

Restoration

OF NATIVE SOVEREIGNTY AND SAFETY FOR NATIVE WOMEN

Volume XVI

Sovereignty and Safety for Native Women



A Call to Action • VAWA Reauthorization

Also: Wisdom Of Dressing For Historic Events :: Emergency Services For Native Women
Lessons Of The NCAI Task Force :: Responding To The Epidemic Of Rape

Restoration

of Native Sovereignty and Safety for Native Women

SUMMER 2011

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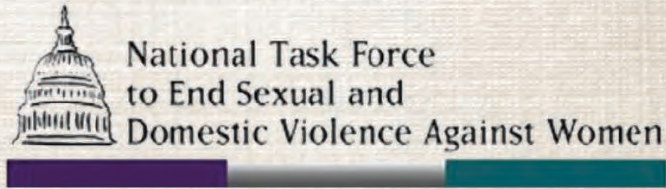
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Cover Photo: This issue's cover is a mosaic of Tillie Black Bear composed from the pages of all previous issues of the magazine and photos gathered of folks throughout our journey.



Greetings!

We are excited to provide to the readers of the Restoration of Safety and Sovereignty Magazine the VAWA 2011 update. Change is the name of this political season and our goal is to keep tribal leaders, grass roots advocates, and tribal practitioners aware of the important proposals on table for discussion. Since 2004, the Restoration magazine has served as the information bridge to convey information concerning the safety of Native women recognizing that tribal leaders and communities must be informed to interact with emerging issues.

Changes proposed for the 2011 reauthorization of VAWA can make the difference in the everyday lives of American Indian Women. The proposed changes are not a grab bag of ideas but changes carefully identified over a two-year process launched in the summer of 2010 by the National Task Force to End Domestic and Sexual Violence Against Women to reach as many communities as possible to reauthorize the VAWA. The tribal working group was one of the twenty-one working groups. The tribal working group involved advocates, tribal leaders, police, judges, prosecutors and health providers.

Volume 16 provides an overview of the proposed changes including where possible both a summary of the change and the actual draft language. It is our deepest prayer that each of you will read, understand and decide to play a role in this important process of reauthorizing VAWA in 2011.

Together we can increase the safety Native women!

Co-Chairs, NCAI Task Force on Violence Against Women



Juana Majel
1st Vice President
National Congress of
American Indians



Terri Henry
Tribal Council Member
Eastern Band of
Cherokee Indians

A CRITICAL TIME TO PROTECT NATIVE WOMEN AND ADVANCE TRIBAL JURISDICTION

Editorial by Juana Majel-Dixon



Washington, DC can be a frustrating place - truly. Each time I meet with our federal partners or my Native brothers and sisters that reside there, I always tell them that I am praying for their sanity. As a traditional councilwoman for the Pauma Band of Mission Indians and as someone who knows the tangible impact that government leaders have on those they serve, half the time I just have to shake my head in disbelief at the legislative and policy decisions coming out of our nation's capital.

This is why the recent actions by the Department of Justice have been so refreshing and given me a sense of renewed faith in our leaders in Washington, DC - and those serving in the Obama Administration, in particular. Attorney General Holder and members of his team are trying to implement rational policies

without giving in to political temptation and stay on moral high ground and they have managed, at least with respect to issues of public safety in Indian Country, to do the right thing. They have shown the courage to tackle the complicated issues and confront them with real solutions—even when those solutions may not yield political capital.

I am referring to the Department's recent efforts to combat violence against Native women; and in particular, its current consideration of a legislative proposal that would restore tribal authority to prosecute non-Indians who commit the most heinous of acts: crimes of violence against Indian women.

We all know the statistics: Indian women are 2 ½ times more likely to experience violence than other women in the United States; more than 1 in 3 Indian women will be raped in their lifetimes and nearly 40% will be subjected to domestic violence. Perhaps what is more shocking is that, according to

I urge tribal leaders to rise to this occasion and meet the challenge with which we have been confronted.

Departmental data, non-Indians commit 88% of all violent crimes against Indian women. This violence threatens the lives of our women and the future of our people. While many issues need to be addressed to confront this human rights crisis, it is clear that limitations placed on tribal government jurisdiction by the United States are

a key contributing factor, with non-Indian perpetrators falling through the cracks in the system time and time again.

For more than thirty years, since the *Oliphant v. Suquamish Tribe* Supreme Court decision in 1978, Indian nations have been denied criminal jurisdiction over non-Indians who commit crimes on Indian lands. And when an Indian woman turns to the United States government (or the state government in Public Law 280 states) to investigate and prosecute her batterer or rapist, help is often too slow to respond or is denied outright. A recent GAO study found that between 2005-2009, U.S. Attorneys' Offices declined to prosecute 50 percent of the Indian country matters referred to them and 67 percent of those declined were sexual abuse and related matters. If the federal government declines prosecution, non-Indian rapists, batterers, and stalkers walk free and return to commit future crimes.

I realize that DOJ has not taken a formal position on any potential jurisdictional fix yet, but the simple fact that they are consulting with tribes on a legislative proposal to address the jurisdictional gaps demonstrates that they truly understand the nature of the problem. With proper authority and adequate resources, tribes can make their communities safe again and help them heal from the violence, pain, and trauma they have endured over generations.



I am fully aware that none of this will happen overnight. It will take a lot of hard work, collaboration, and mutual trust between tribal leaders and federal officials. But the time is now. I commend the strong hearted women that have dedicated their lives to increasing the safety of tribal women to bring us to this juncture. Now we, as tribal leaders, must seize the moment that's been given to us. We have the vehicle – the reauthorization of the Violence Against Women Act -- and now all we need to do is articulate precisely what it is that will safeguard our women and rid our communities of violence. We need to provide the DOJ with well vetted solutions that will strengthen tribal sovereignty, further self-determination, and protect the wellbeing of our tribal citizens.

I urge tribal leaders to rise to this occasion and meet the challenge

with which we have been confronted. Take the time to read the Department's "framing paper" and attend one of the consultations. (See, tloa.ncai.org.) Of course some may say that the proposal does not go far enough. I will be the first to admit that I share that concern. But now is not the time to let the perfect be the enemy of the good. We, as Indian nations, are faced with the real possibility of having authority to prosecute all perpetrators in our communities who beat our women, rape our daughters, and stalk our sisters— Indian and non-Indian alike. We must not let this opportunity slip away.

So, tonight as I go to sleep, I will once again pray for my brothers and sisters in Washington, DC. And I will pray that more of our federal partners follow in the footsteps of Attorney General Holder and, my

dear friend, Associate Attorney General Tom Perrelli, and make the tough decisions necessary to effect real, positive changes within our Indian Nations. But tonight I will also say another prayer—I will pray for my Native brothers and sisters across this Nation. I will ask that Creator prepare them for the upcoming consultations with DOJ. I will ask that Creator give them the strength to take a stance in support of a limited jurisdictional fix, even when in their heart of hearts they know that a full fix is warranted. And I will ask that Creator give them the courage to join us on this lifelong journey to protect our Native women from violence.

Juana Majel Dixon is the 1st Vice President of the National Congress of American Indians and Co-Chair of the NCAI Task Force on Violence Against Women.

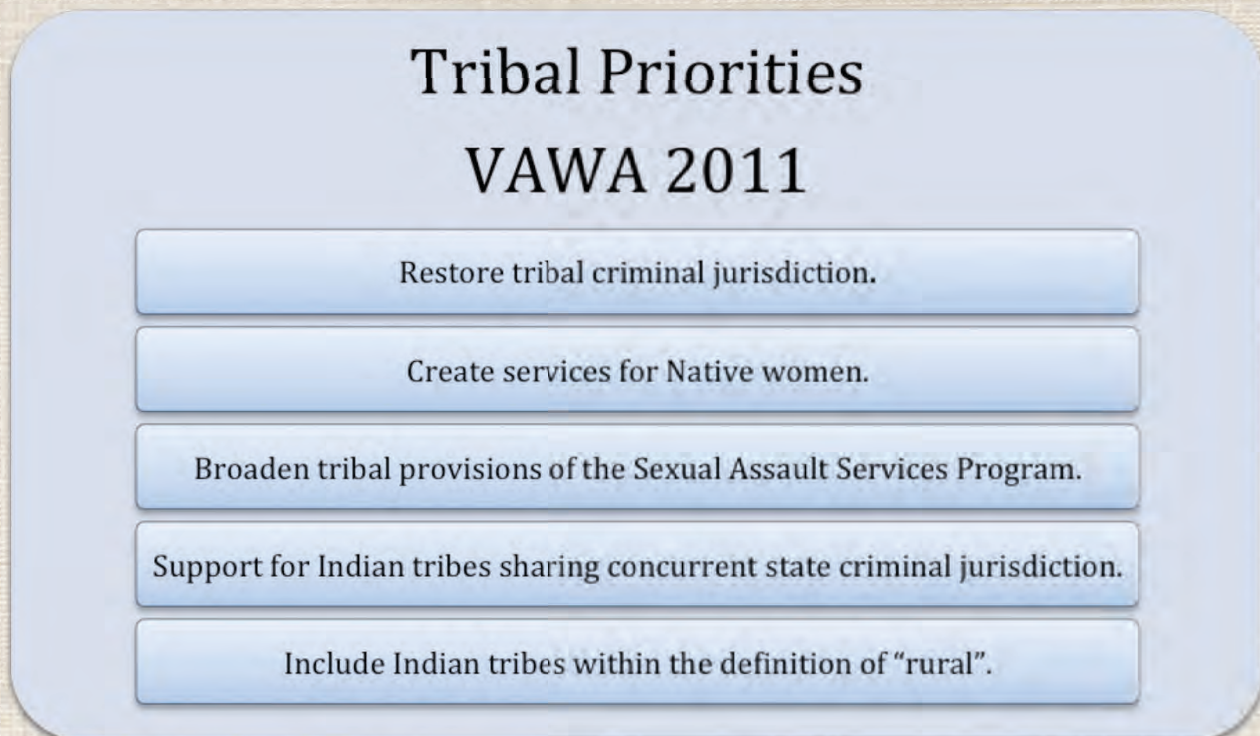
TRIBAL PRIORITIES FOR THE REAUTHORIZATION OF THE VIOLENCE AGAINST WOMEN ACT

Despite the federal trust obligation to protect Indian communities, violence against Native women in the United States has reached epidemic proportions and greatly exceeds that of any other population of women in the United States: 34 percent of Native women will be raped in their lifetimes and 39 percent will be the victim of domestic violence. According to a 2010 GAO Study, U.S. Attorneys decline to prosecute 67 percent of sexual abuse and related matters that occur in Indian country. Since the 1st VAWA mandated DOJ consultation tribal leaders have spotlighted issues and made recommendation to address barriers and increase the safety of Native women. Based on five years of annual consultation and over a decade of on going dialogue Indian country strongly supports the inclusion of the following tribal specific provisions in the Violence Against Women Act 2011 reauthorization:

- **Restore tribal criminal jurisdiction.** Until 1978, it was settled doctrine that Indian tribes retained all sovereign powers not expressly abrogated by Congress, which included criminal jurisdiction over non-Indians. Yet, the U.S. Supreme Court's decision in *Oliphant v. Suquamish Tribe* changed that, and rejected decades of precedent in the process, when it

stripped Indian nations of their authority to prosecute non-Indians that commit crimes on tribal lands. This decision—and the jurisdictional gap it has created—has had grave consequences for Indian women in that it has frequently left them without criminal recourse when their perpetrators are non-Indians. Congress should restore tribal criminal jurisdiction over non-Indian perpetrators of domestic violence, sexual assault, and related crimes that are committed within the exterior boundaries of the reservation. See page 9 for further information.

- **Create services program for Native women.** Given the inadequate law enforcement response to violence against Native women, Native victims often find themselves going days, weeks, months, and even years without justice. This population of victims “waiting to be served” can no longer be ignored. NCAI proposes creating an “above the cap” reserve in the Victims of Crime Act (VOCA), or alternatively, a 10% VOCA tribal set-aside, that would fund tribal government programs and non-profit, non-governmental tribal organizations that provide services to Native women victimized by domestic and/or sexual



violence within the jurisdictional boundaries of an Indian reservation or Alaska Native Village. See page 11 for further information.

- **Establish comprehensive funding streams to support sexual assault services for Native women.** In 2005, Congress created the Sexual Assault Services Program (SASP) to provide services to victims of sexual assault. Unfortunately, the statute currently contains ambiguous language that has denied access to SASP funds to tribal sexual assault service providers. Congress should amend SASP: 1) to increase support for culturally appropriate services designed for Native women by tribal providers; and 2) clarify that tribal service providers outside of and within the jurisdiction of an Indian tribe are eligible to apply to state entities administering SASP formula funding from USDOJ. See page 10 for further information.
- **Increase support for Indian tribes sharing concurrent state criminal jurisdiction.** In 1953, in violation of the federal trust responsibility and without consultation with Indian nations, the United States Congress passed Public Law 83-280 (PL 280), which delegates certain federal criminal jurisdiction over Indians on Indian lands to some states. While this delegation of authority did not alter the jurisdictional

authority of Indian nations in those states, it has had a devastating impact on the development of tribal justice systems and the safety of Indian women. It has resulted in drastically decreased federal funding and support for tribal justice programs within PL 280 states. The upcoming VAWA reauthorization should clarify and enhance the ability of Indian tribes in PL 280 states (or states similarly situated) to respond to domestic and sexual violence by including new program guidelines and technical assistance programs to strengthen tribal law enforcement response, prosecution, courts, health, and advocacy services for Native women. See page 14 for further information.

- **Amend definition of “rural”.** American Indian tribes were considered eligible entities as under the OVW Rural Grant Program until the 2005 amendments to the definitions of “rural area” and “rural community.” The program was redesigned in a manner that bases eligibility upon the number of state counties served. Under the current definition, many tribes that once relied upon this critical source of funding are no longer eligible. The definition of “rural” needs to be amended to once again be inclusive of all American Indian and Alaska Native tribes.



PROTECT NATIVE WOMEN BY REMOVING JURISDICTIONAL BARRIERS TO SAFETY

There are 565 federally recognized Indian nations in the United States, including more than 200 Alaska Native villages, that retain sovereign authority over their lands and peoples. Each tribal nation is responsible for the safety of its citizens, which includes protection of tribal women from violence. However, the limitations that the United States has placed on the inherent jurisdictional authority of tribal governments have aided in the creation and perpetuation of the disproportionate levels of violence against Indian women. The United States has imposed a jurisdictional maze on Indian nations that leaves Indian women without recourse for the violence committed against them.



KATY JACKMAN

Criminal jurisdiction in Indian country is divided among federal, tribal, and state governments, depending on the location of the crime, the type of crime, the race of the perpetrator, and the race of the victim. The rules of jurisdiction were created over 200 years of congressional legislation and Supreme Court decisions, and they effectively strip Indian nations of the ability to provide a meaningful remedy for women seeking safety in Indian country and Alaska Native villages.

