school grounds).

Nex Benedict, their family, friends, peers, and Tribal Nation are entitled to transparency from this investigative process.

The media, the alt-media, politicians, policymakers, social media personalities, podcasters, organizations, and individuals must refrain from debating the

Our organizations uplift the statement of the Center for Native Youth (CNAY) and other relative organizations across Indian Country and in 2SLGBTQAI+ communities who have specific demands and calls for action. We want to start by calling attention to the asks of Native Youth specifically from CNAY, which is that we ALL start asking “difficult questions of our school districts across the country and demand that they stand against violence by:

² www.thetrevorproject.org/blog/new-poll-emphasizes-negative-impacts-of-anti-lgbtq-policies-on-lgbtq-youth/.

³ <https://www.cnay.org/justice-for-nex-benedict-a-statement-from-the-center-for-native-american-youth/>

⁴ *Id.*

⁵ [https://www.thetrevorproject.org/blog/new-poll-emphasizes-negative-impacts-of-anti-lgbtq-policies-on-lgbtq-youth/](http://www.thetrevorproject.org/blog/new-poll-emphasizes-negative-impacts-of-anti-lgbtq-policies-on-lgbtq-youth/).

validity of this child's identity and lived-experiences, the statement of the family and Nex's caretakers, and MUST engage in affirming language that honors Nex.⁴ 86% of transgender and nonbinary youth say recent debates about state laws restricting the rights of transgender people have negatively impacted their mental health. A majority of those trans youth (55%) said it impacted their mental health "very negatively."⁵

Tribal Governments should be mindful right now of what their citizens, descendants, and community members are experiencing as a result of the increasingly small and frightening world that non-binary and 2SLGBTQAI+ children and youth have been forced to survive in.

During the pendency of the investigation, funding should be provided for the family to hire an outside/independent medical or forensic specialist for an independent autopsy. We also suggest a unique death review, concurrent to and independent of the medical examiner's office and law enforcement (not to interfere or to harm the likelihood of success of any prosecutions) to fully understand the points of failure across a longer trajectory of Nex's life. This should not mirror death reviews like those utilized in domestic violence and child welfare cases, but should be established as a group of multi-disciplinary individuals, subject matter experts, members of Nex's community, Nex's family (if they choose), and advocates. The goal of this review should be to identify specific gaps, failures, possible points of intervention, comprehensive timelines, key individuals, needed resources, and systems, policies and practices that contributed to the killing of Nex.

The importance of the leading role of non-binary and 2SLGBTQAI+ members of such a proposed review should not be understated, but instead centered. This review should be adequately funded, and compliance with requests of the reviewing panel should be mandatory (where those requests do not violate tribal, federal, state, or local law). A report and hearing should be held as a result of the findings established by the reviewing panel at the state and federal levels.

We are heartbroken about the loss of this member of our community. Our Organizations hold Nex's family close during this time and amplify their call for privacy. In our collective efforts, we will continue to advocate for the safety and well-being of *all* Native children.

Trans Legislation Tracker

"The **Trans Legislation Tracker** documents legislation impacting the lives of trans people in the United States. We make tools to follow and engage with active bills. Our growing set of resources help people understand the broader story of trans legal rights in the United States."

2024 anti-trans bills tracker

In 2024, anti-trans bills continue to be introduced across the country. We track legislation that seeks to block trans people from receiving basic healthcare, education, legal recognition, and the right to publicly exist.

547 bills⁶ 42 states

24 passed 378 active 145 failed



Nex Bendict.

*We will miss her leadership with
NIWRC, but we know she will
continue to advocate for sovereignty
and women's safety.*



Providing the traditional welcome at the February 2024 joint reception of NIWRC and the National Congress of American Indians celebrating 20 years of Restoration Magazine. / Photo courtesy of NCAI.

Ahéhee' and No\$úun Lóoviq (Thank You) to Founding NIWRC Board Member *Wendy Schlater* for Serving NIWRC

On behalf of our staff and Board of Directors, we deeply appreciate the contributions of our sister, friend, founding director, and Board Treasurer, Wendy Schlater, who recently resigned after almost 13 years of leadership and guidance from 2011-2024.

"It is with deep regret that I must resign from the NIWRC effective immediately. In my capacity to serve my people as Tribal Chairwoman, I have less time to serve on multiple boards. I have accomplished my goal of making NIWRC an institution that can stand free from Federal funding if needed. I do wish you all the very best in continuing NIWRC's mission of the restoration of Tribal Sovereignty to protect our Native Women! When our women are taken care of, everyone is taken care of, Ohóo" —Wendy Schlater



Wendy with NCAI Board President Mark Macarro and Interior Secretary Deb Haaland at February 12 reception. / Photo courtesy of W. Schlater.

Working with the rest of the NIWRC board and staff, Wendy helped ensure our organization's health and integrity. When the federal government shut down in the first few years that NIWRC opened its doors, Wendy advocated with the leadership of the U.S. Department of Health and Human Services to continue funding NIWRC given the critical nature of our work and that of Tribes in responding to domestic violence and violence against women. She served on the Tribal Advisory Committee, which was the seed for what would become the StrongHearts Native Helpline in 2017. She has been a strong-hearted advocate, publicly standing in defense of sovereignty and safety, including testifying in 2021 before the House Subcommittee Hearing on Preventing Domestic Violence. She has also been a quiet mover and shaker, working behind the scenes to support social change locally, regionally, nationally, and internationally. We are thankful for Wendy's leadership with NIWRC.

Wendy was born, raised, and lives in her traditional homelands of the Payomkawichum (People of the West) on the La Jolla Indian Reservation in the Palomar Mountain range in northern San Diego County, CA, with her 16-year-old son. She is a citizen of the La Jolla Band of Luiseno Indians and has served as Chairwoman for her Tribe since 2022, her fourth term as an elected Tribal leader.

In 2005, Wendy became a founding Board member of a nonprofit Tribal domestic violence and sexual assault coalition, the Strong Hearted Native Women's

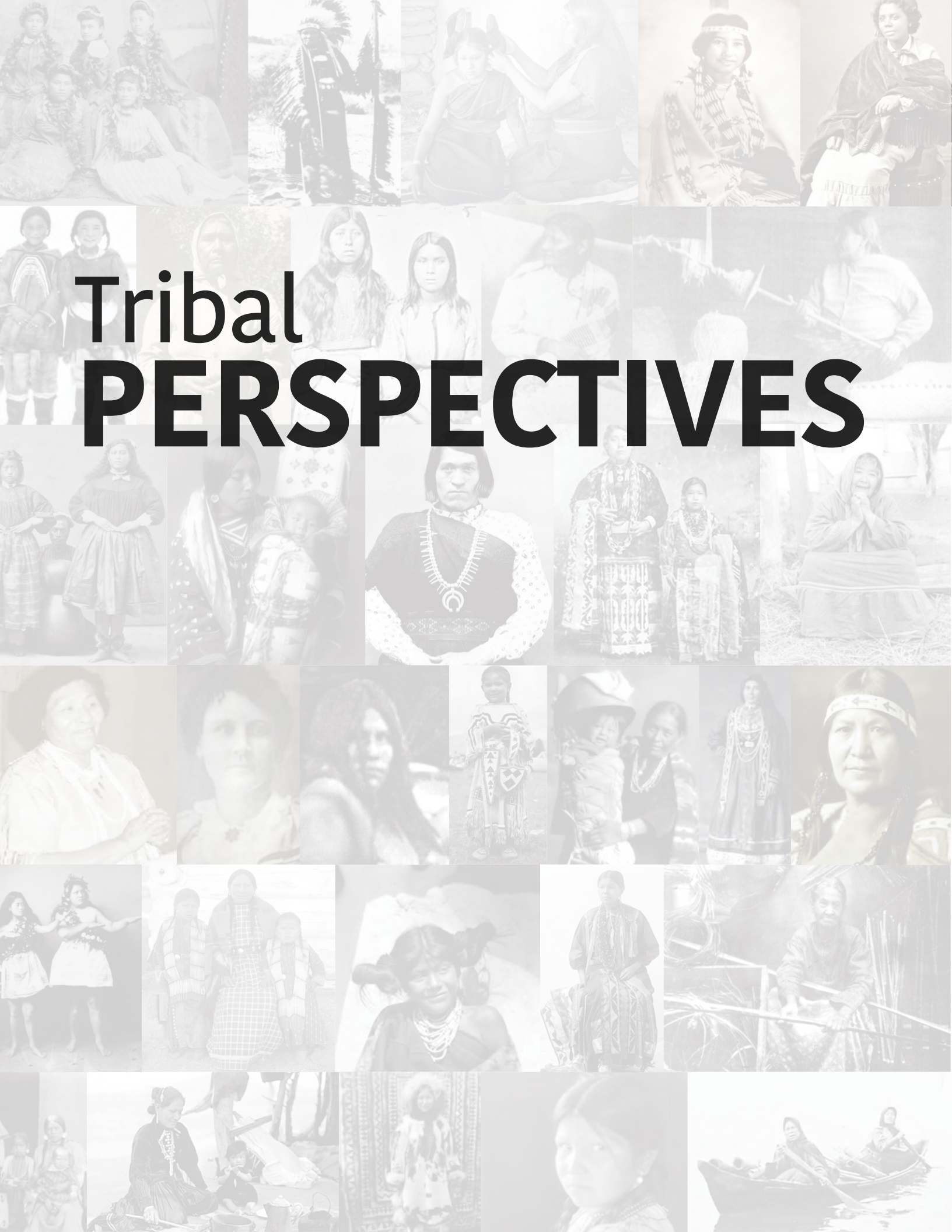
Coalition. Wendy also started the Tribe's Avellaka Program in 2009, serving as Program Director, addressing safety for Native women and related injustices. She organized the La Jolla Native Women's Advisory Committee to host the first annual Inter-Tribal Sexual Assault Awareness Walk in 2010, which continues today, traveling from Reservation to Reservation in Southern California, raising awareness about sexual assault and violence against women. She also helped create the Rainbow of Truth Circle Project, re-establishing our Two-Spirit/LGBTQ relatives' place in our circle, and restoring the value, visibility, and safety of weh-potaaxaw (Two-Spirit).

Wendy is a strong-hearted advocate, uplifting Tribal sovereignty to improve her people's health and welfare. Throughout her career, she has advocated for Tribal youth, Two-Spirit/LGBTQ, health, housing, education, land, environmental issues, and safety for Native women, developing innovative ways to create Tribal responses and programs respective to her people's customs and traditions. Wendy is on the Board of Directors for a newly formed nonprofit, the Two Spirit Native LGBTQ Center for Equity.

We wish Wendy the best of luck in her future endeavors. We will miss her leadership with NIWRC, but we know she will continue to advocate for sovereignty and women's safety.

Ahéhee',

Lucy Simpson, Executive Director



Tribal **PERSPECTIVES**

Health Justice: An Introduction and Series Overview

By Tia Bahozhoni, *Diné*, Policy Specialist, NIWRC

There have been well-meaning efforts to mitigate the challenges that health disparities create in Tribal communities. However, programs and health professionals have often failed to prioritize the social determinants of health, such as low economic status, high unemployment rates, lack of affordable and safe housing, food insecurity, and culture. The Westernized, bureaucratic, top-down approach for interventions, such as academic research on chronic health or healthcare responses to health disparities in Tribal communities, has not been adequate in addressing the health inequities, both on and off Tribal lands (Ravaghi et al., 2023; Wispelwey et al., 2023).

Health justice is a framework that advocates and allies work within to confront and resolve their communities' health inequities, emphasizing developing policies and laws responsive to the needs of survivors and Tribal governments and communities (Benfer, 2015). Many advocates promote a health justice approach to healthcare and services to confront and resolve these health inequities, especially in under-resourced communities that lack adequate infrastructure. When left unresolved, health inequities can negatively impact the overall well-being of entire communities, resulting in struggling economies and a lower standard of living and quality of life (U.S. DHHS, 2021). Advocates who favor a health justice approach to healthcare/services want to address health inequities found in specific populations.

For health justice to be supported and implemented, healthcare institutions and programs centered



on wellness must expand to include Indigenous perspectives, experience, and knowledge from various fields, including advocates and survivors of violence (McKinley, 2023). Resources and programs are created by and for the populations living and thriving amid health inequities. Recommendations include reassessing the limitations of current policies, specifically those with an emphasis on prevention and the equitable distribution of resources.

Health inequities are generally rooted in structural violence and settler colonialism. Structural violence is a conceptual framework used to assess and critique the (almost always) invisible violence created by social structures such as discrimination, poverty, and other social-political systems. Barbara Rylko-Bauer

and Paul Farmer (2016) explain, “These structures are violent because they result in unavoidable deaths, illness, and injury, and they reproduce violence by marginalizing people and communities, constraining their capabilities and agency, assaulting their dignity, and sustaining inequalities.” (p. 47) Settler colonialism is a system set in place to both occupy the land of Native people and the intentional attempt to displace those same Native people (“settler colonialism,” 2022). Settler colonialism sets itself apart from colonialism (the attempt and act of taking control over another country, exploiting it and its people) by the ongoing and present intent to displace and erase Native people (“Terminology: Settler Colonialism vs Colonialism”). Health inequities found in Indian Country and Native Hawaiian communities can be connected to the broader structures mentioned in these frameworks by observing the high rates of illness, death, and disease. This structural insecurity is intentional and ongoing.

