



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

June 2020 | Volume 17 | Issue 2



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Letter from the National Indigenous Women's Resource Center

Dear Friends,

We are pleased to present the June 2020 edition of *Restoration of Native Sovereignty and Safety for Native Women*. In a rapidly changing time given the coronavirus (COVID-19) pandemic and increasing racial tensions, this is a crucial time for Native survivors, grassroots advocates and our relatives in the Black community. As Indigenous people, we are no strangers to oppression, injustice and systemic racism, which makes this a critical time for us to rise up in support of uprooting the unjust power structures that exist—in essence, unite in the fight to decolonize the systems and laws that perpetuate colonial ideals and allow perpetrators of violence to roam free.

While Congress has not acted on any pending legislation due to COVID-19, NIWRC is working on behalf of Tribes and programs to ensure the needs of Native victims are included in relief packages aimed at addressing the pandemic. We also remain steadfast in securing the reauthorization of the Violence Against Women Act—S. 2843 and H.R. 1585—as well as the reauthorization of the Family Violence Prevention & Services Act through companion bills S. 2259 and H.R. 5041. These bills include funding for domestic violence services and important Tribal amendments to protect Native women. In this issue, you will find updates on this legislation (pages 47-53) and a special section dedicated to the Tribal Consultation on Violence Against Native Women (page 54).

To safeguard the health of our relatives and help slow the transmission of the virus, NIWRC decided this spring to postpone all upcoming in-person events and on-site visits, including the bi-annual Women Are Sacred Conference. While we were saddened not to share this time with Tribal leaders and advocates, we were in awe of our communities who united virtually in support of the National Day of Awareness for Missing and Murdered Native Women and Girls on May 5th. Check out the highlights from this day on page 30.

Despite the pandemic, oral arguments were recently heard in *McGirt v. Oklahoma*, a case in which Oklahoma has asked the U.S. Supreme Court to judicially disestablish the Muscogee (Creek) Nation reservation, which could jeopardize the safety of Native women. A decision also came through in *Standing Rock Sioux Tribe v. United States Army Corps of Engineers*, where a federal court judge has remanded the case to the U.S. Army Corps of Engineers to prepare a full environmental impact statement (EIS) to address health and safety concerns surrounding the Dakota Access Pipeline. You can read more about the amicus briefs filed by NIWRC in these cases on page 44.

As the NIWRC, we remain committed to providing national leadership in the work to end violence against Native women by lifting up the collective voices of Tribal Nations and Native women. With your support, we can restore our communities to a place of beauty, balance and safety together. Please consider making a donation to help advance our work at niwrc.org/donate.



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Lucy Simpson, Esq.
Diné
Executive Director



Mvto,
Cherrah
Cherrah Giles
Muscogee (Creek)
Board Chair



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

Restoration of Native Sovereignty and
Safety for Native Women Magazine, 2003-
2020

During the reauthorization process of the Violence Against Women Act in 2005, several national organizations came together to take a stand for the safety of Native women: Sacred Circle National Resource Center to End Violence Against Native Women, Clan Star, Inc., the National Congress of American Indians, and the National Task Force to End Sexual and Domestic Violence. It was recognized that to fully participate in the national movement to create the changes needed to increase safety for Native women, broad communication was essential. *Restoration of Native Sovereignty and Safety for Native Women* emerged to fulfill this task.

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

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Photo courtesy of Jordan Marie Daniel / Rising Hearts.

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Editor's Note



The groundswell of mass protest calling for justice following the murder of George Floyd was estimated to be the largest since the civil rights protests of 1968. While the calls for justice focused on the prosecution of the individuals responsible for Mr. Floyd's death, social justice activists also called for more than individual accountability of the police officers. The movement is calling for fundamental change to the racialized system of justice legitimizing state violence against African Americans. NIWRC released our statement refusing to accept the death of George Floyd at the hands of police as 'normal.'

Indigenous peoples, specifically women, have, for centuries, suffered genocide legitimized under U.S. federal law and policies. The theft of Tribal lands and resources, massacres of women and children, criminalization of Indigenous spirituality, forced removal of children to government boarding schools, were 'normalized' as necessary government actions against Indigenous peoples and their Nations. NIWRC stands firmly grounded against violence and oppression in all forms—police brutality included. We stand in solidarity with our Black relatives in calling for justice for our brother George Floyd.

Like police murders of African Americans, violence against Native women also rests on a social tolerance for such killings, and a legal system developed over time to legitimize such government actions. In 2009, the 'Apology to Native Peoples' by Congress recognized the years of official depredations, ill-conceived policies, and the breaking of covenants by the Federal Government regarding Indian tribes; and apologized for the many instances of violence, maltreatment, and neglect inflicted on Native Peoples. In 2009, Congress also acknowledged and

apologized to African-Americans for the fundamental injustice, cruelty, brutality, and inhumanity of slavery and Jim Crow laws. The justice system and infrastructures by which it operates systemically allows such violence to continue over time.

The ongoing crisis of missing and murdered Indigenous women (MMIW) is one example of such social tolerance. Normalization of the spectrum of violence committed against Native women as a population is the cultural foundation of this ongoing violence.

"Bad people commit these horrible crimes against Native women, but it is the system that allows it to happen generation after generation."—Malinda Limberhand, Mother of Hanna Harris, murdered on the Northern Cheyenne Reservation in 2013.

The disparities in access to safety and justice extend to all aspects of life—social, economic, and political. COVID-19 was one more demonstration of the reality that not all people, not all communities are equal. NIWRC, like other advocacy organizations, understood the dangers of this new reality on victims of domestic violence and sexual violence. As a social justice movement, we faced a new challenge—how to safeguard victims of abuse who are locked down in the same living space as their abusers 24/7. Shelter-in-place orders confining victims to shared space with abusers increase the potential for physical and emotional abuse. Such orders also limit their access to a network of support victims rely on, including advocates, but also friends and family members who provide support.

“It’s like a double whammy. All the inequities we know of, layered with a virus that thrives on such living conditions of no running water, lack of available housing, and healthcare.”—Elizabeth Carr, Senior Native Affairs Advisor for NIWRC.

Across Tribal communities, service providers and Tribal governments worked creatively to meet these challenges. NIWRC, joined with our sister organizations to take action on a national policy level to support Indian tribes in accessing federal resources for Tribal services. Fortunately, the hard work of the last twenty years has raised the country’s awareness to understand advocates as essential workers.

Confronted by the ongoing crisis of missing and murdered Indigenous women and murders such as George Floyd, it is clear that change must reach farther than individual accountability to include fundamental changes to the underlying system. The legal reforms must go hand-in-hand with cultural re-education of the truth of American history.

In 2020, NIWRC will continue to advocate for legal reform through efforts to reauthorize the Violence Against Women

Act to include foundational changes such as restoring criminal authority over non-Indian committing violence against Native women. The success of these reform efforts is tied to increased awareness of violence against Native women. On May 5, 2020—the 4th National Day of Awareness for Missing and Murdered Indigenous Women—24.5 million people were reached through our campaign via our unique hashtag, #MMIWGActionNow. The 2020 National Day of Awareness is one example of national actions to increase awareness we must organize.

As we look ahead to what many predict as a long summer, we have the opportunity to create the changes needed for social justice to be achieved. While holding individuals accountable, we can and must reach beyond the surface of individual acts of violence to understand and change the system of governance that allows such violence to continue systemically.

Jacqueline “Jax” Agtuca

Editor, *Restoration of Native Sovereignty and Safety for Native Women Magazine*

Speaking Our Truth

Podcast for Change



Safety and justice require action. As a movement, we can use our collective voices to engage and influence change. Speaking Our Truth is a podcast aimed at building joint action.

An original podcast from NIWRC, our first podcast series will highlight articles within our June edition of *Restoration*.

Listen now at
niwrc.org/podcast
or scan the QR code



FOUNDING MEMBER LEAVES NIWRC BOARD TO FOCUS ON ISSUES FACING ALASKA NATIVE WOMEN

By Paula Julian, Senior Policy Specialist, NIWRC



Lenora Hootch (Yu'pik), now former board member of the National Indigenous Women's Resource Center. | Photo courtesy of Lenora Hootch.

Quyana, Nugange Lenora Hootch...

Looking back to the founding of the National Indigenous Women's Resource Center in 2011, words cannot fully express our deep appreciation for the contributions of our sister Lenora "Lynn" Hootch to the development and growth of NIWRC.