Until 1978, it was settled doctrine that Indian tribes retained all sovereign powers not expressly abrogated by Congress, which included tribal court criminal jurisdiction over non-Indians. Yet, the U.S. Supreme Court's decision in *Oliphant v. Suquamish Tribe* changed that, rejecting decades of precedent in the process, and ruled that Indian nations have no criminal jurisdiction over non-Indians and may not prosecute or punish non-Indians committing crimes on their lands. This decision has had grave consequences for Indian women in that it has frequently left them without criminal recourse when abused by non-Indians.

When it comes to violence against Native women, United States Department of Justice reports reflect a high number of inter-racial crimes, with white or black offenders

committing 88% of all violent victimizations of Indian women from 1992 to 2001. Nearly 4 of 5 Indian victims of sexual assault described the offender as white. Three out of 4 Indian victims of intimate violence identified the offender as a person of a different race. These numbers evidence the severe jurisdictional gap that has resulted from the *Oliphant* decision. Non-Indian perpetrators deliberately enter and leave tribal jurisdictions, often with the intent of committing acts of violence against Indian women and knowing they will unlikely be held accountable.

Moreover, many of these crimes are the result of a pattern of violent victimization due to domestic violence. Non-Indians often marry and enter into consensual relationships with Indian women, and as a result of these intimate consensual relationships, non-Indians live, work, father children, and use medical and other services within the jurisdiction of Indian nations. Offenders of this type are acutely aware of the lack of tribal jurisdiction and the vulnerability of Indian women.

Either the United States, or—in cases where the United States has delegated this authority to the state—the relevant state government has the authority to prosecute non-Indian offenders committing crimes on Indian lands. As the United States Civil Rights Commission pointed out, the problem is that the *Oliphant* decision did not place any responsibility on the United States government (or state governments) to prosecute non-Indian offenders on Indian lands. In the words of the Commission, “[T]he decision only dealt with limitations to tribal power, not the federal responsibility to compensate for those limitations based on the trust relationship. The Court did not *require* the federal government to protect tribes or prosecute non-Indian offenders who commit crimes on tribal lands.” Even though the United States has a trust responsibility to prosecute offenders on Indian lands, it does not have a legal obligation to do so and cannot be held legally accountable for not doing so. If the United States or the state government does not prosecute the non-Indian offender, then the offender goes free without facing any legal consequences for his actions, and the Indian woman is denied any criminal recourse against her abuser.

The only available recourse to tribes is to banish or exclude the non-Indian from reservation or trust lands. Several tribes will bring such actions as a last ditch effort to rid the Indian community of non-enrolled persons who pose a threat to the welfare of their enrolled member citizens. The hearings are time consuming as the non-enrolled person is offered full due process protection by receiving notice of the hearings, the right to be represented by legal counsel and the right to call witnesses. In this scenario, many, if not most, of the

enrolled member victims feel that more protection is given to the non-enrolled perpetrator than to themselves. With tribal law enforcement powerless in the face of non-Indian offenders and inaction by state and federal courts, the Indian victim is left with no recourse but to plead her case in a public forum before the Tribal Council and hope that the perpetrator will abide by the issued order.

Congress is acutely aware of the epidemic of violence against Indian women and enacted Title IX of the Violence Against Women Act, which specifically addresses Safety for Indian Women, in response to this national crisis in 2005. In Title IX, Congress made a specific finding that "Indian tribes require additional criminal justice and victim services resources to respond to violent assaults against women; and the unique legal relationship of the United States to Indian tribes creates a federal trust responsibility to assist tribal governments in safeguarding the lives of Indian women." These findings highlight a systemic contradiction of federal Indian law that prevents Indian tribes from responding to violence committed against Indian women: Tribal governments are directly responsible for holding perpetrators of violence in Indian country accountable, yet they do not have jurisdictional authority to do so when the offender is non-Indian.

It has been more than 30 years since the *Oliphant* decision, and one of its most tragic results has been to shield non-Indian perpetrators from accountability at the expense of the safety of Indian women. The power to reverse this disastrous trend and restore safety in tribal communities lies with Congress, whether they have the courage to do so remains to be seen.

VAWA 2011 RESPONDING TO THE EPIDEMIC OF RAPE

"Mothers preparing daughters for what to do when they are raped is an outrageous reality that must end. The epidemic of sexual assault is a national crisis that we must make a national priority."

Terri Henry, Tribal Council Member, Eastern Band of Cherokee Indians."

The on-going findings of extremely high rates of sexual violence committed against American Indian and Alaska Native women in national research and surveys places all levels of government on notice that rape is viewed as an

"It is disturbing that 76% of the adult sexual assault crimes referred to federal prosecutors are declined," stated Juana Majel, Co-Chair of the NCAI Task Force to End Violence Against Native Women. "NCAI has adopted a formal resolution on the urgency for escalating the response to sex crimes by these federal agencies. It is a war on women and DOJ must respond to war not a problem."

act without legal consequences. The lack of prosecution and conviction for sex crimes is serving as a green light for serial rapists and is unacceptable.

While a long list can be made for the reasons for this reality the focus of discussion must center on the federal government. Why? Four federal departments are charged with the primary responsibility of responding to sex crimes committed in Indian country. The Federal Bureau of Investigation is responsible for investigation. The United States Attorneys' Offices are charged with responsibility for felony prosecution. The Bureau of Indian Affairs Office of Law Enforcement Services in certain tribal jurisdictions for law enforcement response and / or investigation. And perhaps most importantly, the Indian Health Service for providing rape trauma services and forensic examinations. The current administration, while sending a strong message that sexual assault is a serious crime, must do more. The result of DOJ not further increasing the response to sex crimes can be gauged in the physical, mental, and spiritual well-being of Native women and girls.

And any reforms must also address the needs of Native women living in PL 280 or similar state jurisdictions. Often times no law enforcement response or rape crisis services exist within tribal communities in Alaska, California, Minnesota, Wisconsin, and other states where Indian tribes share concurrent jurisdiction with a state.

"It is shocking how any official can turn their head the other way to the reality of Indian women and girls being raped. If it were their mother, daughters, sisters being tortured the response would surely be different. Yet, state officials, county sheriffs, state prosecutors turn their heads and ignore our reality."

Juana Majel.

SEXUAL ASSAULT SERVICES PROGRAM: SUPPORT FOR COMPREHENSIVE SERVICES FOR SEXUAL ASSAULT VICTIMS

Sexual assault of Indian women has reached the level of a national crisis. It is well documented that American Indian and Alaska Native women suffer a rate of sexual violence

at least 2-3 times higher than any other group of women in the United States.

Tribal governments face numerous challenges in responding to sexual violence. Jurisdictional restrictions, limited resources, and the widespread public perception that nothing will be done to hold perpetrators accountable have created a reality in which rape is accepted as an everyday occurrence. Due to the inaction of government authorities, many survivors have expressed a feeling of helplessness in the aftermath of a sexual assault. In addition, lack of adequate investigation and prosecution of these crimes sends a message to perpetrators that Indian women are easy prey. Given this shocking reality, the immediate availability of services specifically designed for Native women survivors of rape and sexual assault are essential to the health and wellbeing of Native women.

In 2005, Congress created the Sexual Assault Services Program (SASP) to provide services to victims of sexual assault. Specifically, SASP provided the first dedicated federal funding stream to rape crisis centers, tribes, and state, territorial and tribal sexual assault coalitions. SASP contains a specific 10 percent set-aside to support the operation of tribal sexual assault programs to assist those victimized by sexual assault. In addition, SASP contains a second set-aside for Tribal Sexual Assault Coalitions to provide technical assistance, training, and public awareness on sexual assault to such programs.

VAWA 2011 proposals: In order for SASP programs to more fully meet the needs of tribal women, the 2005 SASP statute should be amended to:

- Ensure usage of grant funds on culturally appropriate, tribal specific services designed for Native women by tribal providers;
- Broaden the list of permitted topics on which technical assistance may be provided by tribal coalitions to tribal providers of services for sexual assault survivors;
- Ensure that tribal service providers outside of and within the jurisdiction of an Indian tribe are eligible to apply to state entities administering SASP formula funding from USDOJ to provide rape crisis services; and
- Clarify that tribal coalitions programs are eligible to partner with and receive funds from the state sexual assault coalitions.

“Predators attack the unprotected. The failure to prosecute sex crimes against American Indian women is an invitation to prey with impunity.”

Dr. David Lisak, Ph.D., University of Massachusetts, Boston

2011 VAWA Discussion

- Authorize the Sexual Assault Services Program at \$80 million;
- Increase training standards on sexual assault for federal and state agencies;
- Funding to support development of tribal sexual assault codes;
- GAO study on DOJ not implementing VAWA 2005 mandate to establish a National Tribal Sex Offender Registry and the administration of the 5 million dollars appropriated in FY 07 – 11 for this purpose.

EMERGENCY SERVICES FOR NATIVE WOMEN

Given the inadequate law enforcement response to violence against Native women, victims of domestic and sexual assault often find themselves waiting days, weeks, and months for the appropriate justice officials to answer their calls for justice, and for many, those calls go unanswered entirely. The need for reform of federal, tribal, and state systems that are flawed with jurisdictional gaps, under resourced, and in some instances, completely ineffective complicates the ability of Native women to access emergency services, such as shelter programs and rape crisis services, on a daily basis. Women and children confronted with life-threatening violence cannot wait for legal and administrative reforms of an outdated system.

Proposal: This population of victims “waiting to be served” can no longer be ignored. The NCAI Task Force on Violence Against Women is proposing the immediate creation of a grant program to develop and maintain emergency services for Native women victimized by domestic and sexual violence. The program would fund tribal government programs and non-profit, non-governmental tribal organizations, located within the jurisdictional boundaries of an Indian reservation or Alaska Native Village, that provide services to Native women victimized by domestic and/or sexual violence.

Funding: In the current economy, securing federal funding for any new programs is a difficult task, but given the urgency of the situation, creation of such services cannot wait. Proposed options for funding these services include

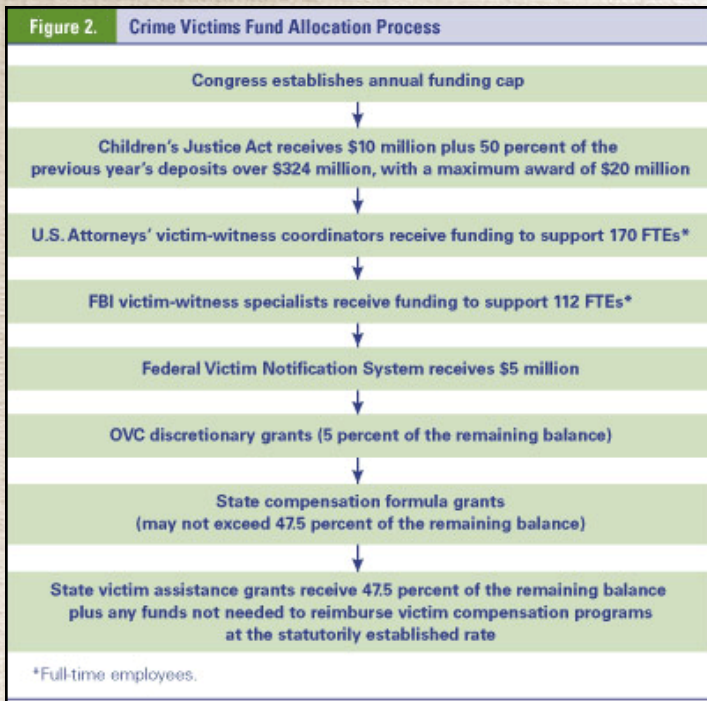
creation of an “above the cap” reserve in the Victims of Crime Act (VOCA), or alternatively, a 10% VOCA tribal set-aside. The Crime Victims Fund (“the Fund”) was established under the 1984 Victims of Crime Act to help victims cope with the trauma and aftermath of violent crime. Rather than being funded by taxpayer dollars, the Fund is entirely funded by monies paid by federal offenders for fines and other penalties, including such fines and penalties imposed on federal offenders committing offenses on tribal lands. Congress sets an annual limit or “cap” on the amount to be released from the Fund. The cap for FY 2010 was \$705 million. This “above the cap” set aside would not alter funding to current VOCA grantees. This funding option is viable given the deposits into the Fund are consistently high. The opening balance for the Crime Victims Fund in 2012 is projected to be \$5.8 billion.

Disparity: Currently, no tribal set-aside is provided under the VOCA for services to victims within Indian tribes. This

lack of funding to Indian tribes is unacceptable given the levels of violence and lack of services for victims. The USDOJ statistics document the well known fact that violence against Indian women is more than double that of any other population of women while services are lacking or do not exist in many tribal communities. While states and territories receive an annual formula amount from the VOCA Fund, the reality is that Indian tribes do not receive such an allocation. The two small discretionary programs administered by OVC on a competitive basis (Children's Justice Act Partnerships for Indian Communities Grant Program and Tribal Victim Assistance) cannot be compared to the current state formula program. An above the cap amount for tribes or a 10% tribal set-aside would balance the current disparity in the allocation of VOCA funds. Releasing more of the VOCA Fund to create the domestic and sexual assault services program for tribal victims will provide life-saving services for Native women and their children.



Tribal representatives listen to Juana Majel, NCAI Task Force Co-Chair, at the kick-off of the 2010 Sexual Assault Awareness Walk. Pictured left to right are then Soboba Tribal Chairwoman Rosemary Murillo, Delia Gutierrez holding Barona Band of Mission Indians flag, Adele Rodriguez holding the Southern California Tribal Chairman's Association flag.



Women and children confronted with life-threatening violence cannot wait for legal and administrative reforms of an outdated system.

*Chart source: ojp.usdoj.gov/ovc/publications/factshts/cvf2010/intro.html#fsv



VIOLENCE AGAINST NATIVE WOMEN WITHIN TRIBAL – STATE CONCURRENT JURISDICTIONS



“County law enforcement often does not respond. When they do it is hours later and little if anything is done.” Lisa Brunner, Sacred Spirits Coalition, White Earth Indian Reservation.

The tremendous strides toward the implementation of VAWA nationally are reasons to celebrate! These life-saving reforms however have not reached all communities across the United States. Outstanding issues and severe unmet needs of American Indian and Alaska Native women within PL 280 and similar jurisdiction remain unresolved. State law enforcement, prosecutors and judicial authorities often do not respond to Native women seeking safety from rapist, batterers, and those committing crimes under VAWA. Further many Native women seeking health services or other services are turned away.

During each of the annual USDOJ VAWA consultations (2006 – 2010) tribal leaders have presented concerns regarding the lack of state cooperation and failed response to sexual assault, domestic violence and murder of Native women. Tribal leaders and advocates have also raised these issues at numerous USDOJ focus groups, workshops, national conferences, and meetings.