As we continue our advocacy for health justice and equity for Indigenous women and their communities, the National Indigenous Women’s Resource Center will explore issues that disproportionately impact Indian Country:

- The unique position of the cultural significance and need for subsistence practices among some Tribal communities is filled with nuance due to the correlation between firearms and domestic violence.
- Indigenous maternal health is a priority in Indian healthcare, but there still lies issues based on a history of intentional malpractice.
- The importance placed on prevention is understood across public health and healthcare; however, observing the role harm reduction

“Resources and programs created by and for the populations living and thriving amid health inequities are key to dismantling barriers to health and wellness.”

plays in healthcare should not be overlooked as an adequate response to mental health conditions such as drug use disorders.

We aim to review each topic’s challenges and highlight attempts by advocates, legislation, survivors, and programs throughout the country to confront these issues.

Health injustice and inequity create opportunities for illness, disease, and even death, and the populations that suffer the most from these injustices are Indigenous and people of color, who have a shared history of systematic violence and trauma. Aspects of Indigeneity like kinship, connection to land, and cultural healing through ceremony create pathways to health and resiliency. Advocacy from Indigenous advocates is helping to empower and bring a sense of wellness back into the communities most negatively affected using a health justice approach.

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Honoring Native Advocacy Programs and Women's Shelters in the United States

By Paula Julian, *Filipina*, Editor,
Restoration Magazine

“The experiences of women who have survived or lost their lives to domestic violence and sexual assault, the work of women’s shelters nationwide like the Emmonak Women’s Shelter (EWS) and White Buffalo Calf Women’s Society (WBCWS), and volunteer safe homes have been the lifeblood of the grassroots movement for change over the past 40 years. While we’ve seen changes in laws, policies, and social norms, there remain so many outstanding changes that women and their children need. Shelters are uniquely positioned to inform changes that restore Tribal sovereignty and women’s safety. Join us in thanking the volunteers, staff, and board of EWS and WBCWS and other shelters nationwide and around the world for this strong-hearted work,” said Lucy Simpson, Executive Director, NIWRC.

Survivors, advocates, and shelters have been at the forefront, bravely providing advocacy, emergency shelter, and safe housing for women and their children many times from their own homes and advocating for social and system changes locally, statewide, and nationally. For American Indian, Alaska Native, and Native Hawaiian women, the availability of shelters designed and managed by Native advocates is underwhelming, given the disproportionate statistics of domestic violence, sexual assault, and sex trafficking of Native victims. We have less than 60 Tribal shelters (no Native Hawaiian shelters) and less than 300 Tribal

domestic violence and sexual assault programs, and too often, these shelters operate whether or not they have funding. Many, if not all, of these Native shelters and programs operate from the perspective of providing for each other as relatives, which has sustained them through challenging times.

“In the early years, women opened their homes to other women in need and the children that came with their mothers. In the seventies, we did this as women helping other women, sisters helping sisters, as relatives.”—Tillie Black Bear, *Sicangu Lakota*.

Many, if not all, of these Native shelters and advocacy programs are invaluable community resources for help on many issues, not just domestic violence. The lack of available safe housing for Native peoples also contributes to the increase in houselessness/homelessness among victims of domestic violence, including those headed by female single-parent households.

Too often, shelters (including volunteer safe homes) and advocacy programs are all that women have to keep them from being houseless, going missing, and being murdered, especially in light of how common law enforcement is not available or the justice system fails to hold those accountable who cause harm, including when justice officials commit acts of domestic violence or sexual assault. We must do better to support existing Native women’s shelters, as well as the development of new Native advocacy programs and shelters.

- Please join us and sign on with our campaigns at niwrc.quorum.us.
- Learn more about our STTARS Indigenous Safe Housing Center at niwrc.org/housing/about.

In the following pages, we honor and thank advocates, the EWS and the WBCWS, as the two oldest nonprofit Native women’s shelters in the United States. In upcoming editions, we will continue to honor Native women’s shelters and thank them for their strong-hearted love, advocacy, and support for the women and children of their Tribes and communities.

Honoring the **Emmonak Women's Shelter**

By Joann Horn, *Yup'ik*, Executive Director and Tasha Paukan, *Yup'ik*, Resource Advocate Coordinator, Emmonak Women's Shelter and Lenora Hootch, *Yup'ik*, Executive Director and Priscilla Kameroff, *Inupiaq*, Coordinator, Yup'ik Women's Coalition

We celebrate 44 years of the Emmonak Women's Shelter in the Native Village of Emmonak, Alaska and thank all who have supported us—the staff, volunteers, Board, the Village and City of Emmonak, the Alaska Native Women's Resource Center, the Alaska Network on Domestic Violence and Sexual Assault, the National Indigenous Women's Resource Center (NIWRC), Senator Lisa Murkowski, the Office on Violence Against Women, the Office on Family Violence Prevention and Services, and many others.

Forty-four years ago, in 1980, a group of women in the Native Village of Emmonak gathered and discussed how we could help women who were abused by their husbands and boyfriends. Leaving the Village was not an option for many reasons:

- Women couldn't afford it,
- The husband or boyfriend threatened that if they tried to leave, he would find them and bring them back or hurt or kill them, or
- They had nowhere else to go with all of their family and friends in Emmonak.

The most important reason was that Emmonak was home. There is no place like home, even when home is not a safe place. The closest shelter had just opened in the nearest hub city of Bethel, the Tundra Women's Coalition, but most women wanted to stay in the Village. With the help of the city and Village, we opened the Emmonak Women's Shelter and have never looked back. It hasn't been easy, especially struggling to secure consistent and adequate state and federal funding and challenges with the lack of law enforcement, but we never gave up. "The only way that we can help our people is if we do something about it,"—Tasha Bird.

"I served as the Shelter's Director from 1994-2005, and then in 2005, the Shelter launched the Yup'ik Women's Coalition (YWC), a nonprofit Tribal domestic violence and sexual assault coalition, and I became the Executive Director for YWC."—Lynn Hootch.

"I became the Shelter Executive Director in 2005 to the present. I had been working as a Shelter Rural Outreach Coordinator. We've grown our advocacy and Shelter services, especially in partnership with YWC and other partners within the state and nationally, supporting survivors from the 18 Tribes in our region and wherever our women find themselves across the state and country. Our movement is like a seed that has been covered and buried for a long time, and now it is starting to bloom."—Joann Horn.

"Having the Shelter in the Village has made a difference in the lives of everyone we've helped—single women, mothers with their children, young and older women. The City, Village, and neighboring villages have worked with the Shelter and Coalition because they see us as a valuable resource."—Priscilla Kameroff.

Quyana caqnek (thank you very much) for helping us to support women, children, and their families over the past 44 years and hold abusers, governments, and systems accountable to stop the disrespect, abuse, and violence. We will continue to center our yuuyaraq (Yup'ik way of life and cultural traditions) and work to prevent domestic violence, dating violence, sexual assault, sex trafficking, stalking, child and elder abuse, and women going missing and being murdered.

Honoring the White Buffalo Calf Women's Society

By Carmen O'Leary, *Cheyenne River Sioux Tribe*, Executive Director,
Native Women's Society of the Great Plains

The White Buffalo Calf Women's Society (WBCWS) on the Rosebud Reservation in South Dakota celebrated 45 years of providing shelter to women and children during the 147th Annual Rosebud Fair and Wacipi (Pow Wow) in August 2023. The Native Women's Society of the Great Plains joined WBCWS in honoring Verna Mahto Istima, a WBCWS Advocate of 30+ years. We honor and thank everyone who helped to found, staff, and support WBCWS over the last 45 years. WBCWS has played an important role on the Rosebud Reservation as well as helping to advocate for social changes statewide and nationally, including:

- In 1978, hosting the founding meeting of the National Coalition Against Domestic Violence;
- In 2003, through a cultural exchange with Maori domestic violence shelter advocates in Aotearoa (New Zealand) organized by Clan Star, Inc. for a delegation of Tribal Domestic Violence and

Sexual Assault Coalitions, which ultimately resulted in the drafting of the Tribal Title in the Violence Against Women Act Reauthorization of 2005;

- in 2010, providing technical assistance and training on the Tribal Responses to Sexual Assault funded by the Office on Violence Against Women; and
- in 2012, in partnership with Buffalo Nickel Creative/1491's and St. Francis Indian School, WBCWS created the public service announcement *Reclaim the Fire*.¹

WBCWS has impacted many lives through all they have done for women, children, and families. This is just a glimpse of WBCWS's footprint.

Pilamiyaye (thank you).

¹ <https://www.youtube.com/watch?v=w8a--KWF3II>



White Buffalo Calf Shelter Staff before the celebration of their 45th anniversary. / Photo courtesy of Carmen O'Leary.

Organizing and Decolonizing Our Work to End Sexual Violence

National Tribal Sexual Assault Resource Center Convenes a Listening Session for and by Advocates

By Ingrid Anderson, *Standing Rock Lakota Descendant*, National Policy Director, Minnesota Indian Women's Sexual Assault Coalition

The National Tribal Sexual Assault Resource Center was honored and excited to convene a listening session on March 13-14, 2024, for Advocates and community members engaged in the movement to end sexual violence. We were so encouraged by the positive response to our invitation to attend the listening session, and we continue to be in awe of the beautiful words and prayers that shaped our time together. Attendees represented various ages, experiences, professional roles, and Tribal representation. This diversity of perspective made for rich conversation and illuminated some powerful shared experiences. We are grateful for the work of Graphic Recorder Joseph Stacy for giving us a visual representation of some themes and ideas that resonated throughout our time together. We hope these images resonate with you and invite you to share your thoughts and experiences.

One of the priorities of the National Tribal Sexual Assault Resource Center is to invest in Advocates, Native organizational leadership, and our communities to address the pervasive issue of burnout in the work to end sexual violence against Native people. In the listening session, as we have heard in many other conversations, we heard about the continual loss of Advocates and community-based service providers in Tribal communities. The emotional and spiritual weight of working with victims and survivors of sexual violence can not be overstated, and only those who have been in those roles can understand the toll it takes on a person. We heard about the need



to invest in Advocates through wages and benefits, continuing education, and engaging Advocates in meaningful conversation where their experiences shape the policies that impact their everyday work. Advocates have immense knowledge and valuable experience and we refuse to devalue our relatives by letting their words fall to the ground. The National Tribal Sexual Assault Resource Center is working to share the wisdom from our listening session in ways that support you and your organization in investing in the longevity of your social change and systems advocacy and service provision. We envision a world free from sexual violence and steeped in respect. We need strong-hearted, well-resourced, highly

skilled leaders, Advocates, and allies to carry us toward that vision. Leadership and Advocates who are survivors are vital to guiding and directing the removal of systemic barriers and the implementation of solutions. We acknowledge that we do not equate skilled solely with formal education, credentialing, or any tool of the colonizer. Instead, we acknowledge that skill-building comes from being in community, serving our relatives, and learning from each other.