"From the birth of NIWRC, Lynn was a calm and inspirational source of leadership for the board and the entire NIWRC family," said Lucy Simpson, Executive Director of NIWRC. "Centered by her Yup'ik cultural beliefs, Lynn provided clarity on the strategic development of NIWRC as a Tribally centered national resource center. We thank her for her years of service to the organization and to our movement."

Lynn is a Yu'pik Eskimo and an enrolled member of the Alaska Native Village of Emmonak, located in the Yukon Delta Region of southwestern Alaska. Lynn was born, raised, and has lived in Emmonak all her life. She is an active member of her community. Lynn has held numerous elected positions in Emmonak, including Emmonak Tribal Council, Emmonak City Council, Vice Mayor for the Village of Emmonak, member of the Parish Council, and Advisory School Board member. She has also served as an officer and a board member for many women's organizations in Alaska, including the Alaska Native Women's Resource Center, the Alaska Native Women's Coalition, and the Alaska Network on Domestic Violence and Sexual Assault.

"I was so excited when Tillie Black Bear called me and asked me if I would join the board of the new resource center," Hootch said. "Having a national Indian resource center was always a dream. We have so many urgent issues here in Alaska that, for now, I feel the need to refocus my energy here at home. I will always feel part of the NIWRC family and continue to support my sisters in whatever way I can."

A Founding Mother of the Emmonak Women's Shelter

In 1979, Lynn joined with other women in her village to found the Emmonak Women's Shelter.

"Our goal was to increase the safety of women and children," Hootch said. "The Shelter was funded by donations from the community and the usage of a village building. Today it has grown into a non-profit, serving victims of domestic violence, sexual assault, and other forms of abuse in Emmonak and neighboring sister villages. It has continuously provided emergency shelter and assistance for women and their children for more than thirty years."

"I did not want to leave home, but my mother said she had no choice. The BIA agent would come and take me. I was seven years old and did not speak English. I had never met outsiders we called kusaks (white people). At the school we were slapped, had our ears pulled, or our hair pulled if we spoke Yup'ik. We could not cry with our voices, so we cried with our tears, and I told myself I would never speak. I would not talk. I would keep quiet. I was silenced. I have spent most of my life working to help Native women and children."

—Nugange (Lenora Hootch)

In The News



Founding Member and Director for the Yupik Women's Coalition

Lynn currently serves as the Director for the Yupik Women's Coalition (YWC), a regional Tribal coalition serving 13 rural villages representing eighteen Tribal governments in the Yukon-Delta region. The YWC works to raise public awareness of domestic violence, sexual assault, stalking, and dating violence, and enhance the response to violence against Native women at the local, state, and national levels. It also provides technical assistance to other Tribes in Alaska to enhance access to essential services for Native women victimized by domestic violence and sexual assault.

Lynn is married and the mother of five beautiful children, three boys, and two girls, and 13 grandchildren who bring life, joy, happiness, and love to all.



"Looking back to 1979 when we first founded our shelter in Emmonak, I have learned we cannot be silenced. We must use our voices for those who live in fear."
—Nugange (Lenora Hootch)

A RETROSPECTIVE ON STRONGHEARTS NATIVE HELPLINE

By Ericca "CC" Hovie
(Sault Ste. Marie
Chippewa), StrongHearts
Communications Manager



Hear more about StrongHearts' new chat service on Speaking Our Truth, Episode 2.

The story of StrongHearts Native Helpline began in 2012 when the National Indigenous Women's Resource Center and the National Domestic Violence Hotline began discussing the need for a domestic violence hotline to support Tribal communities across the United States.

With input from Tribal leaders, a Native women's council, domestic violence experts, and the Family Violence Prevention and Services Program, the two organizations began laying the groundwork to develop a Native-centered hotline staffed by advocates with a strong understanding of Native cultures, as well as issues of Tribal sovereignty and law.

Their vision became a reality in March 2017 when the NIWRC established StrongHearts Native Helpline in Austin, Texas. The city of Austin is home to the National Domestic Violence Hotline, which provided infrastructure and technology to support its early development. StrongHearts is made possible with support from the Administration on Children, Youth and Families, Family and Youth Services Bureau, U.S. Department of Health and Human Services, and Verizon.

StrongHearts, which is available nationwide, is a culturally-appropriate, anonymous, confidential service dedicated to serving Native American survivors of domestic violence and concerned family members and friends. By dialing 1-844-7NATIVE (1-844-762-8483) daily from 7 a.m. to 10

p.m. CST, callers can connect at no cost one-on-one with knowledgeable Native advocates who can provide lifesaving tools and immediate support to enable survivors to find safety and live lives free of abuse.

As a program of NIWRC, StrongHearts Native Helpline receives ongoing advocacy training, financial oversight, as well as technical support and mentorship in the areas of technology, communications, and policy development from NIWRC.

“When victims can’t access services, more specifically, services that understand their unique worldview and culture, it leaves little room for healing and restoration,” said StrongHearts Director Lori Jump (Sault Ste. Marie Tribe of Chippewa Indians). “Our people are strong and resilient, but it is crucial that we create spaces where survivors of violence feel safe and empowered to make the best decisions for themselves and their families along their healing journey, wherever it leads. We are here for our relatives. No one should have to face violence alone.”

1,000 Call Milestone

In October 2018, in time for Domestic Violence Awareness Month, StrongHearts Native Helpline announced that they received their one-thousandth call. It was a key milestone in the work to support those facing intimate partner violence, though StrongHearts recognized these calls were only beginning to scratch the surface of violence in Tribal communities.

“Every call speaks to the bravery of our people in breaking the silence of violence in our homes, families, and communities,” said Elizabeth Carr (Sault Ste. Marie Tribe of Chippewa Indians), NIWRC-StrongHearts Senior Native Affairs Advisor.

“Because more than four in five Native Americans experience violence in their lifetime, there is a clear need for a national, confidential, and tailored resource like StrongHearts to support Native victims,” added Carr. “However, we cannot do this work without the help of our relatives. Every call to StrongHearts speaks to the need for more resources for Tribally-run services for victims in Indian Country and Alaska Native communities.”

In 2016, the National Institute of Justice released a study indicating more than 1 in 3 American Indian and Alaska Native women and men had experienced violence within the past year. Of those who had experienced violence, a third of Native women and 1 in 6 Native men were unable to access the supportive services they needed.

StrongHearts advocates take calls from victims, survivors, family members, friends, service providers, youth, and elders—anyone who is impacted by violence and needs help. Domestic violence affects everyone in the community and each generation.

“We encourage anyone who needs to talk to reach out to us,” Carr said. Every story matters.”

StrongHearts Selects Minneapolis-St. Paul Metro Region as New Home

In November 2018, StrongHearts Native Helpline moved from Austin, Texas, to its permanent home in Eagan, Minnesota, a city in the Minneapolis–Saint Paul metro area.

“We are proud to call Minnesota StrongHearts’ home because of its rich Native history, Native population, and its status as a hub for Native-led organizations,” Jump said.

Organizations in Minnesota are also known for being very proactive and progressive in the work that is being done around domestic violence, which goes hand-in-hand with basing StrongHearts’ operations in a supportive environment with a built-in network that fits StrongHearts’ mission and goals.

StrongHearts Expanded Hours of Operation

On its second-year anniversary in March 2019, StrongHearts Native Helpline announced the expansion of its hours of operation, which increased from 9 a.m. to 5 p.m. CST, Monday through Friday, to 7 a.m. to 10 p.m. CST, seven days a week. The expansion allowed StrongHearts to serve more of those impacted by domestic violence and dating violence in Tribal communities across the U.S.



“After hearing from so many tribes and advocates about their community needs, we were pleased to expand our operating hours to better serve Native survivors and their families,” Carr said. “Domestic violence impacts our relatives every hour of every day, so it’s critical for us to be available as much as possible.”

Over 2,500 Calls Received

In March 2019, StrongHearts reached a second milestone of receiving more than 2,500 calls since its opening, from victims, survivors, concerned family members and friends, service providers, and more, helping to close a gap in culturally-appropriate resources for those facing abuse.

Expansion of Services in 2020, More Than \$2.7 Million in Federal Grants

In October 2019, within three years of launching its collaborative program, the National Indigenous Women’s Resource Center (NIWRC) announced that it received two new grants from the Office of Victims of Crime under the United States Department of Justice. The combined total of \$2,768,168 earmarked for StrongHearts Native Helpline will enhance services over the next three years.

This new funding will extend StrongHearts operating hours to 24 hours a day, develop advocacy training and services to assist survivors of sexual violence, and implement digital chat services to increase accessibility and address caller safety.