The VAWA - PL 280 Saga

Tribal leaders and advocates for the safety of Native women have raised continuously the urgent and compelling needs of American Indian and Alaska Native women that seek safety from brutal physical and sexual assaults. While the tribal participants in these conversations have remained steady the federal representatives have frequently changed. Upon the changing of federal personnel the conversation has a pattern of returning to the starting point. New federal representatives ask for more time to understand the law,

specifics regarding the impact of the law, and yet again soliciting tribal recommendations. This is a frustrating cycle that fails to address the urgent issues threatening the daily lives of Native women.

The recommendations listed below are a compilation of prior recommendations to address the lack of justice services to Native women within PL 280 jurisdiction. They are offered once again with the intent of advancing the safety of women, creating systems adequate to deter future violence, and developing tribal justice systems capable of managing such violent crimes. This list contains some but not all of the concerns and recommendations presented during the past consultations. It is imperative that the DOJ assist Indian tribes in their efforts to hold state governments accountable for the felony prosecution of rapist and batterers.

Recommendations to USDOJ to Increase Safety of Native Women:

Support Indian tribes requesting USDOJ reassume felony jurisdiction under the Tribal Law and Order Act;

Assist in developing state-tribal law enforcement compacts that support tribal sovereignty and safety for Indian women and provide online access to such compacts.

Outstanding Tribal Issues Regarding the Response of State Governments:

- Slow or no response to emergency calls from tribal communities;
- Refusal to provide law enforcement assistance;
- Refusal to negotiate and amend law enforcement compacts;
- Misinformed on concurrent tribal-state-jurisdiction;
- Failure to recognize and enforce tribal orders of protections; and
- Failure to prosecute felony domestic and sexual assault crimes.



"The Alaska Native Women's Coalition is concerned about the lack of services to Native women in remote and off road villages," said Grace Charles, Board Member of the Coalition. (Pictured on left).

Provide tribal, federal and state cross training on implementation of Tribal Law and Order Act specific to tribal-state concurrent jurisdictions.

Develop training on TLOA provisions for requesting federal / state / tribal concurrent jurisdiction.

Develop in consultation with Indian tribes a protocol for referring VAWA crimes to the FBI and US Attorneys

Provide training for tribal, state and federal justice personnel on enforcement of VAWA statutes including the Domestic Assault by an Habitual Offender, Firearms Prohibitions Violations, Inter-jurisdictional Violations of Orders of Protection.

Report on implementation of recommendations made during the OVW sponsored Focus Group on Public Law 280 and the Sexual Assault of Native Women held December 31, 2007.

VAWA 2011 Recommendations for Discussion:

Clarification that Indian tribes sharing concurrent jurisdiction with state governments are provided appropriate training and technical assistance.

Clarification that VAWA federal offenses occurring within Indian tribes located in PL 280 jurisdictions are investigated and prosecuted by the USDOJ, such as the Habitual Offender, Firearms Prohibition and Interstate VAWA Offenses.

"Great strides are being taken to create a better law enforcement response in remote Alaska Native Villages but the lack of accountability of rapist and batterers continues to be one of the main obstacles to the safety of women." Tami Jerue, Alaska Native Women's Coalition.

VIOLENCE AGAINST ALASKA NATIVE WOMEN

According to the FBI's Uniform Crime Report in 1999 Alaska reported 83.5 rapes per 100,000 females compared to a U.S. average of 31.7 per 100,000 females.

According to the 1999 Crime Report by the Anchorage Police Department, there were approximately 1,400 sexual assaults between 1995 and 1999. Six hundred, almost 42%, involved Alaska Native women.

From 1989 to 1998 reported cases of domestic violence in Anchorage alone increased by 120%. The percentage of Alaska Native victims in the Anchorage area was 24%, which is extremely high; Alaska Natives comprise only 10% of the Anchorage population.

Anchorage is expecting to be ranked No. 1 in the nation per capita on sexual assault. Statistics show that there were 374 cases of reported sexual assaults in the first six months of 2003.

Statistics such as these are unavailable for the rural communities in Alaska, however, in an informal poll taken in some of these off road communities, 100% of the women reported, at some point in time, being a victim of domestic or sexual abuse.

The following are some of the barriers that face Alaska Native women in their efforts to live free of violence:

Alaska is home to 229 tribes. Of these 229 tribes, 165 are off road communities meaning that it is accessible by air only for the most

part of the year. Ninety of these 165 off road communities also do not have any form of law enforcement.

Alaska tribes fall within four state judicial districts and 229 tribal jurisdictions. Tribal and state jurisdiction overlap (PL 280) creating confusion as to who is ultimately responsible for responding to incidents of violence.

Since the enactment of PL 280 in the early 1950's, jurisdictional confusion has created roadblocks for the safety of Native women. To many involved with the state judicial system, this meant that they were in charge of responding to these incidents. When conveyed to the tribal communities this message was specifically interpreted as limiting their role in the local responses to the violence. Consequently, the tribal communities began relying solely on the state law enforcement officials to respond.

When and if a community reports an act of violence against a women or

child, it can take the Alaska State Troopers anywhere from a day to ten days to respond. In some cases, it may take longer depending upon weather conditions, the urgency of the other matters they are dealing with in other villages, the apparent severity of the situation and so forth. If they do respond, it is commonly after the 12 hour period for mandatory arrest, in which case an arrest is up to the discretion of the officer.

These facts create the dangerous reality that frequently the only people standing between a woman in need of protection from a batterer or rapist is the local community. Consequently, the life of a woman depends largely on the local community's ability to provide immediate assistance.

Given the extreme danger created by such abusers and the remote isolation of women, communities must develop their own village specific programs utilizing their existing local resources. The development of this local response is the only assurance that women and often times their children in rural Alaska are provided with the very basic human right to safety.

Alaska has one of the highest per capita rates of physical and sexual abuse in the nation. Keeping women and children safe in remote bush communities has unique challenges. Violence against women and children is being perpetuated in communities where there exists no form of law enforcement and no local infrastructure to address these incidents. A compilation of data from 1998-2004 gives us a grim picture of the rate of violence against Alaska Native Women.

MILESTONES IN THE MOVEMENT

1979 Alaska Native Village of Emmonak Women's Shelter Founded, Doors open in 1981



2001 Alaska Native Women's Coalition Founded



2008 Yu'pik Women's Coalition Founded



2002 Village based training launched



2006 Coalitions from lower-48 convene in Sitka, Alaska

EMMONAK WOMEN'S SHELTER AND THE YUP'IK WOMEN'S COALITION

Dear Friends,

The Native Village of Emmonak, faces many challenges in providing services to women seeking help from abusers. The Village is located approximately 200 miles northwest of Bethel, Alaska, at the mouth of the Yukon River. Travel to and from the Village is only by air or water. During the winter months the high winds and cold weather can make any form of travel dangerous. A woman and her children fleeing a dangerous situation may face temperatures as low as 25 degrees below zero in the winter. Women are often flown in from other remote villages to receive services here.

The tribal government strongly supports the Emmonak Women's Shelter. The Shelter was opened in 1984 without any support from

outside the Village. The Village government provided the building to house the Shelter and community members donated everything needed to open the shelter. The Village government and the EWS coordinate and sponsor community education and awareness events such as the Peace Walk and broadcasting of Public Service Announcements on both the regional radio station and the Village station.

Our Shelter is designed and decorated to look and feel like a Yup'ik home. The Shelter includes three bedrooms, a children's playroom filled with toys and books, and a common kitchen and living room area. The Shelter operates primarily on volunteers from the Village. Yup'ik women from as far away as Anchorage call the Shelter

because they want to talk to someone who understands their language, culture and community. Not everyone who calls the hotline needs immediate shelter; some women call to learn about their options and to hear a friendly voice.

Our Shelter is one of a kind. It is the only shelter in Alaska that is completely Native-operated, managed and located in an off-road remote Village. Our services are in high demand because the staff is all Yup'ik-speaking women who are active in our community. Women receive assistance in their own language and the shelter provides all services from a Yup'ik context. We understand the issues our Sisters face in the Yup'ik region. If you are ever in the neighborhood stop in for a hot cup of coffee.

Quayana!

Lynn Hootch, Director,
Yup'ik Women's Coalition

TITLE IX—SAFETY FOR INDIAN WOMEN

Note: italicized text throughout are proposed amendments and/or additions.

SEC. 901. FINDINGS.

Congress finds that—

- (1) 1 out of every 3 Indian (including Alaska Native) women are raped in their lifetimes;
- (2) Indian women experience 7 sexual assaults per 1,000, compared with 4 per 1,000 among Black Americans, 3 per 1,000 among Caucasians, 2 per 1,000 among Hispanic women, and 1 per 1,000 among Asian women;
- (3) Indian women experience the violent crime of battering at a rate of 23.2 per 1,000, compared with 8 per 1,000 among Caucasian women;
- (4) during the period 1979 through 1992, homicide was the third leading cause of death of Indian females aged 15 to 34, and 75 percent were killed by family members or acquaintances;
- (5) *In fiscal years 2005 through 2009, U.S. Attorneys' Offices declined to prosecute 50 percent of the Indian country matters referred to them; 67 percent of those declined were sexual abuse and related matters;*

(6) Indian tribes require additional criminal justice and victim services resources to respond to violent assaults against women; and

(7) the unique legal relationship of the United States to Indian tribes creates a Federal trust responsibility to assist tribal governments in safeguarding the lives of Indian women.

SEC. 902. PURPOSES.

The purposes of this title are—

- (1) to decrease the incidence of violent crimes against Indian women;
- (2) to strengthen the capacity of Indian tribes to exercise their sovereign authority to respond to violent crimes committed against Indian women; and
- (3) to ensure that perpetrators of violent crimes committed against Indian women are held accountable for their criminal behavior.

SEC. 903. CONSULTATION.

In recent years, government-to-government consultation between tribal nations and the United States has proven extremely helpful in identifying tribal concerns about the safety of American Indian and Alaska Native women (Indian women). The proposed amendments to Section

Safety for Indian Women VAWA 2005

§ 901. FINDINGS.

SEC. 902. PURPOSES.

SEC. 903. CONSULTATION.

SEC. 904. ANALYSIS AND RESEARCH ON VIOLENCE AGAINST INDIAN WOMEN.

SEC. 905. TRACKING OF VIOLENCE AGAINST INDIAN WOMEN.

SEC. 906. GRANTS TO INDIAN TRIBAL GOVERNMENTS.

SEC. 907. TRIBAL DEPUTY IN THE OFFICE ON VIOLENCE AGAINST WOMEN.

SEC. 908. ENHANCED CRIMINAL LAW RESOURCES.

SEC. 909. DOMESTIC VIOLENCE BY AN HABITUAL OFFENDER.

903 would increase the advance notice provided to tribes as to the date and location of the consultation, thereby allowing tribal leaders more time to make the arrangements necessary to attend, including securing tribal approval to attend on behalf of the tribe, making travel arrangements, and preparing polished written statements. The proposed changes would also require the Secretary of the Interior to participate in the annual OVW consultation, in addition to the Secretary of Health and Human Services and the Attorney General. The Attorney General would also be required, for the first time, to submit an annual report to assist Congress in systematically assessing the recommendations made by federally recognized tribes and Alaska Native entities (Tribes) and the actions taken by the federal government to address those recommendations.

SEC. 903. CONSULTATION.

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

(b) RECOMMENDATIONS.—During consultations under subsection (a), the Secretary of the Department of Health and Human Services, the Secretary of the Department of

Interior, and the Attorney General shall solicit recommendations from Indian tribes concerning—
(1) administering tribal funds and programs;
(2) enhancing the safety of Indian women from domestic violence, dating violence, sexual assault, and stalking; and
(3) strengthening the Federal response to such violent crimes.

(c) *The Attorney General shall submit an annual report to Congress on the annual consultation mandated by subsection (a) that contains—*

(1) the recommendations made under subsection (b) by Indian tribes;

(2) actions taken within the past year to respond to current or prior recommendations made under subsection (b); and
(3) plans to continue working in coordination and collaboration with Indian tribes and the Departments of Health and Human Services and Interior to address the recommendations made under subsection (b).

(d) NOTICE.—*The Attorney General shall notify tribal leaders of the date, time, and location of the consultation mandated by subsection (a) no less than 120 days prior to the consultation.*

SEC. 904. ANALYSIS AND RESEARCH ON VIOLENCE AGAINST INDIAN WOMEN.

Section 904 was enacted to address the lack of research on violence against Indian women and to develop a more detailed understanding of this violence and its effect on Indian women across the social spectrum and throughout

VAWA 2010 Consultation Tribal Leaders' Recommendations on §903:

1. Jointly decide with tribal leaders, date, time, format, and facilitation for all consultations;
2. Set the date for the next annual consultation at the end of the prior one to allow for advanced planning and maximum participation of tribal leadership;
3. Immediately set the schedule for scoping calls to allow the opportunity for all tribal governments to participate in the preparatory call;
4. Allocate no more than one quarter of the total time of the consultation to presentations and allow three quarters of the time for statements and questions of tribal governments;
5. DOJ components charged with the responsibility for investigating or prosecuting perpetrators of violence crimes against Indian women should attend the annual consultation, of particular importance is the Office of the Attorney General, the United States Attorney; the Federal Bureau of Investigations;
6. OVW post on the OVW website prior to consultation a complete report on the amount of tribal set aside funds; grant awards allocated from tribal set aside funds; any remaining tribal roll over funds not allocated and why the funds were not allocated;
7. OVW prepare a compendium of the statements made by tribal leadership and copies of all written testimony to Indian tribes that participated;
8. DOJ issue a written response to the questions and concerns raised by Indian tribes during the consultations within 90 days of the annual consultation;
9. DOJ prepare an action plan for components of the Department to implement actions to address the concerns and recommendations made during the consultation by Indian tribes.

their lifetimes. The proposed amendment to the baseline study mandated by sec. 904 would correct the inadvertent exclusion of Alaska Native villages in the study, ensure a timely process by requiring a progress and a final report, and authorize adequate appropriations to fund this very important research.

In order to fully understand the impact of current efforts to end violence against Indian women and to develop strategic approaches to curtail future violence, it has become clear that more research is needed on sex offenders. Current research does not distinguish sex offenders by race, making it difficult—if not impossible—to know exactly how many non-Indian sex offenders may fall into the jurisdictional void of Indian country or if non-Indian sex offenders may be intentionally operating within Indian country knowing that tribes lack criminal jurisdiction over them and that federal criminal enforcement is rare for such crimes. The proposed amendments would complement the baseline study by authorizing additional research on sex offenders. Specifically, the proposed amendments would direct the Attorney General, acting through the National Institute of Justice, in consultation with the Director of the Office on Violence Against Women, to conduct four studies on sex offenders who have committed offenses against Indian women, including research and analysis on (i) whether the offender has committed sex offenses or related crimes on prior occasions; (ii) the type(s) of sex offenses in which the offender has engaged; (iii) the location where the sex offense occurred; (iv) whether the offender was under the influence of alcohol or drugs when the sex offense occurred; (v) whether the offender utilized alcohol or drugs to facilitate the sex offense; (vi) whether the offender utilized a weapon at any time during the commission of the sex offense; (vii) the sex, race, Indian status, and age of the victim(s); (viii) the sex, race, Indian status, and age of the offender; and (ix) the existence of court order restraining offender's conduct at time that offense was committed.