We heard many experiences of our relatives being shamed, silenced, and blamed while advocating for victims and survivors of sexual violence. We know that shame is a tool of the colonizer to create distance between us as relatives and between our spirits. A beautiful conversation unfolded in which we discussed culturally appropriate tools for taking accountability, and we were advised to remember, “If we can’t talk about it, we can’t address it.” The National Tribal Sexual Assault Resource Center wants to talk about these challenging experiences and narratives that so

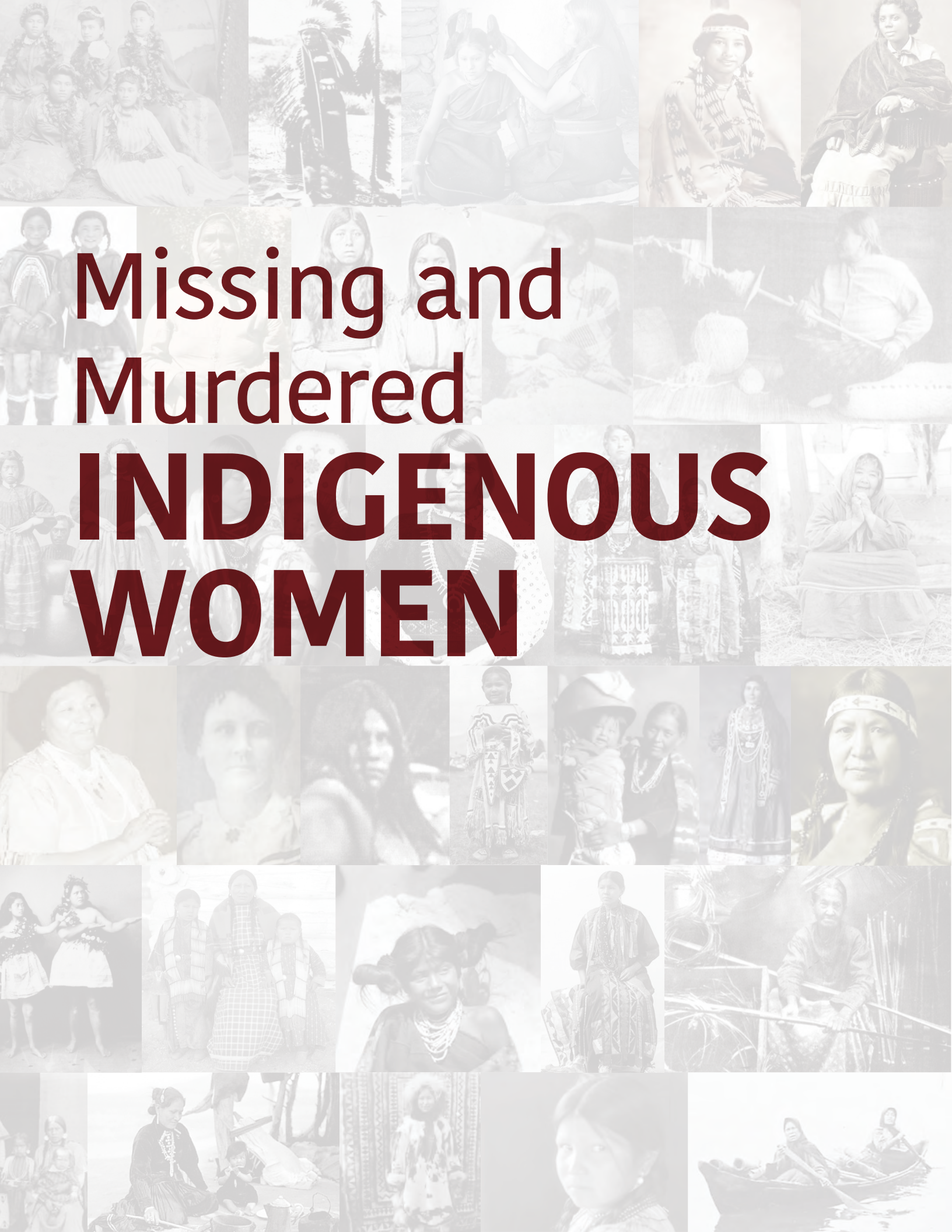
many Advocates and relatives confront every day. We want to support your work to address sexual violence in your community, your family, and across Turtle Island. Our commitment to you is to continue the conversation as we work together to decolonize our work to end sexual violence. The National Tribal Sexual Assault Resource Center continues to host regular webinars and Facebook Lives, and we welcome your requests for training and technical assistance at <https://www.miwsac.org/contact-us/request-training>.

The production of this material was made possible by HHS-2022-ACF-ACYF-VE-0165 from the Department of Health and Human Services, Administration for Children and Families. Its contents are solely the responsibility of the Minnesota Indian Women’s Sexual Assault Coalition and do not necessarily represent the official views of the Department of Health and Human Services, Administration for Children and Families.



Visual representation of some themes and ideas that resonated throughout the Listening Session. / Graphics courtesy of Graphics Recorder Joseph Stacy.





Missing and Murdered **INDIGENOUS WOMEN**

What We're Seeing: *MMIW* State Legislation

By Tia Bahozhoni, *Diné*, Policy Specialist, NIWRC

The National Indigenous Women's Resource Center (NIWRC) regularly updates a database for state legislation (bit.ly/3QTC8OK) relating to Missing and Murdered Indigenous Women (MMIW). This database includes summaries, latest actions, sponsors, and other information regarding state-level legislation. The MMIW State Legislative Tracker does not advocate for any legislation, nor does it provide any analysis; it is a tool that allows advocates, legislators, allies, community members, and grassroots organizers to navigate current state legislation easily. Legislation recently acted upon:

Alaska SB151 | *"Missing/Murdered Indigenous People; Report."*

- Introduced on May 13, 2023. Passed by the Legislature. Pending Governor's signature.
- Sponsors: Senators Olson, Gray-Jackson, Dunbar, Bishop, Claman, Hoffman, Stedman, Tobin, Myers, Kawasaki, Wielechowski, Kiehl, Stevens.

"An Act establishing the Missing and Murdered Indigenous Persons Review Commission; relating to missing and murdered indigenous persons; relating to the duties of the Department of Public Safety; and providing for an effective date."

California AB2279 | *"An act to add Section 15008 to the Government Code, relating to state government."*

- Introduced by Assembly Members Cervantes and Ramos on February 8, 2024.

"This bill would establish a Bureau of Missing and Murdered Indigenous Women, Girls, and Persons within the Department of Justice. The bill would impose specified responsibilities on the bureau, including facilitating collaboration between tribal governments and federal, state, and out-of-state law

enforcement regarding cases involving missing and murdered indigenous women, girls, and persons in California. The bill, until January 1, 2029, would require the bureau to submit an annual report to both houses of the Legislature containing data on the number of and facts about cases involving missing and murdered indigenous women, girls, and persons in California."

Nebraska LB328 | *"Create the Office of Liaison for Missing and Murdered Indigenous Persons."*

- Introduced on January 11, 2023.
- Sponsor: Senator Raybould.

"The Attorney General shall establish the Office of Liaison for Missing and Murdered Indigenous Persons. The Attorney General shall staff the office with a full-time specialist, who shall serve as the liaison among local, state, tribal, and federal entities involved in reporting or investigating missing and murdered indigenous persons cases in Nebraska."

New York A08545 | *"Directs the division of criminal justice services to establish a task force on missing women and girls who are black, indigenous and people of color (BIPOC)."*

- Introduced on January 8, 2024.
- Sponsor: Assemblymember Reyes.

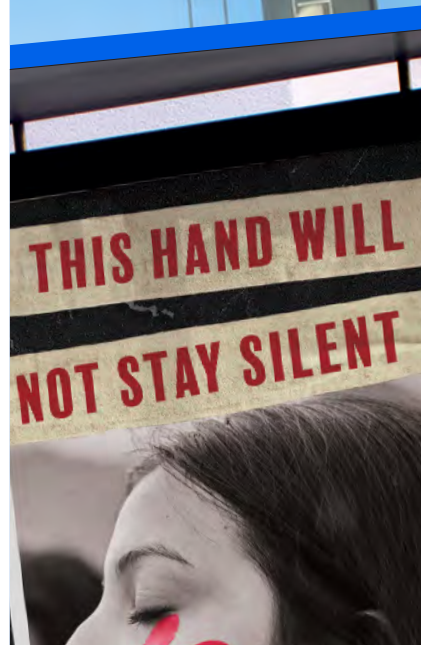
"An Act to amend a chapter of the laws of 2023 establishing a task force on missing women and girls who are black, indigenous and people of color, as proposed in legislative bills numbers S. 4266-A and A. 5088-A, in relation to directing the division of criminal justice services to establish a task force on missing women and girls who are black, Indigenous and people of color; and to repeal certain provisions of such law related thereto."



The Future of Advertising for *Advocacy*

Thank You, Students at Oklahoma University

By Liane Pippin, *Cherokee*, Communications Specialist, NIWRC



The National Indigenous Women's Resource Center (NIWRC) congratulates Oklahoma University graduates Maddy Campion, Skylar Gardner, Carlie Langlois, and Prof. Tom Patten on their award-winning work highlighting NIWRC and the crisis of MMIW. The dedication to this work gives us a glimpse into the future of advocacy, and we couldn't be more excited!

"Tom and I are so proud of the team for receiving

the Best-in-Show award at the ADDY Awards in February and especially for winning the Mosaic Student Impact Awards," said Ray A. Claxton, Assistant Professor of advertising at Gaylord College of Journalism and Mass Communication. "But we're even more proud of them for choosing such a worthy cause and organization to base it on."

The design features different women with painted red handprints on their faces, a familiar symbolic



RECIPIENT OF THE STUDENT IMPACT AWARD

AMERICAN
ADVERTISING
AWARDS

reference to silencing Indigenous voices. The description says, "By utilizing a rich crimson as the primary color in this series of ads, we highlight the most important elements of the campaign."

The spec spots included a bus stop advertisement, mural, billboard, magazine spots, and social media posts, all featuring different women and designs but with overall cohesion. These designs are bold and hard to miss—a reflection of our resilience.



I HONOR



LAVERDA SORRELL

"I honor my sister-in-law Laverda Sorrell who has been missing since 2002. I also honor all the families across Indian country, Alaska, and Hawaii who have a loved one missing or murdered."
— Leanne Guy, NIWRC MMIW Family Advisor

2024 NATIONAL WEEK
OF ACTION FOR MMIWR



I HONOR



NATIVE WOMEN AND MMIW

"I honor Native women and MMIW by breaking the silence and coordinating with others to advocate for respect, safety, and accountability."
— NaniFay Paglinawan, NIWRC MMIW Family Advisor

2024 NATIONAL WEEK
OF ACTION FOR MMIWR



I HONOR



DAISY MAE HEATH

"I honor my sister Daisy Mae Heath, Native women, and MMIW through being a loving relative to my family and communities."
— Patricia Whitefoot, NIWRC MMIW Family Advisor

2024 NATIONAL WEEK
OF ACTION FOR MMIWR



I HONOR



KAYSERA STOPS PRETTY PLACES

"I honor my niece Kaysera Stops Pretty Places, Native women, and MMIW by advocating for the implementation of the Not Invisible Act Commission recommendations."
— Grace Bulltail, NIWRC MMIW Family Advisor

2024 NATIONAL WEEK
OF ACTION FOR MMIWR



We Honor You

For the 2024 National Week of Action, NIWRC created digital postcards alongside the NIWRC MMIW Family Advisory Group. Please join us in honoring our stolen sisters, their families, and the right to demand justice.

I HONOR



MY SISTER COUSIN

"I honor my sister cousin whose life was tragically ended in 2020. I tell her story and work to ensure the voices of our MMIW and relatives are not silenced."
— tai simpson, NIWRC Board Chair

2024 NATIONAL WEEK
OF ACTION FOR MMIWR





Legislative **REFORMS**

Legislative **UPDATE**

By Kerri Colfer, *Tlingit*, Director of Legislative Affairs, NIWRC

8 Must-Know Updates for June 2024

01

DOJ and DOI Release Response to Not Invisible Act Commission Recommendations

On March 5, the Departments of the Interior and Justice released their response to the Not Invisible Act Commission (NIAC)'s recommendations for actions the federal government can take to address the crisis of missing, murdered, and trafficked American Indians and Alaska Natives. To learn more about the Not Invisible Act and the Commission, please read NIWRC's fact sheet and visit the NIAC Hub page: bit.ly/niac-hub.

02

Crime Victims Fund Stabilization Act Introduced in the House

On April 14, Representative Wagner (R-MO-2), joined by Representatives Moran (R-TX-1), Dingell (D-MI-6), Bice (R-OK-5), and Costa (D-CA-21), introduced the Crime Victims Fund Stabilization Act of 2024 (H.R. 8061). The bill redirects unobligated funds collected through the False Claims Act to the Crime Victims Fund (CVF) through FY2029 to provide victim service programs and organizations with the funding needed to support survivors of violence.

03

Senate Listening Session on Public Safety in Native Communities

On March 20, the United States Senate Committee on Indian Affairs held a hybrid listening session on public safety and justice resources in Native communities. Tribal leaders, advocates, organizations, and members of the public testified in front of Committee staff about the wide range of public safety challenges in Indian country. This testimony will inform the Committee's work and serve as a resource for future public safety discussions.

04

Appropriations Bills Signed Into Law

On March 9, President Biden signed the Consolidated Appropriations Act, 2024 (H.R. 4366) into law. The bill includes 6 of the 12 regular FY2024 appropriation bills, including the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2024. The bill provides:

- \$713 million for Office on Violence Against Women: Violence Against Women Prevention & Prosecution Programs.
- \$4 million for the Tribal Access Program (TAP).
- \$11 million for programs to assist Tribal Governments in exercising special Tribal criminal jurisdiction.
- \$1.353 billion for the Victims of Crime Act (VOCA) (about a \$630 million cut to VOCA grants compared to FY23).
- \$240 million for the Family Violence Prevention and Services Act, including a \$7 million supplement for Indian Tribes.

On March 23, the President signed the Further Consolidated Appropriations Act, 2024 (H.R. 2882) into law. The bill includes 6 of the 12 FY2024 appropriations bills, including the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2024.

05

Tribal Community Protection Act Introduced in the House

Representatives Adam Schiff (D-CA-30) and Jared Huffman (D-CA-2) introduced the Tribal Community Protection Act (H.R. 7826). The bill would address the crisis of missing and murdered Indigenous people on Tribal lands by creating an incentive through Byrne Justice Assistance Grants to states and localities that both:

- Submit written notification to tribes about restraining orders (ROs) and temporary restraining orders (TROs) so that they can be enforced by tribal law enforcement on tribal land and
- Accept and enforce tribal ROs and TROs, in turn.