“We know in remote areas, some victims may not have phone service or may fear their abusive partner overhearing them in an attempt to call, so providing a digital chat service option is crucial for increasing access for everyone in our communities,” Jump said.

The awards were provided by the Office of Victims of Crime Advancing the Use of Technology to Assist Victims of Crime solicitation and the Field-Generated Program to Improve Services for Victims of Crime.

“Since the very beginning, StrongHearts staff listened to the critical needs of Native communities across the country and identified the need for 24-7 operations,” said Lucy Simpson, Executive Director of NIWRC, which will continue to oversee the StrongHearts program. “Now, with these two awards, we will realize the collective vision of having a dedicated Native helpline to serve survivors of violence in a culturally-rooted way at all hours of the day and night.”

StrongHearts Marks Three Years of Service and More Than 7,000 Calls Received

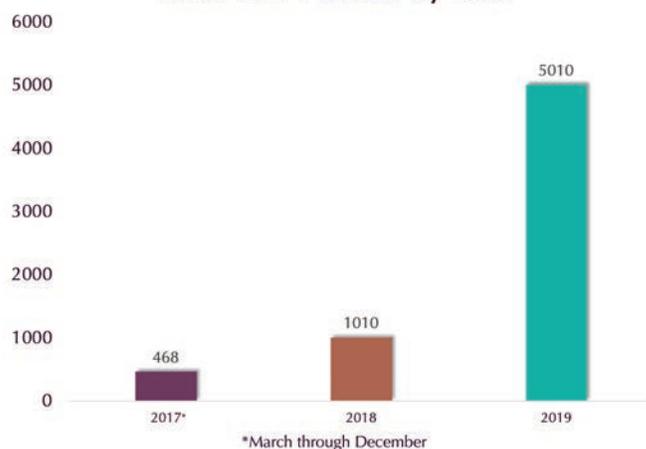
In March 2020, StrongHearts Native Helpline marked its third year of operation by providing a safe, anonymous, and confidential helpline for American Indians and Alaska Natives

affected by domestic violence. Over 7,715 callers have reached out to StrongHearts in its three years of operation.

According to StrongHearts’ data, the severity of victims’ experiences is telling. More than 7 out of 10 callers experiencing abuse reported experiencing more than one type of abuse (75.4 percent), including physical abuse, emotional abuse, sexual abuse, financial abuse, digital abuse, cultural abuse, and other complex situations. Over a third of victim-survivor callers reported a child being involved in their situation (41 percent). The top service referral requested by victim-survivors were shelters and legal advocacy.



Total Call Volume by Year



On the Horizon

“We’ve come a long way since the start, but we still have a long way to go,” Jump said. “We were tasked with developing a helpline that would meet the unique needs of Native populations and recognized cultural sensitivity was a key component to building trust within Native communities.”

American Indians and Alaska Natives face many barriers to safety and justice, including geographical isolation and distrust of law enforcement. A complicated judicial system with cross-jurisdictional issues is another barrier to seeking help and/or reporting when a crime has occurred.

“We are taking calls, sharing resources, and providing access to services that promote healing,” Jump concluded. “We continue to grow and look forward to meeting the needs of Native Americans and Alaska Natives in the years ahead.”

StrongHearts recently launched online chat advocacy. Sexual violence advocacy and 24-7 operating hours launch dates will be announced soon. Check the website at strongheartshelpline.org or follow StrongHearts Native Helpline on Facebook, Twitter, and Instagram for the most current information.



Kupuna NaniFay Paglinawan (left) of Pouhana O Na Wāhine and Tami Truett Jerue (right) of the Alaska Native Women's Resource Center discuss how Indigenous voices, languages, and teachings offer solutions for unlearning domestic violence. | Photo courtesy of NIWRC.



Hear more about Pouhana O Na Wāhine on Speaking Our Truth, Episode 1.

A CALL FOR APPROPRIATIONS FOR A NATIVE HAWAIIAN RESOURCE CENTER

By Rosemond Pettigrew, President, Dayna Schultz, Vice President, and members NaniFay Paglinawan, Wanette Lee, Mililani Martin of Pouhana O Na Wāhine, and Paula Julian, Senior Policy Specialist, NIWRC

The Pouhana O Na Wāhine (Pillars of Women) is calling on the House Committee on Appropriations to fund a Native Hawai'ian Resource Center on Domestic Violence. On February 11-12, 2020, the U.S. House of Representatives, Committee on Appropriations Subcommittee held a public hearing on American Indian and Alaska Native appropriations concerns. The Pouhana O Na Wāhine, in written testimony, requested an appropriation of \$500,000 for a resource center currently authorized under the Family Violence Prevention and Services Act (FVPSA).¹

Native Hawai'ians have governed as an Indigenous nation long before the formation of the United States. The 1993 Apology to Native Hawai'ians apologized on behalf of the United States for the overthrow of the Kingdom of Hawai'i in 1893. It recognized "...the long-range economic and social changes in Hawai'i over the nineteenth and early twentieth centuries have been devastating to the population and to the health and well-being of the Hawai'ian people."² These devastating changes are reflected in the many disparities Native Hawai'ians experience. As Native Hawai'ian women, we are particularly concerned about domestic violence and related injustices, including dating violence, sexual violence, stalking, abductions, homicides, and sex trafficking.

Need for a Native Hawaiian Resource Center

A dedicated Native Hawai'ian resource center on domestic violence could serve as the vehicle for Native Hawai'ians to come together to develop culturally relevant training and technical assistance to address domestic violence and gender-

¹ Family Violence Prevention and Services Act (FVPSA), Section 10410. National resource centers and training and technical assistance centers.

² Public Law 103-150, 103rd Congress Joint Resolution 19, Nov. 23, 1993.

based violence. Given the advances seen in Tribal, state, and federal laws addressing violence against Native women over the past 40 years, now is the time for the federal government to fulfill its trust responsibility to Native Hawai'ians and appropriate \$500,000 for such a dedicated Native Hawai'ian Resource Center on Domestic Violence.

Congress recognized and has funded such a center, the Alaska Native Women's Resource Center (AKNWRC), since 2017. The Pouhana O Na Wāhine, with NIWRC's coordination, has discussed and exchanged ideas with the AKNWRC about developing Indigenous responses based on Native Hawai'ian voices, language, and teachings.

A Native Hawai'ian Resource Center on Domestic Violence can help reconcile the devastating changes reflected in the rates of domestic violence and sexual violence resulting from the U.S. overthrow of the Hawai'ian government. Funding can support three necessary components needed to advance our efforts to support Native Hawai'ian efforts to address domestic violence:

- development of a curriculum addressing domestic and sexual violence rooted in Native Hawai'ian voices, language, and teachings;
- discussions among Native Hawai'ians across the islands about challenges and recommendations for addressing domestic violence to contribute towards the development of a united platform for change; and
- partnerships with allied organizations across the state, region, and nationally.

High Risk of Domestic Violence and Sex Trafficking

A Native Hawai'ian Resource Center on Domestic Violence

could help address what was documented in a 2018 report on the health of Native Hawai‘ian women by the Office on Hawai‘ian Affairs. It found “...Native Hawai‘ian women appear to experience intimate partner violence early in their lives, as 20.6% of Native Hawai‘ian women ages 18 to 29 years old report experiencing IPV, compared with 13.3% of non-Hawai‘ian

Formation of the Pouhana O Na Wāhine

The Pouhana O Na Wāhine is focused on organizing at the grassroots level to change this unacceptable reality of domestic and sexual violence against Native Hawaiian women. We understand intimately the violence and injustice we have experienced as Native Hawaiians. We are committed to working together to identify a Native Hawaiian plan of action and understand that relying solely on current non-Indigenous responses to domestic violence and sexual violence are short-term, temporary solutions which do not fully address the needs of Native Hawaiians. The path to safety for Native Hawaiian women is connected to recognizing, restoring, and strengthening the beliefs, lifeways, practices, and ceremonies of Native Hawaiian people upheld by the monarchy that did not value such violence, imbalance, and disrespect. We are striving to reawaken a sense of *lokahi* and being *pono*. That’s who we are as Native Hawaiian people.

women of the same age range. Here, we can start to understand the connection between IPV in high school girls grades 9-12, and rates among young adults aged 18-29. The most disparate rates of IPV are experienced 50% higher by wāhine aged 45-59 years old than non-Hawai‘ian women (12.60% vs. 21.00%).³” The 2020 Senate Resolution 36 that observed January as National Trafficking and Modern Slavery Prevention Month states: “... the Administration for Native Americans of the Department of Health and Human Services reports that American Indian, Alaska Native, and Pacific Islander women and girls have a heightened risk for sex trafficking.” The Hawai‘i State Commission on the Status of Women and Arizona State University released three reports between September 2018 to January 2020 on Sex Trafficking in Hawai‘i, and among the findings are that 64% of survivors identified as being part Native Hawai‘ian. In fact, the first trafficking case was documented in 1825⁴ that resulted in a *kapu* (chiefly oral pronouncements) on prostitution that forbade Native women from traveling to foreign whaling ships, which could be seen as Native Hawai‘ian chiefs protecting Native women from the demands of foreign ship captains for sex during their whaling voyages.