Four separate studies are required to understand fully the jurisdictional complexities that exist in different areas of Indian country and Alaska Native villages, namely (1) the assumption of federal jurisdiction over crimes in Indian country under the Major Crimes Act; (2) the unique circumstances of state jurisdiction in Alaska, where almost no Indian country exists; (3) the unique circumstances of state jurisdiction under Public Law 83-280 (PL 280) in California; and (4) the delegation of state authority under PL 280 in all other locations. Separate studies on California and Alaska are necessary due to the unique circumstances and the large proportion of American Indian and Alaska Native nations in those states. With some 108 tribes, California would produce valuable comparative data on Indian tribes within the same state system. Alaska,

which has over 200 Alaska Native villages, leads the nation in the number of reported sexual assaults; Anchorage is ranked first in the nation per capita on the sexual assault of Alaska Native women. In rural Alaska Native Villages, women advocates report that 100% of the women have been a victim of sexual violence at some time during their lives. Given Alaska's unique circumstances and the extent of the violence there, it is vital to include a distinct study on Alaska in order to better ensure the safety of Alaska Native women in the future.

The proposed amendments would require a final report that documents the results of these studies to be submitted to the Committee on Indian Affairs of the Senate, the Committee on the Judiciary of the Senate, and the Committee on the Judiciary of the House of Representatives. Such a report would provide accountability and ensure a timely process for completion. The new language also recognizes the significance and cost of the research by authorizing adequate funding.

SEC. 904. ANALYSIS AND RESEARCH ON VIOLENCE AGAINST INDIAN WOMEN.

(a) NATIONAL BASELINE STUDY.—

(1) IN GENERAL.—The National Institute of Justice, in consultation with the Office on Violence Against Women, shall conduct a national baseline study to examine violence against Indian women in Indian country *and Alaska Native Villages*.

(2) SCOPE.—

(A) IN GENERAL.—The study shall examine violence committed against Indian women, including—

- (i) domestic violence;
- (ii) dating violence;
- (iii) sexual assault;
- (iv) stalking; and
- (v) murder.

(B) EVALUATION.—The study shall evaluate the effectiveness of Federal, State, tribal, and local responses to the violations described in subparagraph (A) committed against Indian women.

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(C) RECOMMENDATIONS.—The study shall propose recommendations to improve the effectiveness of Federal, State, tribal, and local responses to the violation described in subparagraph (A) committed against Indian women.

(3) TASK FORCE.—

(A) IN GENERAL.—The Attorney General, acting through the Director of the Office on Violence Against Women, shall establish a task force to assist in the development and implementation of the study under paragraph (1) and guide implementation of the recommendation in paragraph (2)(C).

(B) MEMBERS.—The Director shall appoint to the task force representatives from—

- (i) national tribal domestic violence and sexual assault nonprofit organizations;
- (ii) tribal governments; and
- (iii) the national tribal organizations.

(4) REPORTS.—

(A) Not later than 2 years after the date of enactment of this Act, the Attorney General shall submit to the Committee on Indian Affairs of the Senate, the Committee on the Judiciary of the Senate, and the Committee on the Judiciary of the House of Representatives a report that describes the study.

(B) Not later than 4 years after the date of enactment of this Act, the Attorney General shall submit to the Committee on Indian Affairs of the Senate, the Committee on the Judiciary of the Senate, and the Committee on the Judiciary of the House of Representatives a final report of the study that presents the findings mandated under subsection (2)(A).

(5) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$1,000,000 for each of fiscal years 2012 through 2014, to remain available until expended.

(b) INJURY STUDY.—

(1) IN GENERAL.—The Secretary of Health and Human Services, acting through the Indian Health Service and the Centers for Disease Control and Prevention, shall conduct a study to obtain a national projection of—

(A) the incidence of injuries and homicides resulting from domestic violence, dating violence, sexual assault, or stalking committed against American Indian and Alaska Native women; and

(B) the cost of providing health care for the injuries described in subparagraph (A).

(2) REPORT.—Not later than 3 years after the date of enactment of this Act, the Secretary of Health and Human Services shall submit to the Committee on Indian Affairs of the Senate, the Committee on the Judiciary of the Senate, and the Committee on the Judiciary of the House of Representatives a report that describes the findings made in the study and recommends health care strategies for reducing the incidence and cost of the injuries described in paragraph (1).

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$500,000 for each of fiscal years 2012 through 2014, to remain available until expended.

(c) RESEARCH ON SEX OFFENDERS.—

(1) IN GENERAL.—The Attorney General shall conduct— a national study of sex offenders convicted of federal sex offense crimes that occurred in Indian country, which shall include, but is not limited to, research and analysis of—

(i) whether the offender has committed sex offenses or related crimes on prior occasions;

(ii) the type(s) of sex offenses in which the offender has engaged;

(iii) the location where the sex offense occurred;

(iv) whether the offender was under the influence of alcohol or drugs when the sex offense occurred;

(v) whether the offender utilized alcohol or drugs to facilitate the sex offense;

(vi) whether the offender utilized a weapon at any time during the commission of the sex offense;

(vii) the sex, race, Indian status, and age of the victim(s);

(viii) the sex, race, Indian status, and age of the offender; and

(ix) the existence of court order restraining offender's conduct at time that offense was committed.

(2) REPORT.—Not later than two years after the date of enactment of this Act, the Attorney General shall submit to the Committee on Indian Affairs of the Senate, the Committee on the Judiciary of the Senate, and the Committee on the Judiciary of the House of Representatives a report that documents the results of the studies under this section.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$500,000 for each of fiscal years 2012 through 2017, to remain available until expended.

SEC. 905. TRACKING OF VIOLENCE AGAINST INDIAN WOMEN

The ability to access federal crime data systems enables tribes to protect their communities, and sec. 905 is a tremendous step forward in creating safety for Indian women. Section 905(a) of VAWA 2005 requires the Attorney General to permit tribal law enforcement agencies, in cases of domestic violence, dating violence, sexual assault, and stalking, to enter information into and obtain information from federal criminal information databases. Section 233 of the recently enacted Tribal Law and Order Act expands this authority to all crimes. The implementation of these laws, however, has proven more complicated than originally thought.

The National Crime Information Center (NCIC) is a centralized database of criminal information housed at the Criminal Justice Information Services (CJIS) center in Clarksburg, West Virginia. The NCIC interfaces with various local, state, tribal, federal, and international criminal justice systems. It contains a vast amount of criminal justice information about stolen properties, fugitives, criminal records, and missing persons, and has been labeled by Congress as “the single most important avenue of cooperation among law enforcement agencies.”

When participating agencies submit information to the NCIC, that information is stored in a CJIS databank, where it is subsequently made available to respond to queries

made by other participating agencies. However, gaining access as a participating agency can be problematic. A law enforcement agency must first possess an Originating Agency Identifier (ORI) number assigned by the FBI. To obtain an ORI, the agency's access must be authorized under Title 28, United States Code, Section 534, and the agency must meet several criteria set forth in the federal regulations.

In addition to meeting these federal requirements, tribal law enforcement authorities also have to meet the requirements set forth by the state within which the agency is located. As such, even Tribes issued an ORI number for meeting the FBI's criteria may be denied access at the state level, and thus, denied access entirely.

Finally, even if Tribes do obtain an ORI number and meet the state criteria, they often have neither the infrastructure nor the funding to maintain their own control access terminal. These terminals are expensive to maintain and Tribes are required to have personnel to staff them at all times. In short, many tribal law enforcement agencies have neither the resources nor the technical expertise necessary to run these systems on their own.

Denial of full access to these basic criminal information databases prevents tribal law enforcement officers from fulfilling the most routine duties, like searching for prior orders of protection or running fingerprint scans, placing them and the communities they serve in grave danger.

Because implementation of Section 905(a) has proven more complicated than originally thought, the proposed amendments allow the Attorney General to fund 5 pilot projects to provide selected Tribes direct access to enter information into federal criminal information databases and to obtain information from said databases, instead of having to go through state or local terminals to enter/obtain information. These pilot projects will allow for a concrete examination of the implementation process, as the Department of Justice and Tribes are forced to examine the flaws in the current system and improve it moving forward.

Additionally, the proposed amendments to sec. 905 seek to facilitate implementation of the national tribal sex offender registry first authorized in 2005. Since 5 years have passed since the initial authorization of creation of a national tribal sex offender registry, new language would establish a timeline by which the Attorney General would be required to contract with interested Tribes, tribal organizations, or tribal nonprofit organizations to develop and maintain the registry. There has been speculation about the usefulness of such a national registry given the separate registration and notification requirements imposed by the Adam Walsh Child Safety and Protection Act of 2006 (AWA). However, because PL 280 Tribes are prohibited from opting in as Sex Offender Registration and Notification Act (SORNA) jurisdictions under the AWA, creation of the national tribal sex offender registry is still of vital importance to these Tribes, and it will remain so unless and until the AWA is amended. Under the proposed amendments, the Attorney General would also be required to consult with Tribes on the process for establishing and managing the national tribal registry. Finally, the Attorney General would have to submit a progress report to Congress within two years of enactment of the legislation. This reporting requirement increases safety for Indian women by enhancing Congress' ability to monitor creation and management of a national tribal sex offender registry.

SEC. 905. TRACKING OF VIOLENCE AGAINST INDIAN WOMEN.

(a) ACCESS TO FEDERAL CRIMINAL INFORMATION DATABASES.— Section 534 of title 28, United States Code, is amended—

- (1) by redesignating subsection (d) as subsection (e); and
- (2) by inserting after subsection (c) the following:

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“(d) INDIAN LAW ENFORCEMENT AGENCIES.—The Attorney General shall permit Indian law enforcement agencies, in cases of domestic violence, dating violence, sexual assault, and stalking, to enter information into Federal criminal information databases and to obtain information from the databases.”.

(b) TRIBAL REGISTRY.—

- (1) ESTABLISHMENT.—Within 1 year of the date of enactment of this Act, the Attorney General shall contract

VAWA 2010 Consultation Tribal Leaders' Recommendations on § 905(a):

1. Identify which component of DOJ is responsible for implementation of §905(a) and provide Indian tribes contact information for the component;
2. Develop DOJ guidelines for the implementation of §905(a) and provide the guidelines to Indian tribes;
3. Issue a statement to Indian tribes that the system is now available for tribal law enforcement to access and enter information into the federal databases under §905(b).

with any interested Indian tribe, tribal organization, or tribal nonprofit organization to develop and maintain—

(A) a national tribal sex offender registry; and
(B) a tribal protection order registry containing civil and criminal orders of protection issued by Indian tribes and participating jurisdictions.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$1,000,000 for each of fiscal years 2012 through 2017, to remain available until expended.

(3) CONSULTATION.—The Attorney General shall consult with Indian Tribes on the process for establishing and managing the national tribal registry mandated under subsection (b).

(4) REPORTS.—

(A) Not later than 2 years after the date of enactment of this Act, the Attorney General shall submit to the Committee on Indian Affairs of the Senate, the Committee on the Judiciary of the

Judiciary of the House of Representatives a report that describes the actions taken to implement subsection (b), including—

(i) details about the contract, including the contractor, the services to be provided, and the timeframe for completion;
(ii) information provided to tribes regarding the national tribal registry; and
(iii) any other information regarding the establishment of the national tribal registry.

(B) The Attorney General shall submit an annual report to Indian Tribes at the annual consultation mandated by Section 903(a) regarding the progress on establishment of the national tribal registry mandated under subsection (b).

(c) PILOT PROJECTS.—

(1) IN GENERAL.—To implement Section 905(a), the Attorney General shall fund five pilot projects to provide selected Indian Tribes direct access to enter information into Federal criminal information databases and to obtain information from the databases.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$500,000 for each of fiscal years 2012 through 2017, to remain available until expended.

SEC. 906. GRANTS TO INDIAN TRIBAL GOVERNMENTS

As the most impoverished group in the United States, Tribes often lack the resources to adequately address violence against Indian women. Coupled with the highest rates of violence against women in the nation, tribal programs are acutely underfunded and cannot cover gaps in funding. The proposed amendments to sec. 906 clarify the importance of timely disbursement of funds to tribal programs to ensure that essential services are not delayed

or terminated. Further, the proposed amendments seek to ensure that tribal programs receive the technical assistance they need once they have access to funds.

SEC. 906. GRANTS TO INDIAN TRIBAL GOVERNMENTS.

(a) IN GENERAL.—Part T of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg et seq.) is amended by adding at the end the following:

“SEC. 2007. GRANTS TO INDIAN TRIBAL GOVERNMENTS.

“(a) GRANTS.—The Attorney General may make grants to Indian tribal governments and tribal organizations to—

“(1) develop and enhance effective governmental strategies to curtail violent crimes against and increase the safety of Indian women consistent with tribal law and custom;

“(2) increase tribal capacity to respond to domestic violence, dating violence, sexual assault, and stalking crimes against Indian women;

“(3) strengthen tribal justice interventions including tribal law enforcement, prosecution, courts, probation, correctional facilities;

“(4) enhance services to Indian women victimized by domestic violence, dating violence, sexual assault, and stalking;

“(5) work in cooperation with the community to develop education and prevention strategies directed toward issues of domestic violence, dating violence, and stalking programs and to address the needs of children exposed to domestic violence;

“(6) provide programs for supervised visitation and safe visitation exchange of children in situations involving domestic violence, sexual assault, or stalking committed by one parent

against the other with appropriate security measures, policies, and procedures to protect the safety of victims and their children;

“(7) provide transitional housing for victims of domestic violence, dating violence, sexual assault, or stalking, including rental or utilities payments assistance and assistance with related expenses such as security deposits and other costs incidental to relocation to transitional housing, and support services to enable a victim of domestic violence, dating violence, sexual assault, or stalking to locate and secure permanent housing and integrate into a community.

“(b) COLLABORATION.—All applicants under this section shall demonstrate their proposal was developed in consultation with a nonprofit, nongovernmental Indian victim services program, including sexual assault and domestic violence victim services providers

in the tribal or local community, or a nonprofit tribal domestic violence and sexual assault coalition to the extent that they exist. In the absence of such a demonstration, the applicant may meet the requirement of this subsection through consultation with women in the community to be served.

“(c) DISBURSEMENT OF FUNDS.—Grants made under this section shall be disbursed to grantees within 90 days of congressional authorization of appropriation to carry out this section”.