KEEP READING



06

Legislation to Protect Survivors of Intimate Partner Violence from Economic Abuse Introduced

On February 29, Senator Tina Smith (D-MN) and Congresswoman Nydia M. Velázquez (D-NY-7) introduced the Survivor Financial Safety and Inclusion Working Group Act (S. 3835/H.R. 7510) to increase support for survivors of intimate partner violence within the financial system through the creation of an interagency working group. The working group, comprised of federal financial regulators and stakeholders, will collect data on the impacts of economic abuse on survivors and provide recommendations on how Congress and federal regulators can help improve existing services and create new ones to meet the needs of survivors.

07

Group of Senators Send Letter to Attorney General About Prosecutorial Declinations in Indian Country

On March 14, U.S. Senators Ben Ray Lujan (D-N.M.), Catherine Cortez Masto (D-Nev.), Tina Smith (D-Minn.), Kirsten Gillibrand (D-N.Y.), Jacky Rosen (D-Nev.), Amy Klobuchar (D-Minn.), Mazie Hirono (D-Hawai'i), and Martin Heinrich (D-N.M.) wrote a letter to Attorney General Merrick Garland regarding the high rates of prosecutorial declinations in Indian country. The Senators ask questions about the reasons cited for prosecutorial declinations, communication to families and victims about such decisions, and coordination and information sharing between the Department of Justice and the Department of the Interior on cases involving missing and murdered Indigenous people.

08

19th Annual Violence Against Women Tribal Consultation Invitation Released

The U.S. Department of Justice Office on Violence Against Women released the Dear Tribal Leader Letter inviting Tribal leaders and their designated representatives to the 19th Annual Government-to-Government Violence Against Women Tribal Consultation. This year's consultation will be held in person from November 19-21, 2024, at the Hilton Santa Fe Buffalo Thunder in Santa Fe, NM. More information about consultation will be available at <https://www.ovwconsultation.org/>.

Written testimony is due by Monday, December 23, 2024. OVW has provided a toolkit for information about providing oral and written testimony.

It's time to
take action.



niwrc.quorum.us





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INDIGENOUS**
WOMEN'S RESOURCE CENTER

Specialty Institute 2024

**Enhancing Indigenous Advocacy for
Survivors of IPV Impacted by Trauma,
Mental Health, and Substance Use**

Tue, Aug 13 - Thu, Aug 15 | All day | Hyatt Place Peña Station | Denver, CO



Who Should Attend: Indigenous advocates, Community Activists/Organizers, Mental Health Professionals, Substance Use Counselors, Survivors, Community Members, Tribal Coalitions, Law Enforcement, Criminal Justice, and Tribal social services staff, Tribal leadership and anyone wanting to support their Relatives.

Register Today!

Go to **niwrc.org/events** for
more information.

NCAI Civic Engagement Building *Native Political Power*

Organizing, Strategizing, and Mobilizing our Native Electorate

By Sandra Mitrovich, *Tyme/Yahmonee Maidu*, External Engagement Manager, National Congress of American Indians

The Native Vote

The National Congress of American Indians (NCAI) Native Vote initiative coordinates and enhances American Indian and Alaska Native (AI/AN) civic participation through the following strategic approaches: voter registration and Get-Out-The-Native-Vote efforts, election protection, public education, and data collection. This initiative works to add value to the civic power of Indian Country, Tribal Nations, and individual AI/AN people through collaborative civic engagement projects.

Every Native Vote Counts exhibited at the National Indian Education Association Conference in Albuquerque, New Mexico (Fall 2023). / Photo Courtesy of NCAI.



While important elections occur annually, 2024 is an especially significant year for civic engagement. NCAI supports Native activists and community organizers doing important voter outreach before the 2024 presidential election. In addition to updating the Native Voter Toolkit, the NativeVote.org website and state information pages have also been updated to include important state-specific deadlines, election information, and voter resources for the 2024 general election.

Not only is 2024 a presidential election year, but it is also the 100th anniversary of the Snyder Act. Also known as the Indian Citizenship Act of 1924, this vital legislation granted legal citizenship to Native peoples in the United States. NCAI and its partners in the Native Vote arena are seizing this opportunity to reflect on this milestone and honor the progress made by Native Vote champions over the past 100 years. This moment serves to ignite the next generation of Native voters to continue strengthening Native political power at every level of government.

After releasing the Tribal Colleges and Universities (TCU) Voter Toolkit last fall, NCAI is excited to continue voter engagement outreach with these institutions and the Native student population. NCAI most recently participated in National Civic Learning Week, bringing toolkits to the American Indian Higher Education Consortium (AIHEC) student convening in Minneapolis, Minnesota, this spring. NCAI looks forward to visiting select TCU campuses to engage

in dialogue and workshops with students, including Haskell Indian Nations University (KS), Northwest Indian College (WA), and Southwestern Indian Polytechnic Institute (NM).

As part of the TCU voter toolkit launch, NCAI partnered with the Institute of American Indian Arts (IAIA) to host a student design contest, where students used the power of artwork to illustrate themes of democracy and civic engagement to mobilize the community. The winning design, “Sko Vote Den” by Kami Jo Whiteclay (Apsaalooke/Crow Nation), will be featured on the new NCAI Native Vote merchandise distributed during TCU campus visits.

American Community Survey

Many AI/AN communities face challenges in achieving high completion rates for the American Community Survey (ACS), resulting in reduced funding and representation. NCAI coalition members have requested that successful Get Out the Count strategies be applied to the ACS annually to support Tribal Nations in understanding the basics of the survey, how the data can be used, how to judge the accuracy of ACS estimates, and how to access ACS data on the U.S. Census Bureau’s website. The NCAI Civic Engagement team has developed ACS resources to bolster participation in response to this demand. The NCAI Policy Research Center tested potential messages to encourage more AI/AN individuals to complete the ACS survey upon receiving an invitation from the Census Bureau. The NCAI Civic Engagement team continuously works to uplift communications on basic facts about the ACS. It has developed a one-pager (bit.ly/3QSxhxf) for Tribal Nations and citizens to utilize within their communities. The Census Bureau has also provided an ACS toolkit for general communications about the ACS: bit.ly/3UO1yyG. This collective effort ensures that tribal communities receive the representation and resources they need and deserve, consistent with the federal trust responsibility.

Redistricting

The NCAI Civic Engagement team collaborates with nine national organizations that comprise the Coalition Hub for Advancing Redistricting and Grassroots

Engagement (CHARGE). This partnership aims to expand community outreach in Indian Country and support nonpartisan redistricting efforts. NCAI continues to develop redistricting resources for Tribal Nations and citizens for education, outreach, and communication plans. The NCAI team also participates in ongoing webinars designed for both coalition members and tribal leaders, which provide information on the rules of redistricting, organizing communities of interest, preparing and delivering testimony in redistricting hearings, and continuing advocacy beyond legislative hearings, including the map-drawing process.

The NCAI Civic Engagement team’s redistricting reform efforts continue in partnership with Tribal Nations and the CHARGE Hub. The Hub launched a score report card (bit.ly/4arCjI7) designed for individuals and Tribal Nations to provide feedback on improving participation throughout redistricting.

In addition to the CHARGE Hub report, the NCAI Civic Engagement team has partnered with the Tribal Democracy Project in Oregon for a Tribal Nations report on redistricting. The Executive Summary of that report is available here: bit.ly/3wK6Nar. The full report will be made available soon. NCAI will continue to ensure all states are represented in the report.

If you participated in the redistricting work in your state and would like to share your experience or join the coalition, please contact NCAI External Engagement Manager Sandra Mitrovich at smitrovich@ncai.org.

Toolkits

Access the Native Voter Action Kit and communications toolkit here:

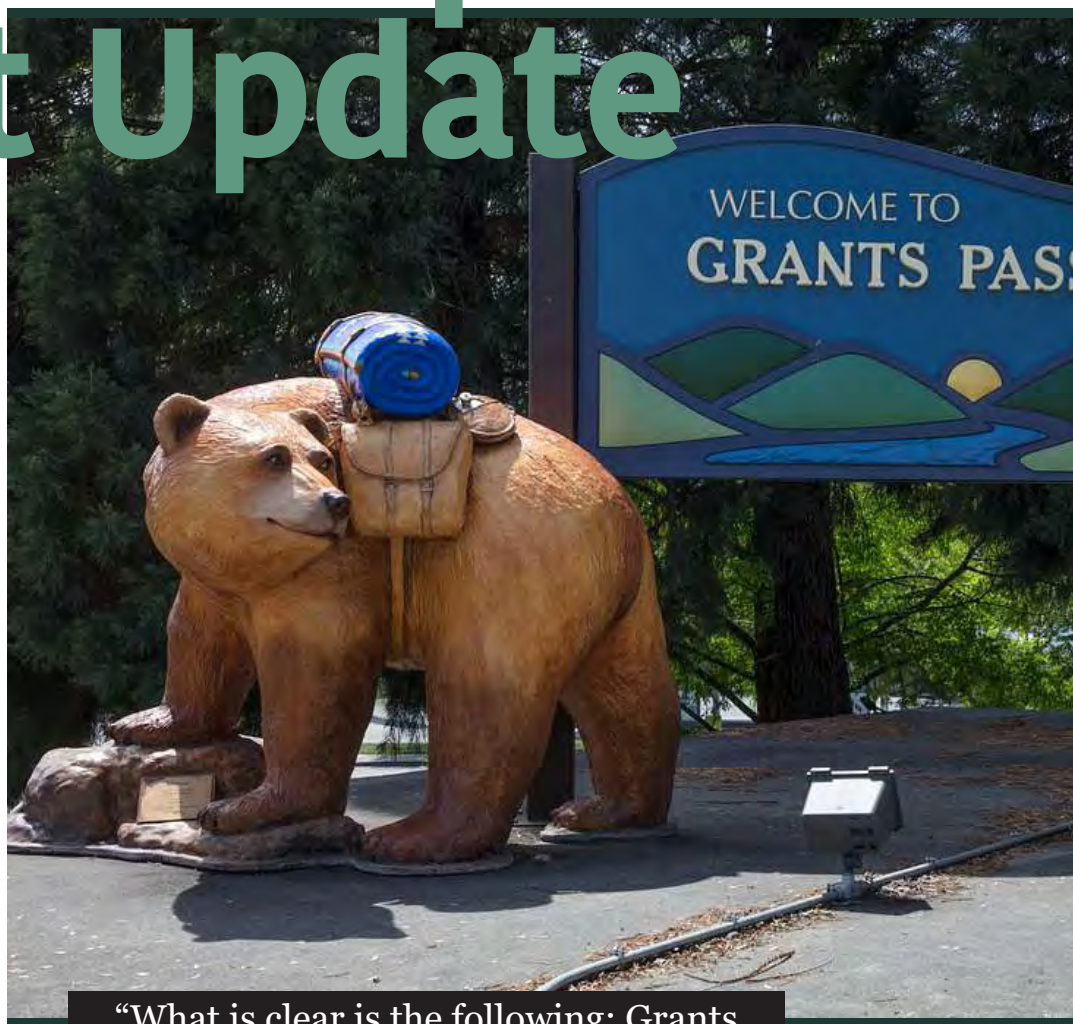
Access the TCU Voter Guide communications toolkit here:

Important STTARS Supreme Court Update

Grants Pass v. Johnson

By Caroline LaPorte,
J.D. *Immediate
Descendant, Little
River Band of Ottawa
Indians*, Director,
STTARS Indigenous
Safe Housing Center

The STTARS Indigenous Safe Housing Center's vision (STTARS) is safe housing for ALL our relatives. This includes relatives who experience multiple systems interactions, including and especially with the criminal justice system and various child welfare systems. STTARS was established to address the intersection of housing insecurity/experience of homelessness and gender-based



“What is clear is the following: Grants Pass, as a community, tried to ensure the removal of its unhoused relatives”

violence for American Indians, Alaska Natives (AI/AN), and Native Hawaiians (NH).

As a part of the National Indigenous Women's Resource Center (NIWRC), we utilize a Tribal sovereignty framework as a prevention-bolstering response within our Tribal Nations. However, unhoused relatives exist in both on and off-reservation communities. What follows in this article is an overview of a pending US Supreme Court Case that touches on the unhoused crisis in urban areas, *Grants Pass v. Johnson* (No. 20-35752 (9th Cir. 2023)), in which cert was granted after a 9th Circuit decision.

Due to the monumental nature of this case and the interests of STTARS and supporting organizations, the StrongHearts Native Helpline filed an amicus brief as the lead organization. STTARS was instrumental in the coordination and completion of this brief, and STTARS, NIWRC, the Alaska Native Women's Resource Center (AKNWRC), and the Alliance of Tribal Coalitions to End Violence (ATCEV) were all supporting sign-on organizations. To read a copy of our brief, please visit here: bit.ly/4dGGXVD. STTARS worked with the National Homelessness Law Center, which secured a pro bono firm for StrongHearts' brief. With two members of STTARS on StrongHearts' Board of Directors, the partnership on this endeavor was easily met. STTARS' material and input were heavily utilized for the brief,

as was incredibly relevant data from the StrongHearts Native Helpline.