Native Hawaiian Resource Center Authorized Since 2010: Never Funded

The federal government has consistently recognized its special relationship with the Native Hawai‘ian community with more than 150 federal laws, including creating special programs and services for the Native Hawai‘ian community. Examples include the Hawaiian Homes Commission Act, the Native Hawai‘ian Health Care Improvement Act, and the Native Hawai‘ian Education Act. This relationship has continued over the decades, and it is time for Congress to support the development of Native Hawai‘ian responses to domestic violence through a dedicated resource center.

“(W)e cannot change history. We are not here to change history. But we can acknowledge responsibility.”

—Senator Inouye, statement during Senate discussions leading to the passage of the 1993 Native Hawaiian Apology Bill

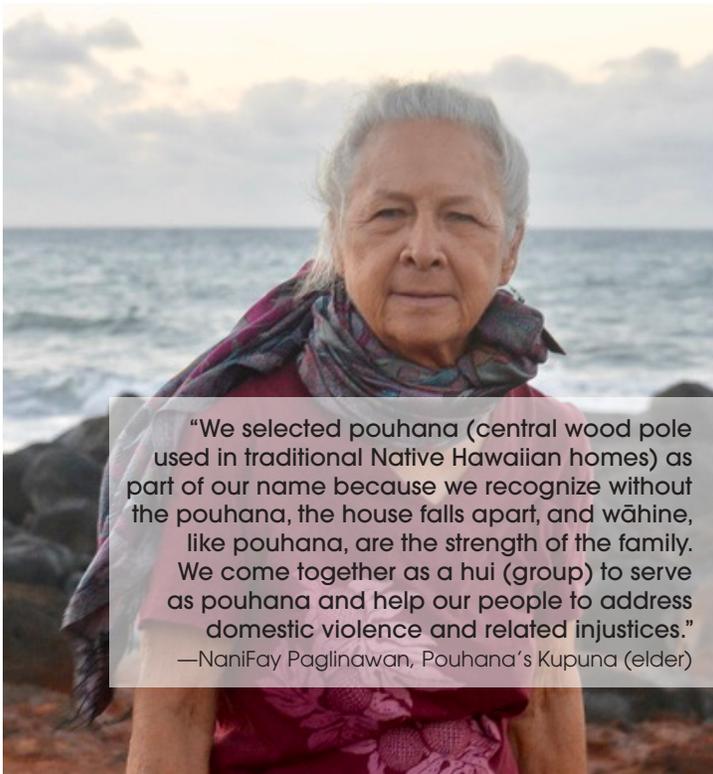
In the last reauthorization of FVPSA in 2010, thanks to late Senators Daniel Akaka and Daniel Inouye’s leadership, Congress

³ Office of Hawaiian Affairs. (2018). Haumea—Transforming the Health of Native Hawaiian Women and Empowering Wāhine Well-Being, <https://19of32x2yl33s8o4xza0gf14-wpengine.netdna-ssl.com/wp-content/uploads/OHA-Womens-Health-Executive-Summary-1.pdf>.

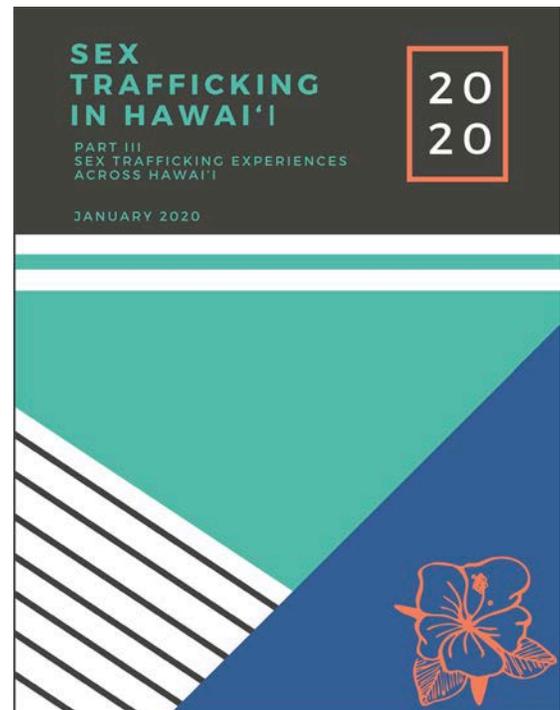
⁴ Noelani Arista, *Captive Women in Paradise 1796-1826: The Kapu on Prostitution in Hawaiian Historical Legal Context*, *American Indian Culture and Research Journal* 35:4, 2011.

amended the section on training and technical assistance centers to include a Native Hawai‘ian Resource Center on Domestic Violence. The amended section authorizes funding of “state resource centers to reduce disparities in domestic violence in states with high proportions of Indian (including Alaska Native) or “Native Hawai‘ian” populations.⁵ The grants for state resource centers are to support “statewide information, training, and technical assistance to Indian tribes, tribal organizations, and local domestic violence service organizations serving Indians (including Alaska Natives) or Native Hawai‘ians, in a culturally sensitive and relevant manner.”

Ten years have passed since the authorization of a Native Hawai‘ian Domestic Violence Resource Center. Remembering late Senators Inouye and Akaka’s words—now is the time for Congress to appropriate the urgently needed funding for a Native Hawai‘ian Resource Center. Such a resource center acknowledges the federal trust responsibility to assist Native Hawai‘ians in safeguarding the lives of women who experience violence at disparate rates, will help to ensure that Native Hawai‘ian women stop falling through the cracks, and provide them with the opportunity to organize within the Native Hawai‘ian community to address domestic violence and sexual violence.



⁵ FVPSA § 10410(a)(2).



NEW STUDY ON HAWAII AND SEX TRAFFICKING

The latest report of a new study on sex trafficking in Hawai‘i reveals 64% of survivors identified as being all or some part Native Hawaiian and more widespread than many believed. The report on sex trafficking and children is part three of a study by the Hawaii State Commission on the Status of Women and Arizona State University. The first report of the study focused on the market for online sex buyers in Hawai‘i.¹ The second report shared 22 stories of women and girl survivors of sex trafficking.²

“Trafficking of our keiki [children] is a horrible crime,” said Kupuna NaniFay Paglinawan, Member, Pouhana O Na Wāhine. “As children, they are the most vulnerable part of our community.”

The study provides a greater understanding that trafficking can occur within the state of Hawai‘i, one island or between islands or one neighborhood, or between neighborhoods. It happens whenever an adult takes advantage of a juvenile through force, fraud, or coercion to compel that child to engage in sex for profit.

To conduct the study, Child and Family Service administered a survey to 363 participants in their programs. Based on those surveys, Arizona State University researchers found that nearly 27% reported being victims of sex trafficking. Of those

¹ <https://humanservices.hawaii.gov/wp-content/uploads/2018/09/Demand-Study-Part-1-Sex-Trafficking-Research-in-Hawaii-FINAL-DESIGNED-091318.pdf>

² <https://humanservices.hawaii.gov/wp-content/uploads/2019/01/Executive-Summary-Part-II-Sex-Trafficking-in-Hawaii-.pdf>

identified as survivors, about a quarter of them said they were children when it happened for the first time, and the first person who preyed on them was a family member — either a parent, guardian, sibling, grandfather, or uncle.

The study determined that of the participants who said they were sex trafficked as a child; the average age is just under 12 years old. More than 75% of all sex trafficking victims reported being homeless, and 64% of survivors identified as being part Native Hawaiian.

“The data confirms what our community providers have instinctively known — this is a very real problem,” said Karen Tan, President and Chief Executive Officer of Child and Family Service. “We are engaging with all the necessary agencies and organizations to collectively address this problem. This study identifies the volume of sex trafficking in our most vulnerable populations and demonstrates the need to respond to this issue immediately and provide much-needed support to survivors.”

“This is a very serious problem. We need to increase awareness of sex trafficking in our communities and develop a plan to prevent it,” said Rosemond Pettigrew, Board President, Pouhana O Na Wāhine. “By doing this we can increase community partnerships with state services providers and law enforcement. This hard issue would be one focus of the Native Hawaiian Resource Center we are organizing to develop.”