“(d) TECHNICAL ASSISTANCE.—

(1) IN GENERAL.—Not later than 6 months after the date of receipt of funding for this program, the Director of the Office on Violence Against Women shall set aside and disperse not less than 8 percent of the total amount of the funds made available under this section for the purpose of entering into cooperative agreements with qualified tribal organizations to provide technical assistance and training to Indian tribes to address violence against Indian women. Such training and technical assistance shall be specifically designed to address the unique legal status and geographic circumstances of the Indian tribes receiving funds under this section.

(2) QUALIFIED TRIBAL ORGANIZATION.—For purposes of paragraph (1), a qualified tribal organization is a tribal organization with demonstrated experience in providing training and technical experience to Indian tribes in addressing violence against Indian women.

(3) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to grants made on or after October 1, 2012.”.

SEC. 907. TRIBAL DEPUTY IN THE OFFICE ON VIOLENCE AGAINST WOMEN

With 565 Tribes to serve, it is imperative that the OVW tribal unit be adequately staffed, especially given the complicated nature of criminal authority in Indian country, the severity of the crimes committed against Indian women, and the epidemic rates of violence against Indian women. The proposed amendments to Sec. 907 would ensure that the tribal unit is appropriately staffed and the Tribal Deputy has the resources necessary to perform her statutory obligations. The creation of a new Policy Advisor within the tribal unit will provide expertise in the unique government-to-government relationship the United States has with Tribes. A new Grants Administrator position would supervise the grant managers and oversee the administration of grants in a timely and efficient manner.

“SEC. 2008. TRIBAL DEPUTY.

“(a) ESTABLISHMENT.—There is established in the Office on Violence Against Women a Deputy Director for Tribal Affairs.

“(b) DUTIES.—

“(1) IN GENERAL.—The Deputy Director shall under the guidance and authority of the Director of the Office on Violence Against Women—

“(A) oversee grants to and contracts with Indian tribes, tribal courts, tribal organizations, or tribal nonprofit organizations;

“(B) ensure that, if a grant under this Act or a contract pursuant to such a grant is made to an organization to perform services that benefit more than 1 Indian tribe, the approval of each Indian tribe to be benefitted shall be a prerequisite to the making of the grant or letting of the contract;

“(C) coordinate development of Federal policy, protocols, and guidelines on matters relating to violence against Indian women;

“(D) advise the Director of the Office on Violence Against Women concerning policies, legislation, implementation of laws, and other issues relating to violence against Indian women;

“(E) represent the Office on Violence Against Women in the annual consultations under section 903;

“(F) provide technical assistance, coordination, and support to other offices and bureaus in the Department of Justice to develop policy and to enforce Federal laws relating to violence against Indian women, including through litigation of civil and criminal actions relating to those laws;

“(G) maintain a liaison with the judicial branches of Federal, State, and tribal governments on matters relating to violence against Indian women;

“(H) support enforcement of tribal protection orders and implementation of full faith and credit educational projects and comity agreements between Indian tribes and States; and

“(I) ensure that adequate tribal technical assistance is made available to Indian tribes, tribal courts, tribal organizations, and tribal nonprofit organizations for all programs relating to violence against Indian women.

“(c) AUTHORITY.—

“(1) IN GENERAL.—The Deputy Director shall ensure that a portion of the tribal set-aside funds from any grant awarded under this Act, the Violence Against Women Act of 1994 (title IV of Public Law 103–322; 108 Stat. 1902), or the Violence Against Women Act of 2000 (division B of Public Law 106–386; 114 Stat. 1491), or the Violence Against Women Act of 2005 (xxx) is used to enhance the capacity of Indian tribes to address the safety of Indian women.

“(2) ACCOUNTABILITY.—The Deputy Director shall ensure that some portion of the tribal set-aside funds from any grant made under this part is used to hold offenders accountable through—

“(A) enhancement of the response of Indian tribes to crimes of domestic violence, dating violence, sexual

assault, and stalking against Indian women, including legal services for victims and Indian-specific offender programs; “(B) development and maintenance of tribal domestic violence shelters or programs for battered Indian women, including sexual assault services, that are based upon the unique circumstances of the Indian women to be served; “(C) development of tribal educational awareness programs and materials; “(D) support for customary tribal activities to strengthen the intolerance of an Indian tribe to violence against Indian women; and “(E) development, implementation, and maintenance of tribal electronic databases for tribal protection order registries; and “(F) development and implementation of tribal codes, protocols, and policies to enhance the response to domestic violence, sexual assault, dating violence, and stalking against Indian women.

“(d) PERSONNEL.—The Attorney General shall provide to the Office on Violence Against Women such personnel as is necessary to help the Tribal Deputy fulfill the duties set forth by subsection (b), including at least—

“(1) one Policy Advisor with substantial experience in federal Indian law or in assisting Indian tribes in enhancing their response to violence against Indian women; and

“(2) five Grants Program Managers.”.

SEC. 908. ENHANCED CRIMINAL LAW RESOURCES

Sections 908 and 909 treat domestic violence, sexual assault, dating violence, and stalking as serious infractions and enhance penalties for violent crimes committed with a gun or in circumstances where the offender has two or more previous convictions for domestic violence. Because domestic and sexual violence often escalate over time in intensity and frequency, these sections were intended to deter these crimes and, ideally, end the violence before it increased. In adopting these sections, Congress did not intend for courts to look into the underlying misdemeanor convictions, but only to apply the enhanced penalties if the perpetrator used a gun or had several prior convictions.

Unfortunately, these provisions, especially sec. 908, appear to have been under-used due to confusion on the part of law enforcement and judicial personnel about their existence and operation. The proposed amendments would enhance training for all tribal law enforcement and judicial personnel to ensure coordination among law enforcement and judicial personnel and facilitate better implementation of both sections.

SEC. 908. ENHANCED CRIMINAL LAW RESOURCES.
 (a) FIREARMS POSSESSION PROHIBITIONS.—Section 921(33)(A)(i)

of title 18, United States Code, is amended to read: “(i) is a misdemeanor under Federal, State, or Tribal law; and”.

(b) LAW ENFORCEMENT AUTHORITY.—Section 4(3) of the Indian Law Enforcement Reform Act (25 U.S.C. 2803 (3) is amended—

(1) in subparagraph (A), by striking “or”;

(2) in subparagraph (B), by striking the semicolon and inserting “, or”;

(3) by adding at the end the following:

“(C) the offense is a misdemeanor crime of domestic violence, dating violence, stalking, or violation of a protection order and has, as an element, the use or attempted use of physical force, or the threatened use of a deadly weapon, committed by a current or former spouse, parent, or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabited with the victim as a spouse, parent, or guardian, or by a person similarly situated to a spouse, parent or guardian of the victim, and the employee has reasonable grounds to believe that the person to be arrested has committed, or is committing the crime;”.

(c) TRAINING PROGRAMS.—

(1) IN GENERAL.— The Attorney General, in coordination with the Secretary of the Interior, shall ensure, through the establishment of a new training program or by supplementing existing training programs, that all tribal law enforcement and judicial personnel have access to training on how to enforce subsection (a).

(2) POLICIES AND PROTOCOL.— Within one year of enactment of this Act, the Attorney General, in coordination with the Secretary of Interior and in consultation with Indian Tribes, shall develop standardized policies and protocol for the enforcement of subsection (a).

SEC. 910. TRIBAL JURISDICTION OVER DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING

There are 565 Tribes in the United States, including more than 200 Alaska Native villages, that retain sovereign authority over their lands and peoples. Each Tribe is responsible for the safety of its citizens, which includes protection of Indian women from violence. However, the ability of Tribes to ensure the safety of and provide a meaningful remedy to women in Indian country and Alaska Native villages is undermined by the limitations that the United States has placed on the inherent jurisdictional authority of tribal governments.

Federal law prohibits Tribes from prosecuting non-Indian offenders committing crimes against Indians on Indian lands. This limitation on tribal court authority is particularly devastating to Indian women, who suffer from violence at

a rate two and a half times greater than that of any other population in the United States. One in three Indian women will be raped in her lifetime; four in five will be victims of a violent assault. Even more startling is the statistic that non-Indian offenders commit an estimated 88% of all violent crimes against Indian women.

For a variety of reasons, the United States does not prosecute many of the crimes committed by non-Indians against Indians in Indian country. According to a recent GAO study, from 2005 through 2009, U.S. attorneys failed to prosecute 52% of all violent criminal cases, 67% of sexual abuse cases, and 46% of assault cases occurring on Indian lands. Similarly, in 2008, the Justice Department acknowledged that it prosecuted 24 misdemeanor reservation crimes in 2006, and only 21 misdemeanors reservation crimes in 2008. Low prosecution rates have encouraged non-Indian perpetrators to target Indian reservations. Testimony provided before the Senate Committee on Indian Affairs has reported that serial rapists prey on women in Indian country because they know they will not be prosecuted. If the United States does not prosecute a non-Indian, the offender goes free, as he is not subject to prosecution by a tribal or state court. Unpunished, offenders often reoffend and commit more heinous crimes, further propagating a harvest zone for dangerous perpetrators attempting to commit violence against women and children on tribal lands.

It has been more than 30 years since the Oliphant decision, and one of its most tragic results has been to shield non-Indian perpetrators from criminal accountability at the expense of the safety of Indian women. The proposed sec. 910 would restore safety in tribal communities by recognizing tribal authority over non-Indians who commit a finite set of domestic and sexual

violence related crimes against Indians, however, it would not repeal, abrogate, or supersede existing federal law in any way. The provisions of the Indian Civil Rights Act safeguarding the rights of the accused would apply to this limited restoration of criminal jurisdiction over non-Indians, and, state courts would retain jurisdiction over crimes committed by non-Indians against non-Indians and victimless crimes.

SEC. 910. TRIBAL JURISDICTION OVER DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT AND STALKING.—

(a) IN GENERAL.—Congress hereby affirms that the inherent sovereign authority of a federally recognized Indian tribe includes the authority to enforce and adjudicate any crime of domestic violence, dating violence, sexual assault, or stalking, as defined by tribal law, committed by or against any Indian person on land under the jurisdiction of the tribe.

(b) Any person prosecuted in a tribal court pursuant to this subsection shall have all of the rights guaranteed under the Indian Civil Rights Act, as amended, and shall have the right to expedited habeas corpus review in federal district court to ensure that all tribal court proceedings are consistent with this subsection.

(c) IMPACT ON CURRENT LAW.—This statute in no way repeals, abrogates, or supersedes any of the following statutes:

- (1) The Indian General Crimes Act (18 U.S.C. 1152);
- (2) The Indian Major Crimes Act (18 U.S.C. 1153);
- (3) Public Law 83-280 (18 U.S.C. 1162 and 25 U.S.C. 1321); or
- (4) Any other provision of federal law.

National Congress of American Indians Resolution #PHX-03-034

Title: Support for the 2005 Reauthorization of the Violence Against Women Act Including Enhancements for American Indian and Alaska Native Women.

“NOW THEREFORE BE IT RESOLVED, that the NCAI does hereby support amendments to the Violence Against Women Act ... such as:

Increasing criminal authority to Indian tribes to prosecute non-Indian rapist and batterers;”

‘BE IT FINALLY RESOLVED, that this resolution shall be the policy of the NCAI until it is withdrawn or modified by subsequent resolution.

Adopted by the General Assembly during the 2003 Mid-Year Session of the National Congress of American Indians, held at the Sheraton Wild Horse Pass Gila River Indian Community, in Phoenix, Arizona on July 18, 2003.

OTHER PROPOSED CHANGES IN VAWA 2011

Recodification

- Reorganize most VAWA programs so they are codified in Title 42, Chapter 136, Subchapter III (“Violence Against Women”)

Definitions and Grant Conditions

- New definitions to create enhanced gateways for victims of domestic violence, dating violence, sexual assault, and stalking receive services and protections
- Population-specific services: services provided through community-based programs.
- Underserved populations: adult, elder, and youth victims of domestic violence, dating violence, sexual assault and stalking and their children who face barriers in accessing and using national, Tribal, State, Territorial or local services due to one or more factors such as—
 - racial and ethnic minority status as defined in 42 U.S.C. 300u–6(g);
 - American Indian or Alaska Native status;
 - cultural, language, and literacy barriers, including being Deaf or hard of hearing;

- immigration status;
 - sexual orientation or gender identity;
 - physical, sensory, or cognitive disabilities;
 - mental disabilities or other mental health needs;
 - age (including both older adults and youth);
 - geographical location, including those with a migratory or transitory lifestyle, such as migrant farmworkers and individuals who are homeless;
 - being an American Overseas;
 - faith, spirituality or religious practice, and
 - any other population determined to be underserved by the Attorney General or by the Secretary of Health and Human Services, as appropriate.
- Grant Conditions protecting safety, confidentiality and autonomy of victims receiving services

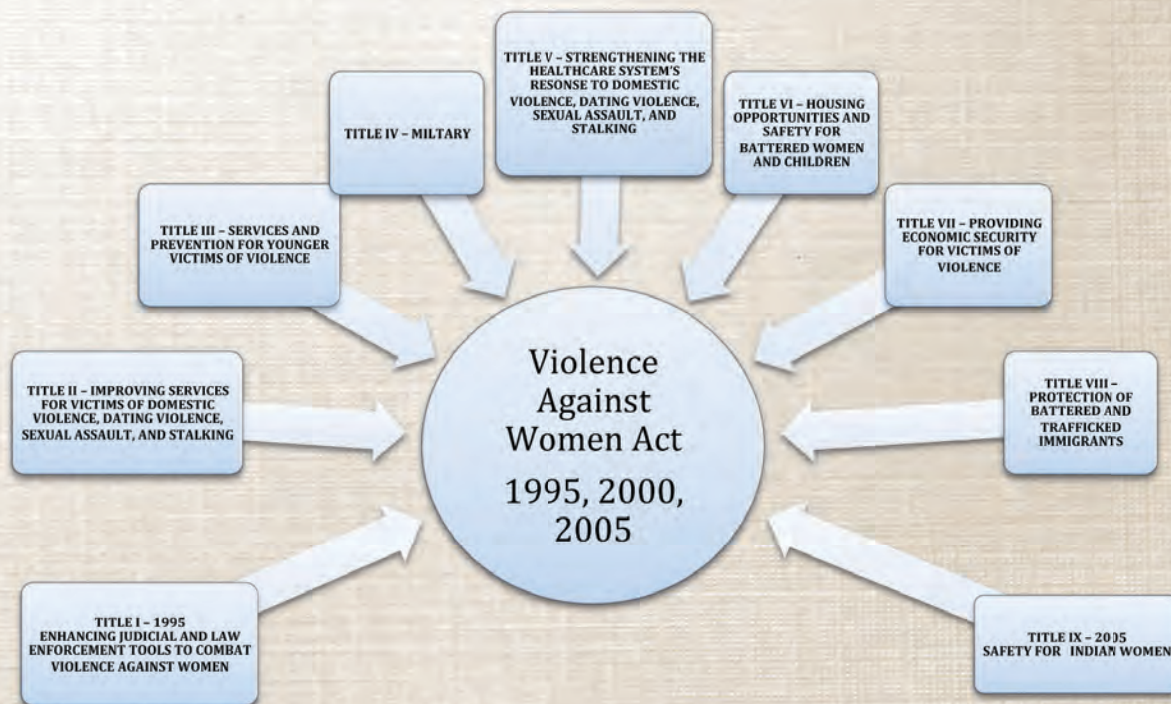
Legal Assistance to Victims Summary

- custody representation for non-offending parents of child victims of sexual abuse
- Americans Overseas
- unique legal services needs of sexual assault victims
- criminal matters: "arising as a result of domestic violence, dating violence, sexual assault, or



“I think it’s very important that we have our own Native-based shelter that is run by Native staff because we are the only ones who truly understand our culture. The Native people are very connected. I believe individuals from the same community understand one another better than outsiders.”