In *Grants Pass v. Johnson*, the 9th Circuit held that punishing unhoused individuals for public camping would violate the Eighth Amendment's ban on cruel

and unusual punishment if the unhoused did not have access to shelter elsewhere. The Court reasoned that the conduct the government was punishing through the ordinances that the city of Grants Pass put into place was simply an unavoidable consequence of being unhoused. This is the first SCOTUS case to address unhoused relatives since the 1980s.

Oral arguments in this case were held April 22, 2024.

The ordinances at issue, in this case, are outlined below, which mirror harmful provisions STTARS has consistently identified in briefs, webinars, policy priority documents, factsheets, and our National Workgroup Reports. Specifically:

Ordinance 01.

Ordinance	Substance of Ordinance	Fines/Charges	Notes
1. Anti-Sleeping Ordinance	No person can sleep on public sidewalks, streets, or alleyways at ANY time as a matter of individual and public safety; no person may sleep in any pedestrian or vehicular entrance to private property abutting a public sidewalk.	Started with a \$75 fine. If unpaid, this fine jumped to \$160. Eventually, these fines would mature into criminal violations. If a violator pled guilty, the fines could be reduced to \$35 for a first offense and \$50 for a second offense.	All remedies available by any other law, but also immediately removed from the premise.

Starting with the first ordinance, sleeping, these ordinances effectively made criminal something that is a mere part of existing, simply based on the location of the individual. Often, we think about how our unhoused relatives lack safety and security due to a lack of shelter. Still, we occasionally fail to consider their lack of agency regarding their basic human functions. Criminalizing this means there is an insinuation that a base level of material accumulation is required to function as a person. This strips unhoused relatives of dignity, and it further dehumanizes them.



Additionally, civil fines that can mature into criminal citations are highly problematic for numerous reasons, but mainly because the criminalization of homelessness (which is what this ordinance does) does nothing to address the housing crisis that is occurring in Tribal communities, both on and off-reservation. Criminalization only further heightens bars to finding safe housing and shelter, especially for AI/AN survivors of gender-based violence. Shelters and programs enact policies and application processes, most of which ban discriminatory practices based on federal law. Many of these policies reflect that convictions are a total bar to accessing safe housing and shelter. Indigenous survivors of gender-based violence have multiple systems interactions as a part of their personal stories, including with the criminal justice system. During our listening sessions, survivors in four urban settings stated that these convictions, which were sometimes almost a decade year old or related to their experience of domestic violence and sexual violence, effectively barred them from safe shelter and housing. Even without maturing into criminal charges/convictions, cash fines and the inability to pay cash fines create additional unnecessary barriers for the unhoused. The city of Grants Pass does not publish the amount “recuperated” from these fines. Still, we would imagine that individuals without access to housing or shelter would have an incredibly difficult time paying a fine that can mature into \$160.00.

This second ordinance prohibits campsites in public parks and permits law enforcement to remove/destroy the campsite and all personal property therein. During our travels to various urban settings where AI/AN survivors of gender-based violence reside, STTARS has personally witnessed the removal of encampments and the destruction of unhoused relatives’ belongings. Many of these operate as acts of unnecessary cruelty. Furthermore, without a place to keep important documents or identification, survivors are often left without the ability to access existing shelters or public housing spaces.

This third ordinance also punishes the unhoused for simply being unhoused. This one is especially problematic for survivors who are fleeing domestic violence or other forms of gender-based violence, often in a vehicle. Keeping survivors out of public spaces under these circumstances is incredibly dangerous, particularly where there is nowhere else to go (as is the case in Grants Pass, OR, which lacks the necessary shelter and safe housing space to house its current unhoused relatives safely. Additionally, this fine is incredibly punitive: \$295.00 is excessive, especially when the conduct the fine punishes essentially amounts to poverty. Even worse, if the unpaid fine increases to \$537.60.

This last ordinance further restricts unhoused individuals from accessing public spaces—one of the

Ordinance 02.

Ordinance	Substance of Ordinance	Fines/Charges	Notes
2. Anti-Camping Ordinance	Prohibits people from occupying a campsite on all public property (parks, benches, or rights of way). Campsite means any place where bedding, sleeping bag, or other material used for bedding purposes, or any stove or fire is placed....it does not matter if such a place incorporates the use of any tent, lean-to, shack, or any other structure or any vehicle or part thereof.	Removal of the campsite by law enforcement. The city must post a notice (24 hours in advance); at the time of posting, the City notifies a local agency delivering social services to the location of the campsite; after a 24-hour notice period has concluded, law enforcement can remove the campsite and all <i>personal property</i> .	“personal property” means any item reasonably recognizable as belonging to a person and having apparent utility or monetary value. Items having no apparent utility or monetary value and items in an unsanitary condition may be immediately discarded. Weapons, drug paraphernalia, items appearing to be stolen, and evidence of a crime may be retained as evidence by the Police Department until an alternate disposition is determined. All personal property removed from the campsite that is not retained, disposed of, or held as evidence (as provided above) shall be stored by the Police Department for a minimum of 30 days, during which time it shall be reasonably available for and released to an individual confirming ownership. (Ord. 19-5752)

Ordinance	Substance of Ordinance	Fines/Charges	Notes
3. Overlapping Anti-Camping Ordinance	Prohibited camping in public parks, including overnight parking of any vehicle (2 consecutive hours between midnight (12) and six (6) am).	A fine of \$295. If unpaid, jumps to \$537.60. If a “violator” pled guilty, the fine would be reduced to \$180 for the first offense and \$225 for the second offense.	No notes.

Ordinance 03.

few remaining places where unhoused individuals can simply exist. The fact that this ordinance likely increases criminal trespass charges for our unhoused relatives makes it even more pernicious. While exclusion orders could be appealed to the City Council, it is clear that the city of Grants Pass consistently looks to harm its unhoused community members. It is unclear how successful any appeal would be in the environment/culture that Grants Pass has fostered. Grants Pass has referred to unhoused relatives as “vagrants,” and since 2013, their city leaders have viewed these relatives as “issues.” In 2013, the City Council convened a “Community Roundtable” to “identify solutions to current vagrancy problems.” Multiple participants discussed “driving repeat offenders out of town and leaving them there.” A city councilor clarified that the city’s goal should be “to make it uncomfortable enough for [homeless persons] in our city so they will want to move on down the road.” This was parroted by a statement from the founder of the Sober Living Center in a later news article. The roundtable increased enforcement of the ordinances at issue in the case. Between 2014 and 2018, the city issued 574 tickets under its anti-camping and anti-sleeping ordinances.

What has been critically important to this case is the incredible lack of shelter and public housing space for unhoused individuals (during the case, the parties disagreed on how many involuntary homeless individuals lived in the city). Between the Plaintiff and Defendant in the 9th Circuit case, there was zero dispute around a key fact: Grants Pass had far more unhoused relatives than available shelter beds.

As STTARS has routinely stated in our resources (see next page) and policy spaces, there is a severe lack of housing, adequate housing, safe housing, shelter, etc., both on and off reservations where AI/AN and Native Hawaiians live. Grants Pass is no exception. At the time of the case, only four locations in the city temporarily housed unhoused relatives.

From a numbers standpoint, the available safe shelter and housing was inadequate. However, the form and function of the shelters were also highly problematic and increased barriers for unhoused relatives, including Indigenous survivors of gender-based violence.

Additionally, Foundry Village has since opened and is operated by Avista Connections. This village operates 17 tiny homes. Of the total funding, 80% comes from Medicare and Medicaid. The units have no running water or electricity (the common space has them.) Applicants must be 60 days clean and sober to access.⁴ Avista uses Rogue Retreat for case management and property management. A requirement of note—applicants must be drug and alcohol-free, including THC, which is legal in the state.

We know there is not enough housing or shelter to support the needs of AI/AN gender-based survivors in this region. Grants Pass, in particular, would need 4,000 units to support its unhoused community members. Community members of housed individuals in Grants Pass inhumanely distinguish themselves. In other words, some housed individuals in Grants Pass do not view unhoused relatives as members of their community simply by virtue of being unhoused.

Ordinance	Substance of Ordinance	Fines/Charges	Notes
4. Park Exclusion Ordinance	Allows a police officer to bar an individual from all city parks for thirty (30) days if, within one year, the individual was issued two or more citations for violating park regulations.	If an individual received a park exclusion order and were later found in a city park, that individual would be prosecuted for criminal trespass.	Could appeal pursuant to "park exclusion appeals" ordinance. Exclusion orders could be appealed to the City Council.

Ordinance 04.

Importantly, from our sessions, we know that AI/AN/NH survivors in the Pacific Northwest, including Oregon, cannot access the services they need. Furthermore, criminalization of unhoused relatives as a direct result of their being homeless is rampant. As we know from these listening sessions, this criminalization is almost a complete bar to securing safe housing.

In the first two years of its funding, STTARS has conducted numerous listening sessions with survivors,

hosted 4 National Workgroup Meetings, and visited numerous programs and Tribes throughout the 50 states. Importantly, we have hosted listening sessions, site visits, and a workgroup meeting in the Pacific Northwest, where this case originated.

What is clear is the following: Grants Pass, as a community, tried to ensure the removal of its unhoused relatives specifically and expressly by making their lives unlivable.

Only four locations in the city temporarily housed unhoused relatives:

Shelter	Description	Notes
Gospel Rescue Mission	Operates men's shelter and women's transitional housing (with children).	Explicitly a religious organization. Requires residents to work at the mission six hours a day for six days a week in exchange for a bunk for 30 days. Required to attend an approved place of worship with traditional Christian teachings. Disabled persons with chronic medical or mental health issues that prevented them from complying with the Mission's rules were prohibited. Had to dress according to "birth gender."
City-Operated Sobering Center	Law enforcement could transport intoxicated or impaired persons. Twelve locked rooms with toilets where individuals could "sober up." No beds.	Cow Creek Umpqua Indian Foundation is a supporter. ¹ The average stay is about 15 hours. ² "Jones predicted that the center will help discourage 'professional vagrants,' who will be without their personal belongings, drinking buddies, cigarettes, and intoxicants while sobering up. Some of these folks will be looking for the next town," he said. "It's not set up to be comfortable. It's safe." ³
Hearts With a Mission Youth Shelter	An 18-bed facility for unaccompanied minors aged 10-17 could stay for up to 72 hours (or longer with parental consent).	https://www.opb.org/news/article/oregon-shelter-grants-pass-gay-mens-chorus-board-resign/
UCAN Warming Center	On nights when the temperature is below 30 degrees (or 32 degrees with snow), it can hold up to 40 individuals. No beds. UCAN also appears to have 25 beds and semi-private rooms as part of a low-barrier shelter.	Reached capacity <i>every</i> night it operated except the first night it opened. During the winter of 2020-2021, it did not open at all.

¹ <https://thesoberingcenter.org/>

² <https://bit.ly/3K6Ud8v>

³ <https://auslandgroup.com/gp-sobering-center-preps-clients/>

⁴ <https://bit.ly/3UM3VSx>

Nohona Hawai‘i

Hawai‘i Solutions for Hawai‘i Problems: A Think Piece

By Pouhana O Nā Wāhine Serving as The Native Hawaiian Resource Center on Domestic Violence

In the idyllic expanse of Hawai‘i’s landscapes, beneath the swaying palms and amidst the whispers of the Pacific breeze, lies a community grappling with a profound dilemma: domestic violence within the Kanaka ‘Ōiwi (Native Hawaiian) population. This isn’t just a statistical anomaly or a passing trend; it’s a sobering reflection of the intricate interplay between cultural identity and social realities. As we stand at this crossroads, it’s imperative to acknowledge that conventional approaches to addressing domestic violence fall short within Indigenous communities. Kanaka ‘Ōiwi are not immune to domestic violence, yet the solutions offered thus far were crafted without due consideration for their unique cultural context.

In this think piece, we embark on a journey of introspection and reevaluation. This journey challenges us to confront uncomfortable truths and reimagine the paradigms through which we approach domestic violence within the Kanaka ‘Ōiwi community. It’s a call to action to deconstruct the prevailing narratives and amplify the voices of those most affected by this issue. We navigate through the tapestry of Hawai‘i heritage, drawing upon ancestral wisdom and community resilience as guiding lights in our quest for transformative change. This isn’t merely about implementing band-aid solutions or ticking boxes on a checklist of interventions; it’s about fostering a cultural renaissance—a resurgence of pride, healing, and empowerment within the community.