It is a common view that sex trafficking of Native Hawaiian women and girls is not new. One of the first cases dating back to 1825, when American whalers trafficked a young girl.³

“Children are very loving. They want affection and to do good. Traffickers use these qualities to lure and exploit them into selling their bodies in exchange for cash, food, clothes or just a place to stay,” said Dayna Schultz, Member, Pouhana O Na Wāhine. “Everyone should read these reports and understand the danger our children and communities are facing.”

Alert: If you are a victim of or suspect any sex trafficking activity, call 911 immediately. To report child trafficking, call the Child Welfare Services’ child trafficking hotline. On Oahu, that number is (808) 832-1999, or 1-888-398-1188 for the neighbor islands. You can also contact your county police department — anonymously or in person — or call the National Human Trafficking Hotline at (888) 373-7888.



³ Noelani Arista, Captive Women in Paradise 1796-1826: The Kapu on Prostitution in Hawaiian Historical Legal Context, American Indian Culture and Research Journal: 2011, Vol. 35, No. 4, pp. 39-55, <https://uclajournals.org/doi/abs/10.17953/aicr.35.4.4268810535747523>.

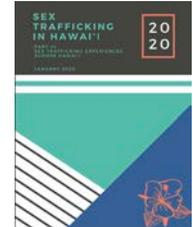
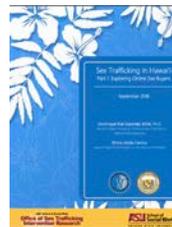
Resources on Sex Trafficking in Hawaii

NEWS New study paints alarming picture of sex trafficking in Hawaii



‘New study paints alarming picture of sex trafficking in Hawaii’, Hawaii News Now

A February 2020 news report by Hawaii News Now on the prevalence of child sex trafficking in the state of Hawaii. Watch and explore: bit.ly/2LFZk0Y



Reports, Sex Trafficking in Hawaii

A series of three studies on sex trafficking and children by the Hawaii State Commission on the Status of Women and Arizona State University. Read Part 1: bit.ly/3cJv697
Read Part 2: bit.ly/36dmPb2
Read Part 3: bit.ly/2ADSQgR



CONGRATULATIONS TO THE ALLIANCE OF TRIBAL COALITIONS, AWARDED OVW TRIBAL TECHNICAL ASSISTANCE PROVIDER FOR TRIBAL COALITIONS

By Jacqueline Agtuca, Editor, Restoration Magazine

Tribal coalitions exist throughout Indian Country, providing training, technical assistance, and support to Tribal governments and victim services providers. Currently there are 19 Tribal coalitions working to enhance the response to violence against women at the Tribal, federal, and state levels. In 2020, the Alliance of Tribal Coalitions to End Violence (ATCEV) received an award through the Office on Violence Against Women (OVW) to provide training and technical assistance to its member Tribal coalition programs, and to advance Tribal sovereignty and safety of American Indian and Alaska Native women by providing support to Tribal communities in their efforts to center local, Tribal responses to violence against Native women.

“NIWRC is delighted ATCEV is the new technical assistance provider for the tribal coalitions,” said Lucy Simpson, Executive Director for NIWRC. “We look forward to partnering with ATCEV to continue to support the tribal coalitions in their local and regional efforts, and continue building our movement nationally and internationally.”

The Tribal coalitions funded under OVW formed ATCEV, which has since developed over the years to be uniquely positioned to provide technical assistance to the Tribal coalitions. As a membership organization of Tribal coalitions, the ATCEV has a direct window into the technical assistance needs of the coalitions. In return, each of these coalitions can inform the ATCEV of the ongoing and emerging issues within Tribal communities where they are located.

“We were so excited to hear that Dawn Stover was named the first Executive Director of ATCEV,” said Paula Julian, Senior Policy Specialist, NIWRC. “As the former director of the Native Alliance Against Violence (NAAV), Oklahoma’s Tribal coalition against domestic violence and sexual assault, Dawn understands the essential role tribal coalitions play including the challenges to advocate for strengthening Tribal sovereignty to increase women’s safety.”

Tribal coalitions strive to offer the best services possible to support Tribal programs and individuals that provide direct

HOW TRIBAL COALITIONS SERVE TRIBAL COMMUNITIES

- Provide training for advocates and community professionals to build and strengthen the skills needed to serve victims
- Assist with community awareness and educational outreach and events
- Provide guidance on programmatic and financial reporting requirements to keep Tribal programs grant compliant to ensure they receive critical funding
- Help facilitate relationships with Tribal and non-Tribal colleagues and agencies

- Facilitate discussions on difficult issues and help address barriers to services and justice
- Assist Tribes in developing and promoting Tribal, state and local legislation and policies to enhance best practices
- Provide self-care support for managing vicarious trauma to ensure that Tribal program personnel remain healthy to continue to provide valuable services
- Share research, best practices, forms and policies to help build program capacity

services to victims of domestic violence and sexual violence. They know the most difficult and valued work in domestic violence and sexual violence advocacy is done at the ground level. When Tribal programs succeed, victims are being served and Tribal communities are being supported in speaking out against and responding to violence against women.

Grants to Tribal Sexual Assault and Domestic Violence Coalitions Program

The 19 Tribal coalitions receive funding under the Office on Violence Against Women Tribal Coalitions grant program. This grant program builds the capacity of survivors, advocates, Indian women’s organizations, and victim service providers to form non-profit, non-governmental Tribal domestic violence and sexual assault coalitions to end violence against American Indian and Alaska Native women.

Grants under the program support the Tribal coalitions in

their efforts to increase awareness of domestic violence, sexual assault, and sex trafficking against American Indian and Alaska Native women and enhance the response to violence against women at the tribal, federal, and state levels. Tribal coalitions provide education, support, and technical assistance to member Indian service providers and Tribes to enhance their responses to victims of domestic violence, dating violence, sexual assault, and stalking.

“The National Indigenous Women’s Resource Center previously served as the technical assistance provider to the tribal coalitions, and it was an absolute honor to work with our sister coalitions in the struggle to increase safety for Native women,” said Rose Quilt, Director of Research and Policy for NIWRC. “Since 2013, in close partnership with Tribal coalitions, many steps were taken collectively to increase the safety for Native women and to hold perpetrators accountable. We look forward to our continuing this work together with ATCEV.”

Meet Dawn Stover, Executive Director of ATCEV



A citizen of the Cherokee Nation, Dawn Stover has used her passion, dedication, and perseverance to ignite positive changes in Indian Country. The largest demonstrations of this is her position as the Executive Director of the Alliance of Tribal Coalition to End Violence (ATCEV), a Native American founded and led non-profit organization and Office on Violence Against Women Tribal technical assistance provider, and as former Executive Director of the Native Alliance Against Violence (NAAV), Oklahoma’s Tribal coalition against domestic violence and sexual assault.

Through service on various Tribal, local, state, and regional working groups, Dawn has increased awareness of and enhanced the response to crimes of domestic and sexual violence, stalking, and sex trafficking committed against American

Indian women. Before her time with the ATCEV and NAAV, Dawn served over ten years as the Director of the Oklahoma Regional Community Policing Institute, influencing and strengthening partnerships between all of Oklahoma’s community members and law enforcement.

Dawn is the recipient of the Cherokee Nation ONE FIRE Advocate of the Year Award (2019), Women’s Resource Center Partnership Award (2018), the Cleveland County Woman of Influence Award (2018), the Bonnie Heavy Runner Victim Advocacy Award (2014), the Community Oriented Policing Services Award (2009), and a graduate of the Advocacy Learning Center (2014). Dawn serves on the Oklahoma Governor’s Task Force on Sexual Assault Forensic Evidence, and various other taskforce and groups dedicated to addressing domestic violence and sexual violence. She has extensive experience in curriculum development, grant development and management, and non-profit capacity building and administration.

Dawn currently resides in Norman, Oklahoma, with her husband and a gang of rowdy dogs that provide constant entertainment. Her family is a brilliant source of support, happiness, and love. They take pride in the fact that Dawn will continue to advocate for social change for as long as women endure injustices.



GOING VIRTUAL: ADAPTING ADVOCACY AMID COVID-19

Staff of the National Indigenous Women's Resource Center meet virtually. / Photo courtesy of NIWRC.

While COVID-19 has highlighted the disparities and weaknesses in the federal response to violence against Native women, advocates envision strengthened connections and a renewed call to action.