- Lenora Hootch, Director



stalking (including directly related crimes committed by the same perpetrator against the victims' family, household members or animals)"

- services must be "accessible" and include "extended and holistic" services
- lawyers must have demonstrated VAW experience, or be supervised by someone who does
- pro bono assistance permitted, but not more than 10% of grant
- grant period: The Director shall award grants under this section for periods of either 36 or 60 months, depending on the election of the applicant, with the possibility of renewal funding for the same period. In every case, grantees shall be given a minimum of 12 months' notice of the termination or renewal of the grant.
- language accessibility as part of proposed budget
- Allows services for non-offending parents of child victims of sexual abuse.
- Adds language to support unique legal services needs of sexual assault victims.

Privacy and Technology Summary

- Changes to the definitions section and the universal grant conditions:
 - Strengthen the scope and depth of confidentiality and privacy protections for survivors of sexual assault, dating violence, domestic violence and stalking, particularly

regarding communications between sexual assault, domestic violence, dating violence, and stalking victims and the service providers who work with those victims;

- Clarify the release of information requirements that were established in VAWA 3, particularly regarding who may sign for a release of information;
- Clarify the definition of *personally identifying information*, to, among other things, include immigration status, and to limit the types of data that may be/may not be collected about victims, and limitations on the use of any such data;
- Add the development of confidentiality/privacy information planning and training requirements specific to confidentiality and data sharing and document/data retention issues.
- Clarify the existing exclusion of information about victims of sexual assault, domestic violence, dating violence, and stalking in computerized databases, including statewide databases.
- Increase technology capacity of grantees and implement privacy safety assessments as part any technology solutions funded by VAWA grants.
- Ensure security and privacy provisions around medical/health information of survivors, particularly regarding Medicaid recipients
- Specify court records privacy for victims of

domestic violence, dating violence, sexual assault and stalking, including in federal court processes, such as bankruptcy proceedings.

- Identify and respond to confidentiality issues throughout the proposed revisions.

Biden Bill Summary

- fund national VAW pro bono directory & directory support
- fund pro bono mentor attorneys at LAV grant sites
- TA for pro bono attorneys and mentors

Criminal Summary

- *Interstate DV*—
 - add: enters, leaves, "or is within" tribal, territorial or maritime jurisdictions
 - expand victim list to include "current or former" spouse, intimate partner or dating partner, and add "child in common"
 - add: causing travel by " force, coercion, duress, or fraud"

Disabilities Summary

- Changed language to reflect people first language
- Including disabilities under the underserved section of definitions
- Added caregiver abuse
- Technical assistance to assist in modification of existing protocol, procedures, and policies was expanded to include disability service/advocacy organizations, law enforcement agencies, criminal and civil attorney offices, courts, and/or health care agencies
- Under eligible entities language was added to allow local programs to apply

Elder Abuse Summary

- add permissible activities: public education, and training to non-core entities
- add to list of trainees: civil lawyers, health care, faith
- require grantee to be part of MDT
- move new definition of elder abuse to grant section

Health Summary

- Clarify that the Grants to Foster Public Health Partnerships and Training and Education of Health Professionals will be administered by HHS Office of Women's Health instead of CDC and HRSA to reflect current funding
- Expand the assistance to improving the capacity of health programs to serve sexual assault victims

- Expand eligible entities under Training and Education of Health Professionals to go beyond medical schools to include other health professional schools, allied health training programs, and national health and trauma-related associations.

Housing Summary

- Expand all VAWA Housing protections to victims of sexual assault.
- Expand VAWA Housing protections to additional federal housing programs including the HOME Investment Partnerships, Rural housing Program, Low-income housing tax credit properties, McKinney-Vento Section 8 Assistance for SRO Dwellings, Shelter Care Plus Program, and Supportive Housing Program and Section 221(d) (3) Below Market Interest Rate (BMIR) Program and Section 236 Rental Program.
- Expand portability and transfer options for victims of domestic violence, sexual assault, dating violence and stalking in the previously and newly covered federal housing programs. The victim may request the transfer and the housing provider must provide, based upon local housing needs and availability, emergency temporary or permanent safe housing options.
- Create a Victim Rights Director at the U.S. Department of Housing and Urban Development to allow for improved implementation and enforceability of VAWA housing protections. VRD would be authorized to address the issues faced by victims proactively across all agencies programs and initiatives.
- Authorize HUD to investigate and resolve complaints of violations of VAWA housing protections.
- Clarify that when verifying income, public housing agency shall waive child support enforcement request that further jeopardize victims' safety.
- Combine two housing grant programs – Transitional Housing and Grants to Combat Violence in Public and Assisted Housing – to consolidate efforts and to secure funding to address the training needs of housing providers around these issues.

Immigration Summary

- Broaden and increase immigration remedies and protections for immigrant victims of DV and SA. Some specific examples include improving access to work authorization and inadmissibility waivers, expanding eligibility for VAWA self-petitioning –

including to victims of same-sex relationships, and protecting victims from detention and removal.

- Broaden and expand confidentiality protections for immigrant victims imposed upon the Department of Homeland Security or local police acting as their agents.
- Improving access to victim services, training and funding for immigrant survivors.
- Addressing SA against Farmworker Women.
- Increasing regulation of International Marriage Brokers.
- Addressing family separation caused by immigration detention by seeking to protect the custody/parental rights of immigrant mothers in detention or removal proceedings.

Rape Prevention and Education Summary

- Creates baseline funding structure (contingent on increased appropriation)
- Creates coalition set-aside (contingent on increased appropriation) Clarifies entities eligible for funds

Sexual Assault Services Program Summary

- Prioritizes state sexual assault coalitions to administer SASP funds.
- Amends the distribution structure for the formula grant program including territories and states treated the same.
- Augments the tribal sexual assault sections including identifying tribal specific services.
- Increases allocation to \$80 million.

STOP

- Adds sexual assault specific language to purpose areas in STOP
- STOP grants language is also streamlined to reduce duplication
- Clarification of the roles and responsibilities of state administrators and the Office on Violence Against Women to make grant distribution process more efficient
- One new grant certification is added, requiring states to legislatively adopt the domestic violence protections of the model Uniform Child Custody Jurisdiction and Enforcement Act; this will improve enforcement of protection orders
- STOP funding to support legal assistance for victims
- Expanded areas of underserved populations to be served, including Lesbian Gay Bi-Sexual and Transgendered victims and Americans experiencing victimization from overseas.

Grants to Encourage Arrest and Enforce Protection Orders

- Adds sexual assault specific language to purpose areas.
- GTEAEP is renamed “Grants to Encourage Safety, Enforcement and Accountability” to reflect purpose area amendments that strengthen this program’s focus on a coordinated community response to domestic violence, dating violence, sexual assault, and stalking
- Grantees may work with a broader array of service programs
- Greater support for state and local efforts to improve information sharing in these cases without compromising victim safety
- Language is streamlined to reduce duplication.

Court Training and Improvements

- Provide funding for data collection about protection orders in the U.S.

Workplace/Economic Justice Summary

- Survivors are eligible for up to 30 days of unpaid leave annually to seek medical help, legal assistance, counseling, safety planning, and other assistance.
- Unemployment benefits will be extended to individuals who need to leave their jobs because of violence against themselves or a family member.
- Insurers may not deny coverage or charge higher premiums because a person is or suspected to be a victim of the 4 crimes. Insurers may not refuse to cover claims on the grounds that they result from abuse.
- Employers are barred from discriminating against survivors of the 4 crimes in employment status and in compensation. Employers may not refuse, without showing undue hardship, to implement a job-related modification that enhances the security of the employee.
- Eligibility for a share of a spouse’s social security benefits generally requires that the spouses have been married for 10 years. This requirement would be waived / lowered in cases of severe spousal abuse or abuse of a child in the family.

You can access descriptions of VAWA programs in the FY 11 Appropriations Briefing Book by going online at <http://www.nnedv.org/docs/Policy/fy11briefingbook.pdf>

Senate Committee on Indian Affairs Holds Oversight Hearing on the UN Declaration on the Rights of Indigenous Peoples

JANA WALKER



On December 16, 2010, President Obama announced the United States' support for the UN Declaration on the Rights of Indigenous Peoples. The Declaration provides guidance on the treatment of indigenous peoples and their rights. It explicitly recognizes the rights of Native women not only as individuals, but also as members of their indigenous communities. Article 22(2) specifically speaks to the epidemic of violence against Native women and children, and Article 44 broadly recognizes that the rights and freedoms in the Declaration are equally guaranteed to Native women, including among other things, rights to political participation, education, and employment. The Declaration also helps Native women by promoting the development and maintenance of tribal institutions, including tribal law enforcement and courts. The Declaration and its protections specific to women's rights will improve the status of American Indian and Alaska Native nations and help end violence against Native women.

Under the direction of President Obama, federal agencies and lawmakers are moving forward on how best to implement the principles of the Declaration. Towards that

end, on June 9, 2011, the Senate Committee on Indian Affairs scheduled an oversight hearing on "Setting the Standard: Domestic Policy Implications of the UN Declaration on the Rights of Indigenous Peoples." Robert T. Coulter, Executive Director and Founder of the Indian Law Resource Center, appeared to present testimony at the invitation of Daniel K. Akaka, Chairman of the Committee on Indian Affairs. Mr. Coulter wrote the first draft of the Declaration in 1976, which, over 30 years later, was finally adopted by the UN General Assembly in 2007.

"As incredible as it may seem, the UN Declaration is the first time in human history that indigenous peoples' right to exist has been legally recognized." Robert T. Coulter, Executive Director, Indian Law Resource Center.

Please visit www.indianlaw.org to learn how you can use an e-letter to add your voice on how the United States should implement the Declaration to help end violence against Native women and improve the status of American Indian and Alaska Native nations and other indigenous peoples.

Report of the UN Special Rapporteur on Violence Against Women

"Violence against Native American women is at epidemic levels exceeding that of any other population in the United States and more than double that among all other American women. Yet, these victims and crimes lack the visibility to bring about badly needed changes in our laws and how they are enforced. I can't stress just how important it is that the Special Rapporteur, an independent expert in international human rights, not only took note of this crisis, but personally visited the Eastern Band of Cherokee Indians to meet with tribal leaders and Indian women. Equally significant is the fact that the Special Rapporteur has now moved the issue of violence against Native women to the global and domestic forefront by recognizing in her official report to the United Nations

Human Rights Council that restoring criminal jurisdiction to tribes and removing jurisdictional barriers in existing federal laws is crucial to protecting our Native women and ensuring their access to justice.” Terri Henry, Council Member Eastern Band of Cherokee Indians, Co-Chair, NCAI Task Force on Violence Against Women, Board Member of the Indian Law Resource Center

On June 3, 2011, Rashida Manjoo, the UN Special Rapporteur on Violence Against Women highlighted the epidemic of violence against Native women in a report to the United Nation’s Council on Human Rights on how the United States could better protect women’s human rights and stop violence against women. Her report strongly recommended that the United States reconsider systemic legal barriers, including limitations on the criminal authority of tribal governments, in order to improve its protection of Native women.

Earlier this year, Ms. Manjoo conducted an in-depth investigation of violence against women in the United States. In response to staggering statistics of violence against Native American women, the Special Rapporteur visited the Eastern Band of Cherokee Indians (ECBI) in Cherokee, North Carolina on January 28-29, 2011. The visit was hosted by the ECBI in partnership with the National Congress of American Indians, Clan Star, Inc., Indian Law Resource Center, and the Sacred Circle National Resource Center to End Violence Against Native Women. Presenters spoke to various barriers that hamper tribes in making Native women safe. Most notably, American Indian and Alaska Native nations are legally prohibited from prosecuting non-Indians, and the Indian Civil Rights Act severely limits the authority of tribal courts to sentence Indian offenders committing sexual and domestic violence against women in Indian country.



As the UN Special Rapporteur, Ms. Manjoo was charged with gathering information about violence against Native women and then making recommendations to the UN Council on Human Rights. On June 3, 2011, Ms. Manjoo reported to the United Nation’s Council on Human Rights about her visit and recommendations to the United States on how it could better protect women’s human rights and stop violence, including the violence against Native Women. An “Advance Report of the Special Rapporteur on Violence Against Women, Its Causes and Consequences,” was released on June 1, 2011. The Advance Report cites jurisdictional restrictions placed on tribes by federal legislation concerning criminal prosecution of crimes by Indians in Indian country and limitations on tribal sentencing authority for Indian offenders as one of the causes of the extremely high rate of violence against Native women. Additionally, the Advance Report emphasizes the particularly negative effect of the United States Supreme Court’s denial of tribal criminal jurisdiction over non-Indians in the Oliphant case. Coupled with these jurisdictional restrictions, the Advance Report identifies the failure of federal and state authorities to police and prosecute these violent crimes effectively, including declination rates by U.S. attorneys of 50% of all cases from Indian reservations from 2005-2009, as contributing to the epidemic of violence against Native women.

The Advance Report of the UN Special Rapporteur includes the following recommendations to the United States concerning how it should best prevent and remedy violence against Native women:

Prioritize public safety on Indian land by fully implementing and funding the Violence against Women and Tribal Law and Order Acts.



Assist tribal authorities in their efforts to respond to violence against women, including by allowing those law enforcement agencies to access federal criminal databases and by establishing, in consultation and cooperation with Indian nations, a national reporting system to investigate and prosecute cases of missing and murdered Native-American women.

Establish federal and state accountability for the investigation and prosecution of violent crimes against Native-women. The government should also ensure that state authorities recognize and effectively enforce tribal court protection orders.

Increase resource allocation to Indian tribes and tribal non-profit organizations providing services to women to develop comprehensive services for survivors of sexual and domestic violence.

Consider restoring, in consultation with Native-American tribes, tribal authority to enforce tribal law over all perpetrators, both native and non-native, who commit acts of sexual and domestic violence within their jurisdiction.

For additional information about the UN Special Rapporteur on Violence Against Women and her Advance Report, please visit <http://www.indianlaw.org/content/un-special-rapporteur-violence-against-women-issues-her-report-violence-against-women-united>.