As a resource center, we confront uncomfortable truths and challenge ingrained norms. We acknowledge the systemic barriers that have perpetrated domestic violence and advocate for a paradigm shift—one that



*Auntie NaniFay pictured with the Jones sisters.
Photo courtesy of Dolly Tatofi.*

prioritizes culturally relevant approaches, community-driven initiatives, and holistic healing practices. Join us on this voyage of self-discovery and collective liberation—a journey toward reclaiming our cultural sovereignty and charting a course to a future where domestic violence is addressed and eradicated through solutions as unique and resilient as Kanaka ‘Ōiwi.

Before diving into Hawai‘i solutions, it’s essential to acknowledge the stark reality that the Indigenous people of Hawai‘i—Kanaka ‘Ōiwi—are disproportionately



Kalo patch at Kako'o 'Ōiwi. / Photo courtesy of Vernon Viernes.

affected by domestic violence, both as survivors and perpetrators. Studies have consistently shown that Indigenous populations worldwide face higher rates of domestic violence compared to non-Indigenous communities, and Hawai'i is no exception. Within the Kanaka 'Ōiwi community, the impact of historical trauma, systemic oppression, and socioeconomic disparities has created fertile ground for the perpetuation of domestic violence. The effects of colonization, land dispossession, and cultural erasure have left deep scars on the collective psyche of Kanaka 'Ōiwi, exacerbating existing social inequalities and contributing to violence within families and communities.

Kanaka 'Ōiwi are overrepresented both as survivors seeking support from domestic violence services and as perpetrators within the criminal justice system. This overrepresentation is not a reflection of inherent traits among Kanaka 'Ōiwi, but instead, it is a manifestation

of systemic injustices that continue to marginalize and disempower Indigenous peoples. As we further discuss Hawai'i solutions, it is imperative to approach the issue of domestic violence within the Kanaka 'Ōiwi community with nuance and sensitivity, recognizing the complex interplay of historical, cultural, and socioeconomic factors at play.

In translating solutions from the continental United States to the unique cultural landscape of Hawai'i, we encounter challenges deeply rooted in the history of colonization and cultural decimation. The problematic use of programs and suggestions crafted by oppressors without first addressing the historical trauma and cultural erasure faced by Indigenous peoples perpetuates a cycle of marginalization and disempowerment. Too often, interventions designed with good intentions fail to resonate with the lived experiences and values of Kanaka 'Ōiwi, further exacerbating the disconnect between Indigenous communities and mainstream approaches to problem-solving. We must recognize that solutions tailored to the continental United States may not be effective within the context of Hawai'i, where cultural resilience and empowerment are paramount in addressing domestic violence. Therefore, as we find uniquely Hawai'i solutions, we must prioritize Indigenous perspectives and center the voices of those most affected by systemic injustices. By acknowledging and confronting the legacy of colonization, we pave the way for solutions rooted in cultural revitalization and collective healing.

Now, with an understanding of the disproportionate impact of domestic violence on the Hawai'i community, we are compelled to shift our focus toward solution-building rooted in cultural resilience and empowerment. By centering Indigenous perspectives and prioritizing culturally relevant solutions, we can address the root causes of domestic violence and pave the way for healing and transformation. We must move beyond acknowledging our challenges and actively collaborate to implement culturally relevant interventions. By drawing upon the rich heritage and ancestral wisdom of Hawai'i, we forge a path toward healing and reconciliation, creating safer and more nurturing environments for all community members.

In the depths of our cultural heritage lies the essence of Nohona Hawai'i—a state of being that encompasses

completeness and wholeness. Embedded within our ancestral ways of life are the answers to our most pressing challenges, including domestic violence. Our safety and protections have always been intricately woven into the fabric of our existence, drawing strength from the interconnectedness of all things—*kānaka, ka ‘āina, ka ua, ka makani, nā akua, and Akua* (the people, the land, the rain, the wind, the gods, and God.)

Auntie Pilahi Pākī, a revered Hawaiian kupuna (elder), famously said, “The world will turn to Hawai‘i as they search for world peace because Hawai‘i has the key, and that key is aloha!” She illuminated the concept of *Lōkahi*—a unity expressed with harmony, an unbroken connection that permeates our existence. This *‘ike* (understanding or wisdom) Hawai‘i, passed down through generations, reminds us of the infinite *pilina* (relationship) that binds us. Through this interconnectedness, we begin to grasp the true essence of our cultural heritage—a heritage rooted in aloha, respect, and mutual understanding. As we address domestic violence within our communities, we must heed the wisdom of our ancestors and embrace the principles of *lōkahi*. This means recognizing the inherent connection between *akua, ‘āina, and kanaka* (God, the land, and the people.) In doing so, we transcend the limitations of linear thinking, embracing a worldview that honors the interwoven tapestry of existence.

In pursuing solutions, we turn to the land as our first teacher and source of grounding. By grounding ourselves in the electromagnetic currents of the land, we establish a firm foundation upon which to build our efforts toward healing and reconciliation. Gathering in circles, we forsake hierarchical structures and embrace the inherent equality of all participants. CEOs stand shoulder to shoulder with the survivors in this sacred space, united in their humanity and shared responsibility. This circle acknowledges our accountability to our ancestors and future generations, recognizing past, present, and future interconnectedness. With gratitude and humility, we call upon the wisdom of our *kūpuna* and *‘aumakua* (ancestor gods), seeking their guidance as we navigate the challenges. Through ritual and ceremony, we open ourselves to vulnerability, sharing, and healing, fostering an environment of trust and mutual support.

Central to our efforts is the concept of *pilina*—a deep and meaningful connection that transcends mere relationships. It is a way of life. It is a commitment to collective well-being and mutual respect. As we deepen our *pilina*, we expand our capacity for change, working collaboratively with community partners, government agencies, and survivor support groups to address domestic violence at its root.

In our journey toward healing, we draw inspiration from the *kukui* nut—a symbol of enlightenment, wisdom, and protection. Like Makali‘i, the famed fisherman and chief navigator, we look to the *kukui* nut to illuminate the path forward, guiding us through turbulent waters toward a brighter future. We embrace the teachings of our ancestors and honor the interconnectedness of all things. We unlock the transformative power of *Nohona Hawai‘i*—a state of being where love, respect, and togetherness reign.

Kalo patch at Kako‘o ‘Ōiwi. / Photo courtesy of Vernon Viernes.





Kukui Nut Tree in Hilo, Hawaii, symbolizes enlightenment, wisdom, and protection. / Photo courtesy of Dolly Tatofi.

supreme. It is through this collective effort that we reclaim our cultural sovereignty and pave the way for a Hawai'i where all are free from the shadows of domestic violence.

Hawai'i stands at a pivotal moment to carve its path in combating domestic violence, igniting a transformative shift towards self-reliance and empowerment. By tapping into 'ike Hawai'i and the wisdom of those who came before us, Hawai'i spearheads innovative solutions that resonate deeply within its communities. No longer bound by reliance on external interventions, Hawai'i can cultivate local expertise and champion grassroots initiatives to address domestic violence from within. This bold assertion of autonomy fosters a profound sense of empowerment and ensures that solutions are rooted in the unique values and traditions of the islands. As Hawai'i takes charge of its destiny, it emerges not just as a responder to its problems but as a beacon of inspiration for communities worldwide grappling with similar challenges, remembering that we are the answer.

As we navigate the complexities of addressing domestic violence within Hawai'i, we must remain steadfast in our commitment to finding uniquely Hawai'i solutions for Hawai'i problems. This journey requires us to not only acknowledge the disproportionate impact of domestic violence on our community but also to actively engage in solution-

building efforts rooted in cultural resilience and empowerment. Yet, as we embark on this path, we must continually question and challenge ourselves: What does it mean to create Hawai'i solutions for Hawai'i problems? What does it look like, feel like, sound like? It demands a deep introspection into our values, traditions, and collective aspirations and a commitment to fostering environments of aloha, respect, and mutual understanding. Through this ongoing dialogue and collaboration, we pave the way for a future where every member of our community feels safe, supported, and empowered to thrive. As we navigate this journey together, let us hold steadfast to the belief that our collective resilience and unwavering commitment to aloha will guide us toward a brighter tomorrow.

E Ola Mau Kākou!

Let us live in perpetuity!

Our Journey to Educate & Inform Alaska Policy Makers on MMIP, Public Safety, and Tribal Justice

The MMIWG2S Alaska Working Group and Tribal Leaders Travel to Alaska's Capital



During the legislative fly-in, MMIWG2S Alaska Working Group Members in Juneau. Photo courtesy of Kai Monture.

By Kendra Kloster, *Tribal Citizen of Tlingit and Haida Indian Tribes of Alaska*, Co-Director of Law & Policy, Alaska Native Women's Resource Center

Everyone has a right to be free from violence in their own homes and communities, no matter where we live. It is far past time that policies and budgets reflect the needs of the communities and properly address the issues we face across our state and nation. We need to focus on ensuring every community has public safety. Prevention must be a part of the solution for safer communities. Offenders who commit violent acts are held accountable, and there is healing from generational trauma. This all must be done together to properly address all the underlying issues of violence to make real change.

Here is what we know with the limited data we have on MMIP, human trafficking, domestic violence, and sexual assault: There is underreporting as a result of failed responses and support for victims. Murder is the third leading cause of death among American Indian/Alaska Native Women (AI/AN), and more than 80%

of AI/AN women have experienced violence in their lifetimes. In the United States, for example, 84% of AI/AN women and 82% of AI/AN men reported experiencing violent victimization in their lifetime. Studies have also shown that Native American children are more likely to experience abuse and trauma than their non-Native peers. Alaska Native women have reported rates of domestic violence up to 10 times higher than in the rest of the United States. The Indian Law Resource Center has been highlighting this critical issue for AI/AN and Native Hawaiian women who experience domestic violence.

Important questions we should all be asking: How are we addressing the crisis of missing and murdered Indigenous people? How are we making changes so public safety is available to everyone in Alaska and nationwide? How are we addressing the trauma and harm inflicted on our people and in our communities so that all our people can heal? How are we providing services for survivors to ensure they have a safe place to live, food security, and supportive systems to move forward in a positive way away from abuse? How are we addressing and providing services for those who are perpetrators, who are also dealing with their own trauma and harm, in addition to holding them accountable for their actions? How are the state and federal governments partnering with our Tribes and communities to approach change as partners?

Many of us within the Alaska Native Community have taken actions on our own to push policymakers to take a serious look at the MMIP crisis and all the intersecting issues of human/sex trafficking, domestic violence, and sexual assault, and the severe lack of public safety and extremely low prosecution rates for those inflicting harm. We want to uplift all those Tribes, non-profits, and individuals who work in their communities and others to shed light and take action on MMIP. We also want to share some of our work to help inspire and inform.

In February 2024, five Alaska Native non-profits, who collectively work together in The Alaska Missing and Murdered Indigenous Womxn, Girls, and Two-Spirit (MMIWG2S) Working Group, and

Tribal Leaders from across the state traveled to Džantik'i Héeni (Juneau), Alaska during the state legislative session to educate and bring attention to MMIP, high rates of domestic violence and sexual assault, lack of public safety and the need to support and understand Tribal justice systems.

To start our education journey with policymakers, we entered the Alaska State capitol building in traditional regalia, dancing and singing to the beat of the drums that rang through the capitol building; our voices were powerful, singing traditional Tlingit, Haida, and Tshimshian songs. This began our three days of presentations and meetings with policymakers on the current status of the crisis of Missing and Murdered Indigenous Peoples (MMIP) in Alaska, the lack of public safety throughout the state, and information sharing about our Tribal justice systems.

There were many memorable aspects to this fly-in to highlight, including the three lunch and learn presentations attended by legislators, legislative staff, commissioners, and community members; two presentations to the House Tribal Affairs Committee; an opportunity to present and testify for the Senate State Affairs Committee for Senate Bill 151: Missing and Murdered Indigenous People, which includes some important policy goals the working group has been advocating for years that will take steps forward to end MMIP; and individual meetings with 90% of legislators and their staff. Some of the most memorable pieces came forward as personal stories—some never shared before, stories of our loved ones who have gone missing and been murdered, and the personal connections we shared and connections made with policymakers who are starting to see some of the unfortunate real aspects of Alaska that far too many people have experienced violence or have family and friends going through these terrible experiences.

“Even though it is difficult, we must share our stories to make change in our state and protect our children,” said Tami Truett Jerue (citizen of the Anvik Tribe), Executive Director of the Alaska Native Women’s Resource Center. “We will continue to stand up, educate, and be the voice our

ancestors taught us to use - we cannot continue to let the MMIP crisis, domestic violence, and sexual assault continue, and we must hold our state and federal leaders accountable to their responsibility to take care of our citizens, especially our rural citizens who have been severely lacking basic rights such as public safety.”