By Mallory Adamski (*Diné*), Director of Communications and Advancement, NIWRC

The ongoing coronavirus (COVID-19) pandemic undoubtedly has had a disproportionate impact on Indian Country. Overnight it seemed Tribes were left reeling from the first wave of cases, quickly overwhelming the Navajo Nation, then the Ho-Chunk Nation, Mississippi Band of Choctaw Indians, the Pueblo of San Felipe and the Pueblo of Zia. Several tribes declared states of emergency throughout March and April, pointing to the lack of personal protection equipment (PPE), health care providers to treat patients and critical resources to address the crisis.

As a way to mitigate the virus' spread, Tribal leaders had to determine which staff to keep as 'essential workers.' In some regions, these staffing cuts left a patchwork of Tribal advocates, victim service providers and shelters to respond to survivors, who now faced an escalated risk of violence due to self-isolation and stay-at-home orders; in other communities, Tribal programs transitioned advocacy staff to tele-work to comply with social distancing recommendations while navigating significant challenges.

"Our findings currently reveal that some Tribal advocates are deemed 'essential workers' and continue to provide advocacy either in-person or by telecommuting, but many programs have reduced hours or shifts as a result of pandemic," said Rose Quilt (Confederated Tribes and Bands of the Yakama Nation/Lummi Nation), Director of Research and Policy for

the National Indigenous Women's Resource Center. "Several Tribal programs met challenges such as the lack of internet accessibility for tele-work, childcare due to school closures, or other issues. Being equipped with personal protection equipment (PPE) and sanitation supplies also varies across programs and shelters, leaving many staff and survivors feeling worried about COVID-19. These concerns have left advocates with no alternative but to make their own masks for themselves and survivors."

Listening to the Voices of Tribal Advocates

In April, Quilt and the NIWRC policy team facilitated a series of Conversations with the Field, which focused on the impact of COVID-19 on Tribal programs and advocates. She noted that as a result of the confusion around the pandemic and local vs. national health policies, Tribes and Tribal programs are scrambling to provide services.

"It's a time of deep concern and uncertainty," Quilt said. "The stay-at-home orders and border closures on reservations, coupled with the limited number of available shelters to refer a survivor to, add a strain on the already severely underfunded programs and shelters in Tribal communities. These disparities magnify the failure of the federal government to fulfill its trust responsibility to Indian tribes by providing equitable resources

“Our findings currently reveal that some Tribal advocates are deemed ‘essential workers’ and continue to provide advocacy either in-person or by telecommuting, but many programs have reduced hours or shifts as a result of pandemic.”

—Rose Quilt, NIWRC Director of
Research and Policy

to Native communities to assist with domestic violence, shelter and temporary housing, and other needs of survivors and their children.”

She added that while Native women face disproportionate rates of domestic violence and sexual violence, the pandemic has further exacerbated this situation as many survivors are now forced to isolate at home with their abuser.

“Survivors are at increased risk for further isolation and being cut off from crucial sources of support and safety, putting them at risk of increased abuse,” Quilt said. “Many advocates are anticipating an increase in people reaching out for services or shelter once the stay-at-home orders are lifted.”

The StrongHearts Native Helpline, a project of NIWRC and a joint collaboration with the National Domestic Violence Hotline, noticed a similar trend: while still a relatively new project, StrongHearts reported a decrease in the number of incoming calls in March compared to the months before the pandemic took hold.

“What we did see, however, was an increase in traffic coming to the StrongHearts website,” said Anna Nicolosi, StrongHearts’ Operations Manager. “It’s hard to say anything definitively, but it leads us to think that people are wanting to still engage and reach out to StrongHearts but are unable to make a phone call, likely because victims are quarantining or isolating with their abusive partner and don’t have the opportunity to make a call.”

In response to the growing threat, StrongHearts program staff transitioned to tele-work on March 20, the week before the stay-at-home order was officially issued in Minnesota, where the helpline’s office is based. Using StrongHearts’ advocacy model and their core advocacy skills, advocates are able to meet the needs of survivors who may be facing unique dynamics due to the pandemic.

“For advocates in our field serving Native survivors, they

are already used to being so agile, problem-solving, flexible and work really hard in safety planning,” Nicolosi said. “For a victim in a rural area where there aren’t a lot of resources available, it looks pretty similar to what people isolating at home are now experiencing. People advocating with Native victims are already used to ‘making it work.’”

Generally speaking, Nicolosi said StrongHearts has noticed some temporary closures or suspensions of Tribal programs and shelters due to COVID-19. She added that some callers already assume nearby programs or shelters will be closed yet are still reaching out to StrongHearts for someone to talk to.

“The peer support we provide really is vital and continues to be one of our top caller needs,” Nicolosi said. “When we say peer support, we are talking about a connection to a Native advocate—someone who understands where the caller is coming from and where they’re at. Right now, people are really needing that connection. I think reaching out to StrongHearts to talk is vital.”

Reshaping Services and National Policies

In the first week of March, the NIWRC policy team cancelled an in-person team meeting after recognizing the steep rise in coronavirus cases in the Los Angeles area. The decision was ultimately followed by the postponement of the Foundation of Advocacy Workshop in April and on-site technical assistance visits to Tribal programs, as well as the bi-annual Women Are Sacred Conference, slated for June 2020 in Saint Paul, Minnesota. At the end of March, NIWRC temporarily closed its main office in Lame Deer, Montana, in response to the state’s stay-at-home order.

“The pandemic has brought uncertainty, fear and upheaval in our lives and work,” said Brenda Hill, Director of Technical Assistance and Training for NIWRC. She added that while it can be a challenge to provide appropriate, effective support and resources during this time, it also should be seen as an opportunity to learn, be creative and connect in new and deeper ways.

“We have to have hope and faith, and remember the strength and resilience of our ancestors,” Hill said. “The popular mantra now is ‘We are in this together’—we’ve always known that as Indigenous peoples.”

While it’s hard to predict what the next few months will look like, NIWRC is adapting to the new normal. In mid-March, NIWRC shifted its national advocacy strategy to focus on legislation to respond to the impact of COVID-19 on Native survivors.

“We knew that Tribes could see devastating impacts as a result of COVID-19, so the immediate overarching concern was to ensure that Indian Tribes and Tribal services were included within the various legislative packages,” said Elizabeth Carr, Senior Native Affairs Policy Advisor for NIWRC. “We understood the dire consequences if Tribes were left out and acted quickly to advocate for Tribal specific resources in any COVID-19 legislation.”

Staff continue to provide programmatic support and facilitate webinars and awareness campaigns virtually. Later this summer, the Training and Technical Assistance team will facilitate a virtual on-site for the Comanche Nation Family Violence Prevention Program and is preparing for the possibility that virtual on-site visits may be necessary through the next year.

“The peer support we provide really is vital and continues to be one of our top caller needs.”

—Anna Nicolosi,
StrongHearts Native
Helpline Operations
Manager

Because of conflicting public opinions on when to return to normal, restarting the economy and the potential dangers of the virus, there is a lot of uncertainty about what lies ahead—and what that means in terms of supporting survivors, fellow advocates and Tribal programs. Gwendolyn Packard, NIWRC’s Training and Technical Assistance Specialist, said she’s concerned about the long-term economic impacts of the pandemic, considering so many Tribal programs such as health and victim services rely on funding from gaming and casino enterprises, which in turn provide much-needed jobs and income for community members.

According to a report by the Harvard Project on American Indian Economic Development on the impact of the COVID-19

crisis on the 574 federally recognized Tribes, all 500+ Tribal casinos and many of their non-gaming businesses closed amid the pandemic. In the wake of these closures, Tribes face massive layoffs, their workers’ losing insurance coverage, dipping into hard-earned assets, and building up debt.

Packard said that advocacy has always been about saving lives and protecting people, and in a time like this, it can be frightening, particularly for people who are living with ongoing violence in the home and suffering in silence.

“I think this is going to change the way we do our advocacy work forever,” Packard said. “In some ways, it will be good, and in other ways, there are things we will really need to keep an eye on. Our work is all about connections and this more than anything, this pandemic has illustrated the need to connect on deeper level.”

Hill agreed, adding that while the crisis created by COVID-19 has highlighted and intensified existing disparities and weaknesses in systemic responses to violence against Native women, her hope is that everyone utilizes this time to strengthen connections and understandings, and renews their commitment to survivors.