United States' Compliance with the International Convention on the Elimination of All Forms of Racial Discrimination with Regard to Violence Against Indian Women

In 2008, the UN Committee on the Elimination of Racial Discrimination criticized the United States sharply for failing to meet its obligations under the International Convention on the Elimination of All Forms of Race Discrimination (ICERD) to prevent and punish violence against American Indian and Alaska Native women. The Committee expressly recommended that the United States increase its efforts to prevent and prosecute perpetrators of violence against Native women. The Committee further recommended that the United States use the UN Declaration on the Rights of Indigenous Peoples as guidance for interpreting its duties to indigenous peoples. The United States is required to submit another report on its compliance with the ICERD later this year.

On May 13, 2011, the National Congress of American Indians Task Force on Violence Against Women, Sacred Circle National Resource Center to End Violence Against Native Women, and the Indian Law Resource Center submitted comments to the State Department to provide information on violence against Native women for inclusion in its report to the ICERD. This information reported statistics showing the epidemic levels of violence occurring against Native women, how federal laws contribute to this human rights crisis, and the response of the United States. Finally, the submitted information included specific recommendations to improve the commitment of the United States to protect the human rights of Native women under ICERD, particularly to increase the criminal jurisdiction of Indian nations over non-Indian rapists and batterers. This information will assist the United States government in accurately reporting the progress made towards ending violence against Native women in the past few years.





BRANCHES OUTGROWTH

NATURAL LIFEWAY

Women's Sovereignty - Equality

Society/Institution

- Spiritual foundation
- Honor women's culture
- Severe sanctions for violence
- Revitalizing culture
- Sexual autonomy
- Access to healthcare
- Unrestricted reproductive health options

Individual Character

- Respect women
- Balance
- No fear/safety for women
- Responsible & safe sex
- Respect for choices
- Trust & compassion
- Honor sexual orientation
- Good health

UNNATURAL LIFEWAY

Sexualizing & Objectifying Women
 Male Entitlement And Privilege

Society / Institution

- Sexual violence normalized
- Divide & conquer
- Women restricted/tearful
- GLBT-bashing
- Reproductive health as political weapon
- Loss of culture/language
- On going colonization

Individual Behavior

- Murder
- Rape
- Sex trafficking
- Incest, molestation
- Sexual harassment
- Prostitution
- Forced sterilization and pregnancy
- Womanizing
- Divides women

TRUNK

UNNATURAL LIFEWAY

Victim-blaming

- Rape as weapon of war
- Rape tactic of genocide & colonization
- Boarding/mission schools
- Pornography
- Alcohol/other drugs

- Linking sex and violence
- Gender & racial stereotyping
- Gender-based socialization
- Confusing emotions with behavior (anger vs. violence)

CONTRIBUTORS

NATURAL LIFEWAY

Offender and Community Accountability

- Respectful images, thoughts, language
- Open, respectful discussion about sexuality, relationships
- Respect boundaries

- Honor personal choices
- Understand & honor our bodies
- Honor individuality and diversity

ROOT CAUSE OF

VIOLENCE

IS THE BELIEF SYSTEM

- Misogyny (women-hating)
- Male privilege, entitlement & superiority
- Sexism, racism, "oppressions" justified/connected
- Female spirituality inferior/non-existent
- Women & Children as property of men
- Sexual objectification of women
- Sex as a male right & entitlement
- Sex as "dirty," physical act
- Rape excusable act of sex

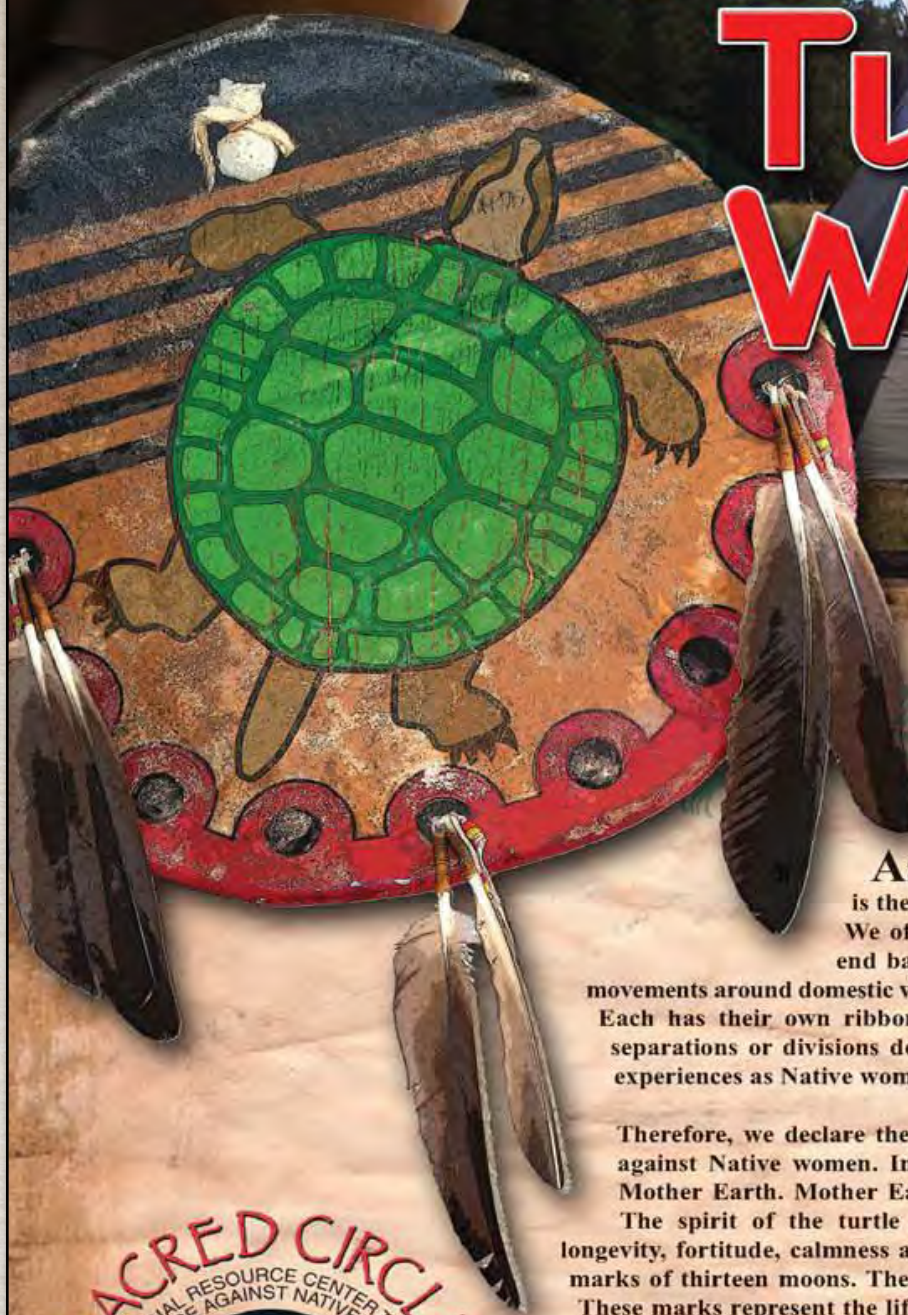
NON-VIOLENCE

IS THE BELIEF SYSTEM

- Women are sacred, autonomous & spiritually powerful
- Equality, interdependence and freedom
- Sex as spiritual connection & experience
- Physical intimacy is spiritually powerful
- If one person is hurt, all are harmed
- People are spirits in physical bodies on individual life paths
- Rape inexcusable act of violence

ENDING *Sexual* VIOLENCE AGAINST NATIVE WOMEN FROM THE ROOTS UP

Sacred Turtle Woman



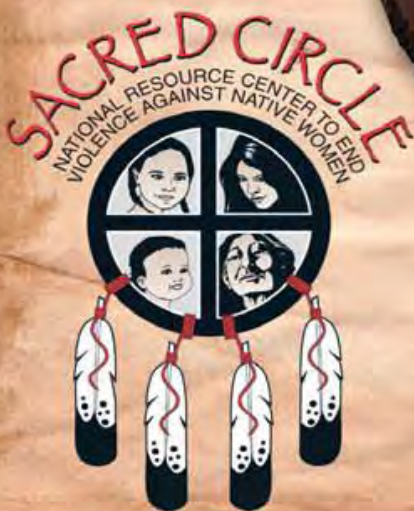
As Native women, we know that our culture is the core of our work to end violence against Native women. We often model our work after the non-native movements to end battering and rape. However, historically the non-native movements around domestic violence, sexual assault, stalking etc. are separate initiatives. Each has their own ribbon, color, month, funding, events and approach. These separations or divisions do not support social change or reflect our cultures and experiences as Native women.

Therefore, we declare the turtle as the symbol of the movement to end violence against Native women. Indigenous people recognize the turtle as the symbol of Mother Earth. Mother Earth provides protection for women through the turtle. The spirit of the turtle is feminine, embodying fertility, patience, nurturing, longevity, fortitude, calmness and resiliency. The body of the turtle's shell carries the marks of thirteen moons. The edge of the turtle's shell carries the marks of 28 days. These marks represent the life cycle of women and Mother Earth. The turtle retreats into the quiet protection of its shell, re-energizes and then emerges, moving forward into the world. These are the attributes of women and Mother Earth.

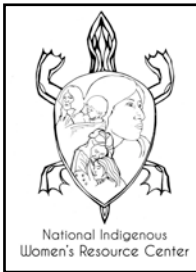
The strength and wisdom of the turtle is needed as we struggle against and survive the violence aimed at us because we are women. Every woman who experiences violence is recognized as a Sacred Turtle Woman. In the spirit of the turtle, we reclaim and celebrate the strength, wisdom and sacredness of the feminine spirit within women.

We acknowledge, honor and thank the women of the White Buffalo Calf Woman Society, Inc. of the Sicangu Lakota Nation for initiating this declaration and offering it to all women.

Sacred Circle Inc. - 777 Deadwood Ave., Rapid City, SD 57702 • 1-877-RED-ROAD (733-7623)
PH: (605) 341-2050 • FAX: (605) 341-2472 • scircle@sacred-circle.com • www.sacred-circle.com



feminine • fertility • patience • nurturing • longevity • fortitude • calmness • resiliency



Greetings,

Sacred Circle-National Resource Center to End Violence Against Native Women was created by visionary Native women over 13 years ago and supported by the Domestic Violence Resource Network. As a project of Cangleska, funded by the U.S. Department of Health and Human Services under the Family Violence Prevention and Services Act, Sacred Circle has served as the first National Indian Resource Center providing technical assistance, policy development, training, materials and resource information for Indian nations and Native non-profit organizations addressing violence against Native women. After over a decade of providing tribal specific resources, training and leadership at the national level on critical legislative and policy issues, Sacred Circle will hand over responsibility for continuing this legacy to the National Indigenous Women's Resource Center (NIWRC) effective September 30, 2011. Created earlier this year as a separate Native non-profit organization specifically to continue the work of Sacred Circle, the NIWRC is dedicated to reclaiming the sovereignty of Native women as key to promoting safety for Native women.

Sacred Circle's current staff will continue with the NIWRC, bringing our expertise regarding violence against Native women to the new organization and continuing the critical work of the National Indian Resource Center into the future. The NIWRC will continue providing leadership across the nation with important partnerships developed under Sacred Circle with the National Congress of American Indians Task Force on Violence Against Women, Clan Star, the National Task Force to End Sexual and Domestic Violence Against Women, the Domestic Violence Resource Network, numerous Indian nations, national Indian organizations, tribal coalitions, other national organizations addressing violence against women, and Native women's advocates.

The NIWRC Board will ensure that our technical assistance and training remains true to supporting and upholding the work of Native grassroots advocacy and social change to address violence against Native women. The NIWRC Board is comprised of Native women advocates and leaders from various regions across the U.S., including - **Terri Henry**, Chairwoman (Southeast); **Dorma Sahneyah**, Vice Chairwoman (Southwest); **Wendy Schlater**, Secretary/Treasurer (California); **Tillie Black Bear** (the Great Plains and Montana); **Ruth Jewell** (Northeast); **Valli Kalei Kanuha** (Hawaii); **Lenora Hooch** (Alaska); and **Sheila Harjo** (Oklahoma). Our Board members have extensive and varied experiences, including as women's and youth advocates, tribal leaders, a tribal prosecutor and judge, and committed and passionate individuals who have substantial expertise addressing violence against Native women. Most importantly, these women continue to live in their Native communities, an experience that drives their commitment to restoring tribal sovereignty as the basis for restoring safety of Native women.

As the Acting Executive Director for the National Indigenous Women's Resource Center, I look forward to and am excited and confident about this transition and transfer of responsibility from Sacred Circle to the NIWRC. We will continue to remain in the forefront of the movement to end violence against Native women. On behalf of the Board and staff of the NIWRC, I affirm our commitment to building upon the strong foundation created by Sacred Circle, and advocating for the needs of Native sovereign nations throughout the United States.

Ahéhee',

Lucy Simpson, Esq.
Acting Executive Director

NIWRC PROGRAM STAFF

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CONTINUITY AND THE WISDOM OF DRESSING FOR HISTORIC EVENTS



Every morning women across America start their day with a decision of what to wear. For some it is a casual choice, some a uniform and on very rare occasions a statement that signifies the crossing over to a new world. For our movement dressing has come to signify continuity. On the afternoon of July 29, 2010 a gathering took place in the East Wing of the White House. It was not a typical gathering in terms of the personalities invited to listen to an American President speak, the

words spoken, or the person that introduced the President.

Gathered at the East Wing were elected leaders of American Indian Nations, Members of Congress, advocates for Native women, tribal law enforcement, and many more to witness the signing of a historic bill to create comprehensive law enforcement reform for American Indian tribes. Seven long years in the making, with many hands from across the land involved, the Tribal Law and Order Act waited upon a



JACQUELINE "JAX" AGTUCA

desk next to the podium for the President's signature.

All eyes focused upon the door from which the President would enter. They watched as Congressional and tribal leaders that championed the bill's passage over many years entered and walked to the stage. The last to enter and step onto the stage was a Sicangu Lakota woman wearing a traditional dark blue Lakota dress. She stopped and placed her hands upon the podium and looked out onto those gathered. She was silent and the room was motionless.

The woman and the blue dress each had traveled different paths to reach the East Wing of the White House on this 29th day of July in the year 2010. For both it had been a very long journey to this podium to introduce the 44th President of the United States Barack Obama.

"Good afternoon I am Ta Wacinya Waste Win (Her Good Plume Woman)."

And then time appeared to freeze as the woman's eyes looked out upon those gathered. Yes, it was a monumental moment for her nation

and all Indian nations. Tears filled her eyes as the significance of the event rested upon her shoulders.

"I am known as Lisa Marie Iyotte."

Tears were rolling down her cheeks. She could not speak and she stood still. The silence came again as those gathered in the room felt compassion. Few of these honored guests, each a leader in their own right, knew of the journey of the woman or the dress she wore on this special occasion. The blue dress was made for Tillie Black Bear the grandmother of the movement for safety of Native women. It was made for the special occasion of Tillie receiving the 1989 Point of Light Award from President George Bush, Senior.