As we came to the end of our three days, during our last presentation in the House Tribal Affairs Committee discussing Tribal Justice, higher rates of violence against Alaska Native people, and lack of law enforcement in rural Alaska, we also learned through an unfortunate example of truly not understanding the disproportionate impacts of violence on Alaska Native and American Indian people through comments from a Representative that were implying Alaska Native organizations and people were not taking care of our white sisters and brothers, only showing that we continue to face an uphill battle as misunderstanding the unique obstacles that Alaska Native and rural communities face. Additionally, we have made it clear that no matter what we do to improve public safety for Indigenous people, it increases safety for everyone and that we do not turn away anyone who needs assistance and protection. Through expressions of white fragility, it was made clear how much more work is required to recognize the pervasive notions of racism that lead to violence. When we come together on this issue, we must demand that true justice accounts for those impacted the most and where the largest gap is. For allies who care deeply about missing persons, homicides, and human trafficking, the initiatives and solutions we put forward must fill that gap of disproportionality to ensure equity and real change.

We must recognize the historic actions over the last couple of years that would not have happened without being a loud voice to our Governor and Commissioners and coming together as partners to advocate and educate. We have helped move actions forward to create the first MMIP Investigative Unit at the Department of Public Safety (DPS), where they now employ four full-

time MMIP Investigators, one full-time Assistant Attorney General specializing in MMIP, and a state MMIP Commission/Working Group within DPS. Additionally, we have started making headway on implementing and re-invigorating cultural training at DPS for every trooper and village public safety officer, with input from the Alaska Native Community and moving toward a requirement of training to be conducted by the Indigenous community and an education campaign related to MMIP.

This legislative session, there are multiple bills addressing some of our MMIP policy goals, which are included in SB151 and HB234: Missing and Murdered Indigenous People, and HB235: Mandatory Reporting to the Federal Missing Persons Database, which will continue to support the efforts through funding and actions to address the MMIP crisis in Alaska.

As policies and budgets are discussed, we continue to advocate for strengthening partnerships between Tribes, Native organizations, and the federal and state governments. We have worked hard to create more bonds within our circles to ensure that Alaska’s missing and murdered Indigenous peoples are not forgotten and this crisis ends. We can and must all work together to secure fundamental human rights for all Alaskans. Together, we can create solutions to ensure a safer Alaska for all.

Yees Ku Oo Dance Group joined the MMIWG2S Alaska Working Group to start our presentations and meetings by dancing and singing into the Alaska State Capitol building. Photo courtesy of the MMIWG2S AK Working Group.



The Red Dress Gala

The MMIWG2S Alaska Working Group Hosted the First Red Dress Gala to Bring Awareness of MMIWG2S

By Kendra Kloster, *Tribal Citizen of Tlingit and Haida Indian Tribes of Alaska*,
Co-Director of Law & Policy, Alaska Native Women's Resource Center



MMIWG2S Alaska Working Group members at the Red Dress Gala. / Photo courtesy of Brandon Hill.

In January, the Missing and Murdered Indigenous Womxn, Girls, and Two-Spirit (MMIWG2S) Alaska Working Group hosted its first Red Dress Gala in Anchorage, Alaska. The Gala brought together more than 200 attendees from all parts of Alaska, plus some friends and relatives in the lower 48. The event focused on raising awareness and increasing the MMIWG2S Alaska Working Group's ability to do more through community support and to uplift, honor, and support the community and individuals who have been addressing these efforts for decades.

In a sea of red and regalia in a packed room, with friends and family showing solidarity to support the continued efforts of the MMIWG2S Alaska Working Group, we also had the honor and privilege to recognize other Indigenous leaders on the frontlines of this work. Shirley Lee has led dozens of justice initiatives in the Fairbanks region for decades, including justice for the Fairbanks Four. Abigail Echohawk led the first MMIW report in the nation through her leadership at the Urban Indian Health Institute. Dr. Michael

Livingston, retired law enforcement, has led research and data in their region and developed healthy family initiatives. Ingrid Cumberlandidge-Goodyear has served as Alaska's MMIP Coordinator under the US Attorney's Office and coordinated statewide efforts across sectors.

The MMIWG2S Alaska Working Group was created from the calls of Indigenous communities and families for action to end the violence, heal together, spread the word about what is happening across Alaska, and bring people together to make change. Over the last six years of work, the Working Group has seen partnerships grow. It continues to raise awareness, address policy issues, and provide education across the state to end this crisis.

The MMIWG2S Alaska Working Group recognizes that colonization is the key element to what spurred and created the crisis of missing and murdered Indigenous women—the very idea of Native people being less than human, allowing and encouraging the

“We hold up that Indigenous people are wrapped in the arms of our ancestors, who give us the strength to move forward and demand change. Our children provide the fire in our bellies to not accept the injustices but use every ounce of our being to create a better, safer future for our children and grandchildren.”

—TAMRA TRUETT JERUE
AKNWRC EXECUTIVE DIRECTOR



*Ilakus Dance Group performing at the Red Dress Gala.
Photo courtesy of Brandon Hill and Maka Monture.*

mistreatment, the acts of taking our children away to boarding schools, to the high rates of domestic violence and sexual assault, and the attempt to strip away culture, language, and traditions. The work continues the efforts of Indigenous giants who paved the way for our voices to be heard.

“Everyone deserves to be safe, to live free from violence and without fear our children will become victims. We will do everything in our power to end the MMIP crisis. However, it is the responsibility of every person and entity to do their part, to work together, and to support our Indigenous people, non-profits, and Tribes who are leading the effort to create

safer communities and end the high rates of violence happening to Alaska Native/American Indian people.”
—Kendra Kloster, AKNWRC Co-Director of Law & Policy.

Gunalcheesh/Quyana/Mahsi Choo/Thank you to our relatives nationwide for your advocacy, leadership, and unwavering dedication, which inspires us and many others.

To learn more about the MMIWG2S Alaska Working Group, please visit its website at www.mmiwg2salaska.org.

Acquired Brain Injury: Are We Doing Enough?

Acquired Brain Injury (ABI), Traumatic Brain Injury (TBI), and Chronic Traumatic Encephalopathy (CTE) and Their Relationship to Domestic Violence

By Tami Truett Jerue, *Anvik Tribe*, Executive Director, Alaska Native Women's Resource Center, and Paula Ciniero, R.N.

Paula Ciniero, the owner of Healing Hands Healing Hearts in Fairbanks, AK, was a registered nurse for almost 40 years and an energy worker working within the body's energy systems and biofield. She is a certified Healing Touch Practitioner, Reiki Master, and Cranio-Sacral Practitioner trained in other complementary medical services. She is also a certified sound healer specializing in crystal singing bowls and Himalayan bowl therapy. Paula has had various experiences in all realms of the nursing profession. Paula has also worked as a health nurse in rural Alaska for many years.

In working with survivors of domestic violence (DV), Paula has been able to feel the cold and emptiness in one part of the brain and warmth and fullness in the other parts. One particular survivor had been thrown down the stairs and had suffered a brain hematoma (large brain bruise). Where the survivor had the hematoma, Paula felt the cold and emptiness.

While we are unsure about the exact numbers of head injuries related to DV in the Indigenous population in the US and its territories, we understand that there is a definitive connection and relationship between Acquired Brain Injury (ABI), Chronic Traumatic Encephalopathy (CTE), Traumatic Brain Injury (TBI), and their relationship to DV. Medical Journal searches, such as through PubMed and the NIH, show numerous studies on combat veterans but very few on the impacts on US Indigenous populations.

Acquired brain injury (ABI) is a term used for internal (non-traumatic) and external (traumatic) brain injury. Non-traumatic brain injury causes damage to the brain by internal factors, such as a lack of oxygen, exposure to toxins, pressure from a tumor, etc. A traumatic brain injury (TBI) is an alteration in brain function caused by an external force on the head, such as falls, vehicle accidents, explosions, or violence.



Traumatic Brain Injury (TBI) graphic, created by Andrea Wuyu, Communications Specialist, AKNWRC.

TBI can cause severe symptoms and long-term etiology. Severe symptoms can include loss of consciousness, confusion, disorientation, seizures, numbness or weakness of the extremities, nausea, vomiting, dizziness, slurred speech, trouble walking, and blood or clear fluid coming from the nose or ears. If a person is experiencing these, they must get to a clinic or medical center immediately. In our Villages and on Reservations, medical care is often a long way away, and the survivor does not always visit the local clinic to be seen once this happens. There are several reasons for this. The partner does not allow her to get medical attention. She wants to curl up and forget the trauma. Medical care is too far away, and clinic staff may be related to the perpetrator. They may also fear child removal, escalating violence, prioritization of other injuries or competing demands, and insufficient awareness of the signs of brain injury. They may be afraid to leave the children or pets with their partner while they seek medical attention.

With any TBI, what is most concerning for all survivors who experience physical violence from their partners is whether or not all survivors have access to and are receiving medical attention to mitigate the long-term effects of any head injury. Before we discuss some of those effects, let's talk about chronic traumatic encephalopathy (CTE).

CTE is a term given to brain injuries that occur in professional football players and now in professional hockey players. Brain injury occurs from repeated blows to the head sustained in football games and practice. The career of a professional football player is around 26 years. A survivor can be in a relationship experiencing DV for 40 years, including repeated instances of head trauma.

Some of the long-term effects of both TBI and CTE include concentration and memory problems, delayed thinking and understanding, headaches, seizures, vision changes, fatigue, balance problems, mood swings, reduced language skills, problem-solving challenges, poor planning and judgment, lack of impulse control, depression, anxiety, sleep disturbances. Not all those with brain injury or CTE have all of these, and some will come and go, but they do lead to a multitude of other issues.

TBI and CTE may lead to challenges for survivors during forensic interviewing, such as concentration and memory problems, as well as delayed thinking and understanding. Additionally, many survivors may be labeled as non-compliant because they do not show up for appointments. They just may not remember, especially if it is not written down for them.

Our autonomic nervous system has two parts: Sympathetic (fight, flight, freeze, fawn) and Parasympathetic (rest, digest). These two systems allow people to respond to various situations. In normal circumstances, our sympathetic nervous systems rev up when a threat occurs. For instance, a bear starts to chase us, our heart rate speeds up, our breathing becomes rapid, our muscles engage, our stomach tightens, and we flee to our car. Once in our car, our heart rate and breathing slow, our stomach unclenches, and we settle down. Persons with TBI can experience sympathetic nervous system dominance and, in some cases, parasympathetic dominance, and it could swing back and forth. No one knows yet why this happens, but it can cause a wide scope of problems within the physical body.

Although more research and evaluation is needed, especially as it relates to our U.S. Indigenous populations, there is an undeniable connection between CTE, TBI, and ABI, especially as it relates to DV survivors and survivors of all gender-based violence. Initial and ongoing education and training for advocates, first responders, health care professionals, and others who interact with survivors will be critical in navigating the too often untreated, complex responses and behaviors of DV survivors.

Resource Links

Traumatic Brain Injury Booklet

- Go to: bit.ly/4dDLrwb

NIWRC Webinars

- Go to: bit.ly/3V2eClp

The Alaska Native Women's Resource Center's 2024 Annual Unity Meeting

AKNWRC's Annual Unity Meeting Is Changing Dates!

By Rick A. Haskins-Garcia, Esq, Co-Director of Law & Policy and Manager of Training and Technical Assistance, Alaska Native Women's Resource Center

The Alaska Native Women's Resource Center's (AKNWRC) annual Unity Meeting serves as a platform for Alaska Tribes, Tribal Organizations, and Organizational partners to connect and share about the important work being done across the state, to discuss and highlight policy priorities, and to identify opportunities for collaboration and strengthening partnerships moving forward. The Unity Meeting helps to foster connection, collaboration, and empowerment by providing a dedicated space and time to discuss domestic violence, sexual assault, Tribal

justice and public safety, and other immediate priorities affecting our Alaska Native and American Indian survivors of gender-based violence and Alaska Tribes.

This year, the AKNWRC will host its Annual Unity Meeting in December 2024, coinciding with the 34th Annual Alaska Bureau of Indian Affairs Tribal Providers Conference in Anchorage, Alaska. For additional information, please contact the AKNWRC at info@aknwrc.org.



**ALASKA NATIVE WOMEN'S
RESOURCE CENTER
ANNUAL UNITY MEETING**

**2024
WE CHANGED THE DATE**

This year's Annual Unity Meeting will be hosted in early December in Anchorage, AK, coinciding with the BIA Providers Conference instead of AFN. More details on dates, venue, and registration coming soon.

Follow us for important updates!

www.aknwrc.org Join our email list by scanning the QR code or at <https://bit.ly/2Xjv6Dr>

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AKNWRC's Annual Unity Meeting "Save the Date" Flyer. / Graphic courtesy of AKNWRC.

Photo of Mary Kathryn Nagle. / Photo courtesy of Mary Kathryn Nagle.

VAWA Sovereignty Initiative Update June 2024

NIWRC Fights To Protect Native Women From Sexual Assaults Perpetrated by BIA Law Enforcement

By Mary Kathryn Nagle, *Cherokee Nation*, Counsel, NIWRC

At the time of this article's drafting, the NIWRC's VAWA Sovereignty Initiative (VSI) awaits decisions on two cases. The first, *Rahimi v. United States*, was argued in the United States Supreme Court in November 2023. The second, *L.B. v. United States*, was argued before the Ninth Circuit Court of Appeals on June 3, 2024. Each case will significantly impact Native women's safety.