“Our relatives need us to step up, now more than ever,” Hill said. “Now, the questions are how do we prioritize safety and accountability in the face of stay-at-home orders, diminishing safe space and shelter, lack of PPE and other resources? Are advocates seen as just as essential as healthcare workers and law enforcement? How do we ensure actions by programs, law enforcement, criminal justice systems, Tribal, federal and state governments in an effort to confront COVID-19 don’t further endanger and re-victimize those already fighting for their lives from violence?”

Victim Services Providers Are Essential Workers

Despite all the confusion and unanswered questions, some Tribes heard the message loud and clear, prioritizing victim programs as ‘essential workers.’ For instance, while the Tonkawa Tribe in Oklahoma ceased general operations at the end of March, the Tribe deemed its new victim service program as an essential emergency service.

However, within their service area, Dawn Rowe, a Tribal citizen and Tonkawa’s victim service coordinator, said they continue to see a decrease in the number of people reaching out for help and services.

“Some of our advocacy work can be done over the phone, but I’ve been anticipating the worst,” Rowe said. “Victims are already often limited on where they can go and what they can do, so now I would imagine the abusers are using that to further manipulate them and doing whatever they can to make them stay.”



“We have been talking about how we can adapt (face-to-face) situations. We are going to have to be more cautious so that we don’t jeopardize survivors’ safety.”
 —Dawn Rowe, Tonkawa Tribe Victim Service Coordinator

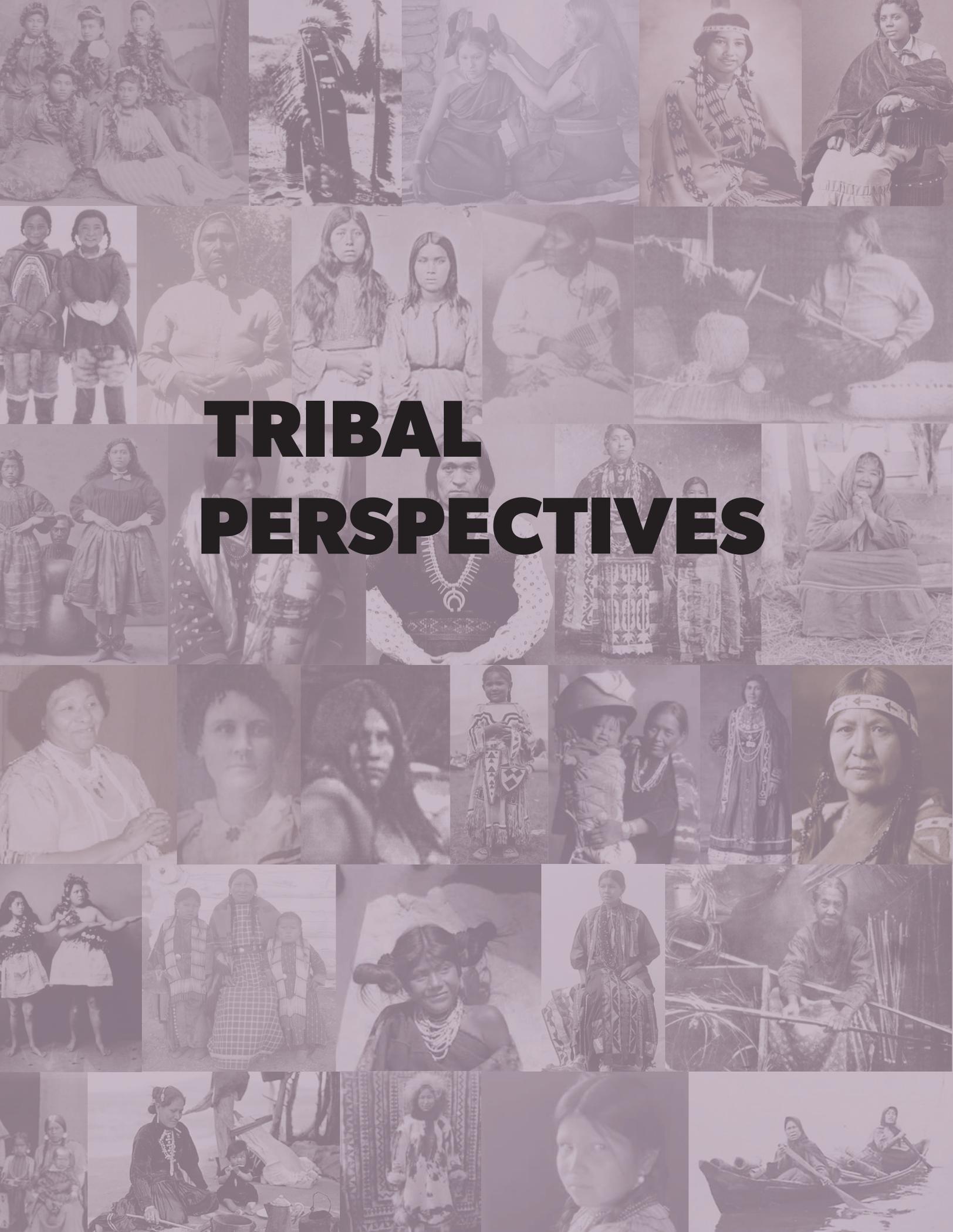
A range of child-size masks made by Dawn Rowe, Victim Service Coordinator for the Tonkawa Tribe’s victim services program, along with community volunteers. The group is sewing children’s face masks in partnership with Tonkawa’s Emergency Management department. / Photos courtesy of Dawn Rowe.

Rowe said her program is thinking ‘outside the box’ to connect with victims and looking to social media for outreach ideas shared by fellow advocates in the field. She said her program is asking home volunteers to help make face masks as giveaways as a way to help pass along information about their services. She said she could even offer curbside pick-up for the masks, giving her an opportunity to introduce herself from a safe distance.

“As a victim, I’d be thinking, ‘Nothing is threatening my safety, and the abuser thinks that’s all I did was go pick up these

masks,’” Rowe said. Her program is also thinking long-term as well, particularly in how their protocols may change with respect to face-to-face interactions like signing agreements.

“We have been talking about how we can adapt these situations,” Rowe said. “I definitely see our intake process changing. We are going to have to be more cautious so that we don’t jeopardize survivors’ safety.”



TRIBAL PERSPECTIVES

OCTOBER IS DOMESTIC VIOLENCE AWARENESS MONTH

Honoring the Legacy of Wa Wokiye Win (Tillie Black Bear)

By Jacqueline Agtuca, Editor, Restoration Magazine

Originally conceived by the National Coalition Against Domestic Violence (NCADV), Domestic Violence Awareness Month (DVAM) evolved from a “Day of Unity” first held in October 1981. The intent was to connect the advocates across the nation who were working to end violence against women and children. The Day of Unity soon became an entire week devoted to a range of activities conducted at the local, Tribal, state, and national levels. The activities and themes varied from location to location, but included the common themes of mourning lives lost, celebrating survivors, and connecting those working to end the violence—themes that continue to shape current DVAM activities. The first DVAM was observed in October 1987, and in 1989, Congress designated October as National Domestic Violence Awareness Month. Matilda “Tillie” Black Bear was a founding mother of the NCADV and led in the national and Tribal organizing efforts to establish DVAM.

Tillie Black Bear Women Are Sacred Day, October 1st - Wa Wokiye Win, Woman Who Helps Everyone

A large part of the legacy of U.S. colonization is the cultural genocide committed against Indigenous peoples. For the



Connie Black Bear sits next to her mother Tillie Black Bear's grave./ Photo courtesy of NIWRC.

movement to increase safety for Native women, it is reflected in the erasing of the status and leadership roles of Native women, their names, struggles, and victories. The public honoring of historic personalities shapes who we, as a society, uphold as cultural icons.

“As Indigenous peoples, and women, our story is not taught, recognized, or honored by mainstream America,” said Lucy Simpson, Executive Director for the National Indigenous Women’s Resource Center. This erasure from the public eye is part of the continuum of dehumanizing Native women. NIWRC as an anti-violence organization, we committed to unraveling the cultural foundations of violence against Native women. Telling our story is part of decolonizing.”

The federal laws and policies preventing full protection of Native women continue to legally justify the failed response of the government, but the social normalization of such violence is culturally based. The lack of public acknowledgment of the heroines that defended their nations, the grandmothers who stood against the criminalization of those ways of being a Native woman, must be challenged by inclusion and speaking our truth.

In 1978, Tillie Black Bear emerged as the first Native woman to advocate for battered Indian women at the national level, she continued in the movement for safety until her passage in 2014. Known to the movement as “Tillie,” she was well recognized as the Grandmother of the Battered Women’s Movement for her leadership spanning almost four decades. A citizen of the Rosebud Sioux Tribe, Tillie believed in the teachings of White Buffalo Calf Woman. One of the first teachings White Buffalo Calf Woman brought to the Lakota people was that, even in thought, women are to be respected. Tillie was given the Lakota name Wa Wokiye Win, which means “woman who helps everyone” in English, a name she fulfilled in life.