"I am from the Sicangu Lakota Tiospaye, the Rosebud Sioux Tribe. My mother is Roseann Packard from St. Francis South Dakota where I grew up. My father is Neeha-woo (Buffalo Run). He is known as Ruben Cochran. He is from the Fort Belknap Gros Ventre Tribe, the White Clay People. I am enrolled member of the White Clay People, my father's tribe, but I grew up and live as a Sicangu Lakota. If the Tribal Law and Order Act had existed 16 years ago my story would be very different."

The blue dress was also worn on December 6, 2000 on the occasion of Tillie Black Bear receiving the Eleanor Roosevelt Award for Human Rights from President Clinton.

"On May 15, 1994, I was living with my two daughters on the Rosebud reservation. That night I was violently beaten and raped. My little girls saw the assault and hid in the bedroom."

On October 2001, the blue dress then traveled across the Pacific Ocean to be worn on the occasion

of an historic meeting of the American Indian women's coalitions and the National Collective of Independent Women's Refuges in Aotearoa (New Zealand). The exchange with the Maori Women's Caucus would be the foundation and enlighten the strategy for the creation of the Safety for Indian Women Title contained in the 2005 Violence Against Women Act. It was worn not by Tillie Black Bear but another sister of the movement Verna Mato Estima (Sleeping Bear). Speaking before the Maori women Verna told them of Tillie Black Bear and the movement for the safety of American Indian women across the big water.

"I received treatment at the Indian Health Service Hospital. But no doctor talked to me about the rape. I had to wait all night for someone to collect DNA."

On February 25, 1993, the dress next traveled to the United States Congress for a briefing organized by

advocates for the safety of Native women to educate Congress on the need for a special title for Native women. While a typical reception on Capital Hill, it was remarkably different in that Tillie Black Bear led a Wiping of the Tears Ceremony for all those who had loss mothers, sisters, daughters ... for Native women whose human journey was ended as the result of domestic or sexual violence.

"Tribal police suspected a local man but no federal investigators interviewed me. Federal authorities declined to get involved because the attacker had not used a weapon."

In October 2007, the dress then journeyed to the hearing room of the Senate Committee on Indian Affairs for a hearing on violence committed against American Indian women. The dress was worn by a Lakota woman Karen Artichoker called upon by the Committee to testify about the violence committed against Native women. This dress

Tillie Black Bear receiving the Eleanor Roosevelt Award for Human Rights in 2000.



bore witness to the telling of the story of the erosion and loss of respect for the honored status of tribal women within their nations. The stories of horrific crimes not committed during the period of Indian Wars, but crimes committed in that year just weeks before the hearing.

“A few months later the same man assaulted another woman. It wasn’t until he raped a teenage girl that he was finally arrested and convicted. He was never prosecuted for raping me.”

On July 29, 2010, the dress found itself at the podium in the East Wing of the White House to introduce the President of the United States. The dress, was the same royal blue with beads and an eagle feather for

Verna Mato Estima (Sleeping Bear) in Aotearoa, 2003.



purity. The dress became like a blanket for all Native women, representing ending violence against Native women; a symbol of truth, healing, and the voices for change. Those sisters, that over the years lived the journey of the dress, knew it well. For many decades so many believed this day would never come believing the one-year sentencing limitation placed on Indian nations would never change.

“The Tribal Law and Order Act will prevent cases like mine from slipping through the cracks. There will be standardized sexual assault policies and protocols at Indian Health Service facilities. Improved evidence collection will boost convictions rates. And expanded training of tribal enforcement officers will ensure that victims of domestic violence and sexual assault will be met by tribal authorities who understand their cases.”

As the room watched many with tears still falling for the woman that stood at the podium. She was so brave and so very strong they began to applaud.

“I am now an advocate for victims of sexual violence. I know the Act will help keep tribal communities safe. We thank the President for his remarkable leadership. It is now my honor to introduce President Obama.”

As the President embraced the brave-hearted woman all those present recognized history was occurring as every second passed. As Lisa stepped back President Obama turned and motioned her to stay at the podium by his side.

With a bright smile Lisa spoke for thousands of tribal women had thanked the President for not only the words he spoke, but also the actions he had mandated since taking office. Just as the blue dress had traveled a journey, the woman also knew from her life experience



Karen Artichoker before the Senate Committee on Indian Affairs for a hearing in 2007.

that violence against Native women must be addressed to safeguard the every day lives of tribal women. Since the time of her assault she walked her own path to restore balance in her life.

Seated at the desk the President signed the Act into law. *“It is done,”* said President Obama laying the pen upon the table. *“It is done.”*

With these words a new era began. The TLOA does not eliminate all the barriers that confront tribal women facing violence or the threat of violence. It does however rise up the significance and importance of enhancing the safety of Native women. It also recognizes the role of Indian nations in the exercise of justice. And most significantly it highlights that the federal departments charged with the protection of Native women fulfill their obligations.

Over thirty years ago, Native women in the lower forty-eight and Alaska organized to create shelter programs and safe houses. They opened the doors of their homes; women helped women in need. These efforts while in isolation three decades ago have grown together to create a grass roots movement of tribal women that understand violence. A movement that clearly identifies the acceptance of violence against tribal women today being rooted in the violence used against all Indian nations in the past.

In the words of Tillie Black Bear, *"Native women have survived, Indian nations have survived because of our beliefs and teachings."*

On the day Lisa received a call from a very far away place she said, "I knew the dress I hoped to wear." And as she spoke from the podium

her sisters in Alaska Native Villages, in the Pueblos of New Mexico, Rancherias of California, reservations on the Great Plains and so many other communities watch her proudly. Crying with her they applauded for her and their President. For many they knew the blue dress and understood why Lisa wore it on this historic occasion.

Continuity is a remarkable strength of our movement for the safety of Native women. The journey of the Blue Dress is one beautiful story of the many our movement can honor. It is this story and the many others that reflect the strength of our movement being firmly rooted by tribal women within their respective nations and from their varied tribal beliefs. It is a gift from the creator that for more than 35 years women have dedicated their lives to building a grass roots movement that maintains a belief that violence is

not our tradition and that women are sacred.

VAWA 2011 holds the potential to further clear the path for the restoration of safety of Native women. Whether that clearing will remove the foundational blocks of the violence committed against tribal women remains the question that will be answered in the coming months. Whatever changes made to VAWA the lifeblood of such change are the grassroots movement; the tribal women, tribal advocates and activists, and dedicated tribal leaders that comprise it. It is they who breath life into the VAWA 2011 legislation as they have since its passage in 1994. As we move forward towards reauthorization it is to those thousands in homes across turtle island that we give thanks.



LESSONS OF THE NCAI TASK FORCE ON VIOLENCE AGAINST WOMEN

The lessons of the NCAI Task Force are numerous and have increased significance to Indian Nations in the world in which we co-exist as sovereigns and indigenous peoples. Since 2003 many lessons exist but the following stand out as principles to guide future organizing efforts to increase the safety of Native women.

American Indian and Alaska Native: Recognition of the unique relationship of and distinction between American Indian tribes and Alaska Native Villages. This emphasis is of critical importance to the defense of sovereignty in the lower forty-eight United States as well as that of 227 federally recognized Indian tribes in Alaska.

Addressing Public Law 53-280: In 1953, during the termination era, Congress enacted what is known as PL 280. This Act transferred Federal criminal justice authority to particular state governments. The Department of Interior, as a policy interpretation, denied access to Indian tribes located within those states to Federal funds to develop their respective tribal justice systems. Often when a woman is raped within an Indian tribe located within a PL 280 state no criminal justice agency may be available to assist her. As a result the perpetrator is free to continue committing horrific violence against the same or different woman. Efforts of the Task Force have included addressing safety for women living within both a federal-tribal and state-tribal concurrent jurisdiction.

“The NCAI Task Force represents the maturation of a grassroots movement across American Indian and Alaska Native communities to increase the safety of Native women.”

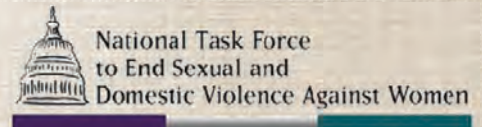
Juana Majel, 1st Vice-President, NCAI.



Balancing Western and Indigenous Justice Approaches: The strategic goal of the NCAI Task Force is to increase safety and restore the sacred status of American Indian and Alaska Native women. A dual approach to achieving this goal exists. One approach is to reform the western justice systems response to crimes of violence against Indian women. The other approach is to strengthen the tribal beliefs and practices that operate as protectors of women within tribal nations.

Broad Communication: Since the creation of the NCAI Task Force it has regularly published Sovereignty & Safety magazine to inform and share with tribal leadership, advocates, and tribal communities emerging issues impacting the safety of Native women. The magazine serves as an information bridge for the thousands of tribal leaders and community members to understand and participate in the movement to increase the safety of Indian women.

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*You can also access current descriptions of each
program in the FY 11 Appropriations Briefing Book
by going online at [http://www.nnedv.org/docs/Policy/
fy11briefingbook.pdf](http://www.nnedv.org/docs/Policy/fy11briefingbook.pdf)*

QUICK FACTS

Native women experience violent victimization at a higher rate than any other population of women in the United States.

34.1%, more than **1 in 3**, Indian women will be raped in their lifetime.

64%, more than **6 in 10**, Indian women will be physically assaulted.

Indian women are stalked at **more than twice** the rate of other women.

SOVEREIGNTY & SAFETY MAGAZINE, 2003-2011

Eight years ago during the reauthorization process of the Violence Against Women Act, three 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, the National Congress of American Indians, and the National Task Force to End Sexual and Domestic Violence. It was recognized that to fully participate in the national movement to create the changes needed to increase safety for Native women broad communication was essential. The Sovereignty & Safety magazine emerged to fulfill this task.

The *Sovereignty & Safety* magazine is a publication dedicated to informing tribal leadership and communities of emerging issues impacting the safety of American Indian and Alaska Native women. The name of the magazine, *Sovereignty & Safety*, reflects the grassroots strategy of the Task Force that by strengthening the sovereignty of Indian Nations to hold perpetrators accountable the safety of Native women will be restored. The magazine is a joint project of the NCAI Task Force, Sacred Circle and Clan Star, Inc. It is produced and made available during national NCAI conventions.

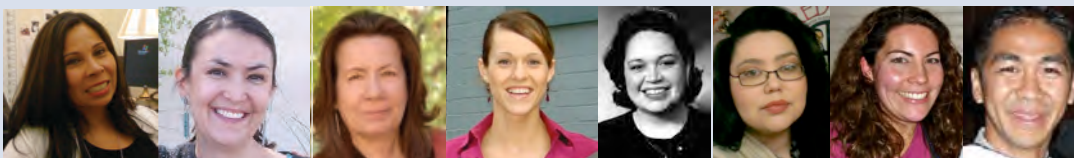
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Warrior Women

THE HERSTORY

*Grandmother, mother
Wailing your pain
Small pox delivered
And striking again*

*Genocide, massacres,
Killing and greed
Pain through the ages
Your death they decreed*

*Lassoed your children
Took them away
Heart wrenched with pain
as you prayed everyday*

*Forced to retreat
On small plots of land
Living in terror
A child on each hand*

*Grandmother, mother
Weeping your pain
Boarding schools, foster homes
They're striking again*

*Pain through the ages
You seek some relief
Heart ever aching you struggle with grief*

*Forced to question
Your own worth and pride
Hatred deep seeded
You know how they lied*

*Grief from the loss
Of your children so small
Of culture, traditions
They tried to take all*

*Grandmother, mother
Acceptance is slow
You've choked back your pain
So your children could grow*

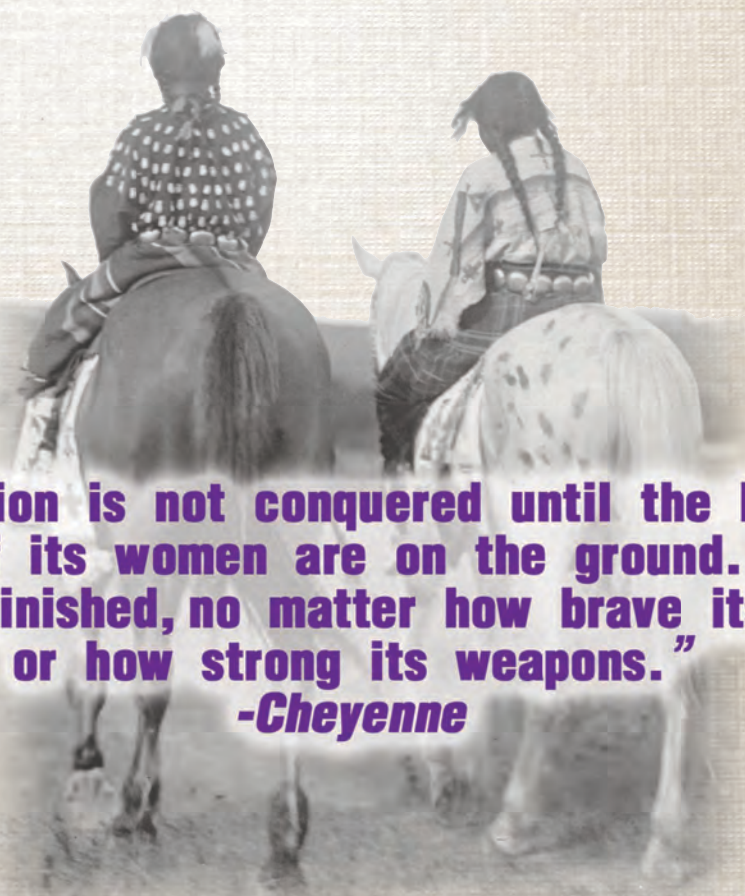
*Warrior women
You've carried the weight
Survived all the torture
Transcended the hate*

*You survived many battles
Tho trembling with fear
Your heart is the drum
It is this that we hear*

*Your strength through the ages
Steadfast and true
Grandmother, mother
Our thanks is to you*

*Dedicated to every Native woman
who has died from a broken heart, and
to every woman who is still trying to attain
peace and happiness for her children.*

*~by Sandy Davidson,
Annishinabe, White Earth*



**“A Nation is not conquered until the hearts
of its women are on the ground.
Then it is finished, no matter how brave its warriors
or how strong its weapons.”
-Cheyenne**



Rooted in the Plains, the mission of Sacred Circle, National Resource Center to End Domestic Violence Against Native Women, a project of Cangleska, Inc. is to change individual and institutional beliefs that justify the oppression of Native women. The work to transform tribal families and communities into a circle of balance and harmony requires individual growth and systemic responsibility.

We are dedicated to Actions that promote the sovereignty and safety of women.

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A project of
CANGLESKA, INC
Serving the Oglala Lakota People

Violence Against Women is Not Our Tradition