United States v. Rahimi

On August 21, 2023, the NIWRC filed its *amicus* brief in *United States v. Rahimi*. This case was argued before the Supreme Court on November 7. In *Rahimi*, the Fifth Circuit Court of Appeals held that 18 U.S.C. § 922(g)(8) violates the Second Amendment. If left untouched, this decision threatens to leave Native women and children even more vulnerable and susceptible to homicide than they are at present.

Section 922(g)(8) is the federal law prohibiting individuals subject to a protection order from accessing and possessing firearms. The NIWRC filed its *amicus* brief to explain how the loss of § 922(g)(8)'s protections will place Native women at even greater risk. Native women are more likely to be victimized by domestic violence than any other population in the United States. When a Native woman goes to her Tribal Court and secures a protective order, § 922(g)(8) makes it illegal for her abuser to access a firearm. This is a statute that saves lives.

Under the Supreme Court's Second Amendment jurisprudence, whether § 922(g)(8) remains constitutional and in effect as federal law will depend on whether the Court finds the firearm regulation in § 922(g)(8) to commiserate with firearm regulations at the time of the Second Amendment's passage. Thus, much of the briefing and discussion at oral argument

focused on relevant historical analysis. The NIWRC's *amicus* brief points out that although the Second Amendment was initially passed to protect the right of individual Americans to possess firearms to kill Indians, this policy changed by the time the United States passed the Fourteenth Amendment—a time when the United States was signing numerous treaties with Tribal Nations and promising to protect tribal citizens from “bad men”—white men seeking to harm tribal citizens on tribal lands. The NIWRC *amicus* brief, therefore, makes the argument that § 922(g)(8)'s prohibition on access to firearms for individuals subject to a protection order is part and parcel of the United States' treaty trust duty and responsibility to safeguard the lives of Native women.

Although it is impossible to predict which way the Supreme Court will ultimately go, the Justices did sound skeptical that the Second Amendment would preclude § 922(g)(8)'s firearm prohibition altogether. As this case was argued back in November, a decision from the Supreme Court should be forthcoming any day now. The NIWRC will continue to monitor this decision and evaluate its impacts on the safety of Native women once the Court has issued its decision.

L.B. v. United States

The NIWRC has filed two *amicus* briefs in *L.B. v. United States*—a case where a Northern Cheyenne victim of a rape committed by a BIA officer is suing the United States under the Federal Tort Claims Act, asking for damages to pay for her pain and suffering caused by the rape. The case is currently before the Ninth Circuit Court of Appeals.

The United States, and specifically the Department of the Interior and the BIA, is arguing it cannot be held liable for its law enforcement officer's actions (he was responding to a Native woman's call for help and was on duty when he committed the rape) because he committed the rape for “his own enjoyment,” and not to “further the interests of his employer.” It is a despicable, deplorable argument that contributes directly to the large rates of violence against Native victims in this country. If Native women calling BIA law enforcement for help must choose between

calling for help and being raped or not calling for help and not being raped, then they are in a no-win, incredibly violent, unjust situation. The BIA and DOI should publicly apologize to L.B. for the rape she endured, and they should pay the damages she is owed. They also need to instigate programs geared towards training officers to report other officers who rape Native women. The officer who raped L.B., Officer Bullcoming, bragged in his deposition that he had done the same thing to at least 12 other women. There is no way he has done this to so many women, and his fellow officers and supervisors did not know. Why didn't the BIA do something about Officer Bullcoming's behavior? This situation is inexcusable, and the fact that DOI and BIA won't accept responsibility for their wrongdoing here is beyond the pale.

The case has bounced from court to court for years now. The case was originally filed in federal district court, but in 2022, the Ninth Circuit Court of Appeals sent a certified question to the Montana Supreme Court regarding a question of Montana law related to when a law enforcement agency can be held liable for sexual assaults of one of its law enforcement officers. The Montana Supreme Court answered the legal question in L.B.'s favor, and the case was kicked back down to the federal district court. The United States and the BIA, however, continued to refuse to accept responsibility for the horrific acts of one of their law officers and continued to litigate this case. When the District Court decided against L.B. and in the BIA's favor, L.B. appealed back up to the Ninth Circuit Court of Appeals. In November 2023, the NIWRC filed an *amicus* brief supporting L.B.'s position. The NIWRC's *amicus* brief was co-authored and filed by COLT, the Coalition of Large Tribes.

The case will now be argued in the Ninth Circuit on June 3, 2024. The argument will take place at the federal courthouse in Portland, Oregon. COLT and NIWRC will work together to organize and host a rally/prayer vigil on the steps of the Courthouse on the day of the oral argument. We invite all advocates, survivors, tribal leaders, and allies to join the NIWRC and COLT on June 3 to show your support for L.B. and all of our Native women, men, and Two-Spirit Relatives who have been sexually abused and assaulted

by law enforcement. There is no excuse for this kind of abuse of power, and it is deeply troubling that the Biden Administration—an Administration that claims to care deeply about ending violence against Native women—is taking the position that the BIA cannot be held responsible when one of its on-duty law officers rapes a Native woman.

The NIWRC and COLT will work with local Tribes in Oregon to organize and host the prayer vigil on June 3. Please stay in touch and look for more information posted on the NIWRC's website and social media. We hope to see you there.

The following is a select excerpt from the NIWRC/ COLT *amicus* brief:

The United States has largely failed to respond to L.B.'s appellate arguments, and has dodged entirely the key issue presented to this Court on appeal—namely, how can the United States not be vicariously liable given that “[i]t is beyond dispute that the assault arose out of [Officer] Bullcoming's employment with the BIA. He showed up to L.B.'s house in response to a dispatch call and it was through his authority under the BIA that he coerced L.B. into sex.” ER-13. Moreover, in its response brief the government reinforces this point as well: referring to Officer Bullcoming's statement that “something needed to be done,” “Bullcoming made the statement to coerce L.B. to have sex with him under the threat of arrest.” Government brief at 21. Only his position as a BIA police officer allowed Officer Bullcoming the authority to arrest L.B. or coerce her to have sex.

The United States avoids entirely the Montana Supreme Court's findings applicable to this very case with respect to the vicarious liability factors. It attempts to unilaterally narrow “the act” for purposes of the legal analysis to “sexual assault” when the Montana Supreme Court has already held that all of the attendant circumstances that brought Officer Bullcoming to L.B.'s home that evening are to be considered. And, it fails to address the fact that, under Montana law as established in the L.B. v. United States decision,

even a scintilla of employer benefit satisfies the “mixed motive” test.

The United States further offers no response to L.B.'s initial point that no employer could ever be held liable under the subjective “perspective of the abuser” test that the district court created requiring the victim of sexual coercion to prove that the employee's subjective motives were related to his employment function.

The United States twists itself attempting to justify the district court's decision to accept wholesale Officer Bullcoming's deposition testimony which cannot be reconciled with the testimony he gave the same district court under oath at his change of plea colloquy.

The United States, echoing the district court, attempts to place form over substance by arguing that L.B.'s emergency discovery motion was not really a motion about discovery issues. The United States's brief is authored by the same Assistant United States Attorney who spoke privately with Officer Bullcoming before his deposition and told him at the outset of his deposition he did not need to worry about criminal consequences. Much of the excerpts of record cited by the United States are the self-selected affidavit testimony of the same Assistant United States Attorney who refused to make himself available for deposition so that his affidavit testimony could be tested under examination.

In short, the United States has offered nothing to justify the district court's summary judgment opinion that runs contrary to Montana law as expressed by the Montana Supreme Court in this very case. The Court should reverse this matter with direction to enter summary judgment in favor of L.B.

International Advocacy Update

Demanding Justice: Indigenous Women Speak Out During the UN Commission on the Status of Women

By Christopher Foley, *Cherokee Nation*, Senior Attorney, Indian Law Resource Center

On March 12, the Indian Law Resource Center (ILRC) joined with nine other Indigenous organizations working in Brazil, Guatemala, Peru, and the United States to co-sponsor a panel, “Accelerating Empowerment of Indigenous Women and Girls in the Americas,” as a parallel event during the UN Commission on the Status of Women’s 68th Session.

“From our foundation in 1978, the Indian Law Resource Center has used human rights advocacy at the United Nations to build indigenous solidarity throughout the Western Hemisphere and create a global movement to advance indigenous rights to benefit all Indigenous nations,” said Center Senior Attorney Chris Foley. “Our work to develop these international coalitions to participate in Commission Parallel Events is part of this history. For Indigenous peoples in this Hemisphere we have deep cultural connections that predate the European invasion, and we also have this subsequent terrible shared experience of colonization.

But because one of the projects of colonization has been to isolate our Indigenous nations and to divide us, our connections with our relatives have been torn. International advocacy events like this year’s Parallel Event can help us reconnect by creating space and time for us to re-learn about all that we hold in common with our relatives, to share our unique histories, and to support each other in our work to rebuild our nations.”

In addition to the ILRC, the co-sponsors of this event were the Alaska Native Women’s Resource Center (AKNWRC), the Coordination of the Indigenous Organizations of the Brazilian Amazon (COIAB), the Interethnic Association for the Development of the Peruvian Amazon (AIDESEP), the International Mayan League (Mayan League), the National Indigenous Women’s Resource Center (NIWRC), the Native Women’s Society of the Great Plains (NWSGP), the Regional Coordination of the Indigenous Peoples of San Lorenzo (Peru), the Regional Organization of the Indigenous Peoples of the East (Peru), and the Pouhana O Nā Wāhine (PONW).

The 90-minute virtual event featured speakers from Guatemala, Peru, and the United States. The speakers each discussed the need for long-term sustained action in their respective regions and countries to address violence

“For Indigenous peoples in this Hemisphere, we have deep cultural connections that predate the European invasion, and we also have this subsequent terrible shared experience of colonization.”

—CHRISTOPHER FOLEY, *CHEROKEE*

against Indigenous women and factors that intensify such violence, including violations of Indigenous peoples’ rights to their lands and resources and right of self-government, poverty, climate change, environmental degradation, and other human rights violations.

After the event, the ILRC shared the following recommendations for actions by the Commission on the Status of Women. These recommendations were developed and endorsed by AKNWRC, ILRC, Mayan League, Kaqchikel Maya Indigenous Community of Chuarrancho, Ancestral Authorities of Rtun Tinamit of Chwatutuy, AIDSEP, NIWRC, and PONW.

Recommendation 1:

We urge the Commission on the Status of Women to continue and deepen its engagement with Indigenous women and their rights, including, at its earliest opportunity, by designating Implementing Indigenous Women's Individual and Collective Rights as a focus area.

Recommendation 2:

We call on the Commission to urge national governments to respect the lives of Indigenous women and children, and accelerate their empowerment by implementing the UN Declaration on the Rights of Indigenous Peoples, including by:

- Ensuring Indigenous women have access to justice, including through Indigenous peoples' distinct political and legal institutions and juridical systems;

Screenshot from March 12, 2024, UN Commission on the Status of Women Parallel Event presentation by Autoridad Abigail Monroy Xuya (Maia Kaqchikel), Conselho Nacional de Autoridades Ancestrais (Guatemala), "Violations of the Rights of Women and Mother Earth."



- Respecting Indigenous peoples' right to maintain and develop their own political, economic and social systems or institutions;
- Fulfilling Indigenous peoples' right to ways and means for financing these self-governance functions;
- Respecting Indigenous Peoples' rights to their lands, territories, and natural goods of Mother Earth, including in the prevention of forced evictions and displacement through imposed development by transnational corporations which violate the rights of Indigenous Peoples, with disproportionate impact on Indigenous women and children; and
- Taking effective and special measures to ensure continuing improvement of Indigenous women's economic and social conditions, paying particular attention to their rights and special needs.

"This event marked the 9th year of our engagement with the Commission," remarked Foley. "In that time, our programs have helped to center indigenous women's rights in the global women's rights movement, and there's so much to celebrate about what we have done and about the work that each of our partners shared this year and at each of our past sessions. But we are still having these panels and organizing these discussions because of the terrible human rights abuses Indigenous women face throughout the Americas. Moving ahead, we need to continue to find new ways to engage at the Commission and throughout the UN so that Indigenous women and our Indigenous governments can claim our rights and demand safety and justice for women and girls."

The program, associated materials, and recordings of this year's event in English, Spanish, and Portuguese are available at <https://indianlaw.org/story/un-csw68-parallel-event>.

Help us make a difference in the lives of Native women.

Each gift made to the National Indigenous Women's Resource Center (NIWRC) strengthens our mission to end violence against Native women and vision of restoring sovereignty for Tribes to hold perpetrators accountable.

We are committed to providing national leadership in this work by lifting up the collective voices of grassroots advocates in Tribal communities.

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June 2024 | Volume 21 | Issue 2

“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 their weapons.”

—CHEYENNE PROVERB




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