Tillie provided leadership at critical moments of our struggle for safety and sovereignty. Her handprints rest on historic national legislation and the founding of organizations to advance

safety for women and a national agenda for strengthening the sovereignty of Indian nations.

In understanding the deep roots of violence against Native women, NIWRC encourages our movement, all progressive people, and this country to honor Tribal women leaders and celebrate their lives. By creating national holidays reflective of our reality as Indigenous women, we begin to challenge the cultural tolerance for violence against Native women.

Tillie's Legacy of National Movement Organizing

As a young woman, Tillie testified at the first U.S. Commission on Civil Rights hearings on wife beating in 1978. That same year, Tillie went on to lead in building organizations that continue to serve as houses of the movement, such as the National Coalition Against Domestic Violence. At the same time, Tillie organized in her home communities on the Rosebud reservation, serving as a founding mother to the White Buffalo Calf Woman Society.

For the next three decades, Tillie's leadership continued to indigenize federal legislation, including the Violence Against Women Act (VAWA), the Family Violence Protection and Services Act (FVPSA), Tribal Law and Order Act (TLOA), and much more. In 1995, after the passage of VAWA, Tillie met with the Department of Justice to plant a stake for VAWA to include Indian tribes. In 2000, Tillie helped shape the new VAWA Tribal coalition program. Tillie's spirituality was constant, and in 2003, Tillie led a Wiping of the Tears ceremony at the Senate building to launch the struggle for the VAWA 2005 Safety for Indian Women Act. In 2011, as part of the National Congress of American Indians Task Force on Violence Against Women, Tillie met with United Nations Special Rapporteur Rashida Manjoo as a pathway to the VAWA 2013 victory, restoring jurisdiction over non-Indians to Indian tribes. This same year, Tillie again provided leadership to found the National Indigenous Women's Resource Center.

Tillie's understanding of social change, organizing, and movement building to make connections beyond the shelter doors to end violence against women are pillars of her legacy. Tillie understood the connection between safety and sovereignty for Native women, and she understood the strategic role of organization. Tillie received many awards during her lifetime, including the Eleanor Roosevelt Award for Human Rights from President Clinton in 2000.

"Tillie was well known for saying, 'At any moment and any place we must be prepared to stand for Native women'" Simpson said. "Her understanding of social change, organizing, movement building, and making relatives are her living legacy. On October 1st, we will stand to honor Tillie as a heroine of our movement who inspired millions of people from all walks of life to end domestic and sexual violence."

NIWRC will forever hold Tillie in our hearts and honor her

dedication to the safety of Native women and the sovereignty of Indian nations. For this gift, we say thank you. And to her daughter, Connie, and Tillie's entire family, we again thank you for sharing your beloved mother, sister, and Unci for almost four decades.

Introduction to 'My Name Is Tillie Black Bear'

The following article is the first of two parts that *Restoration* will print from an interview with Tillie Black Bear on her life journey and the national movement she helped organize over the span of almost four decades, 1977–2014. Through her words, we can further understand why Tillie described the safety for Native women's movement as a "movement of resistance," and why the safety of Native women is linked to strengthening the sovereignty of Indian nations.

My Name Is Tillie Black Bear

I was born on December 10, 1946, at home in the small town of St. Francis on the Rosebud Sioux Indian reservation. The day after my birth, I was baptized into Catholicism as Matilda Laura Black Bear, but I grew up as Tillie. I am the third oldest of eleven children.

There is a belief among our people that we live in this world not as humans on a spiritual journey, but as spirits on a human journey. Lakota believe that the moment you are born, your spiritual being becomes a human being. And when you come into the world, the first person that touches you imparts their essence into you. This explained why I was the way I was.

When I was a young adult, I would visit my mother, and the aunts and grandmas would all be sitting there. I'd walk in probably a half hour late for lunch or something. As I'd meander in, my mom would say (in Lakota), "the woman who didn't hurry" was the one who delivered me. The grandmas and aunts would look at me and go, "Hmm." So throughout my lifetime, I think I always had the mannerisms of this elder.

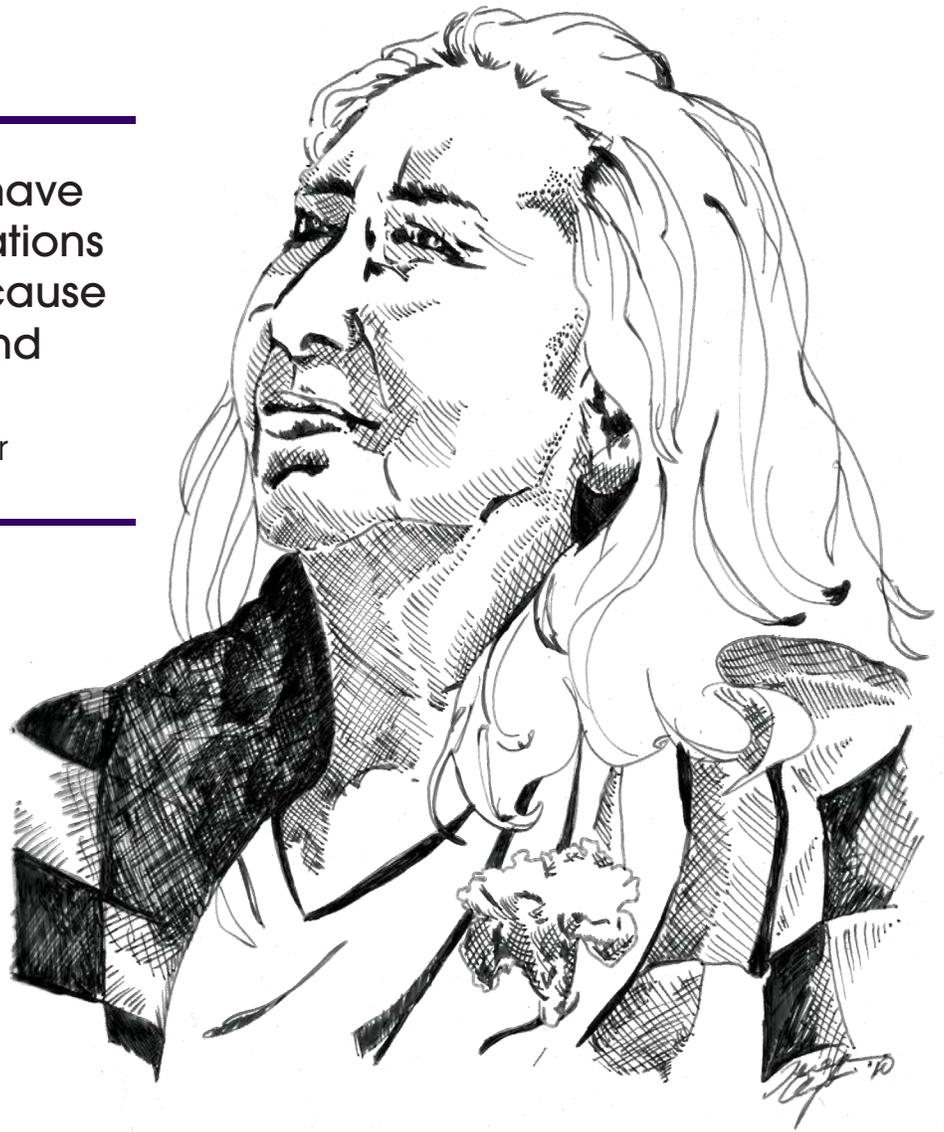
A Catholic Education

As a child, I probably spoke maybe less than 10 words in English. When I was five, I started at a little public school in our community with probably not more than 30 other students. I lasted two weeks. At the end of the second week, the teacher sent me home with a note to my mother saying that I wasn't school ready, that I needed to come back the next year. Of course I was disappointed because I thought I would be going to school, but then my uncles—my mother's brothers—thought that was cool. They said (in Lakota), "She's so smart. She finished her first year in two weeks." (Typical Lakota humor.) They saw something real positive in that, and it made me feel better.

The next year, my mother enrolled me in the first grade at the St. Francis Catholic boarding school three blocks south of where we lived. The mission school was run by the Franciscan sisters

“Native women have survived, Indian nations have survived, because of our beliefs and teachings.”

—Tillie Black Bear



out of Mary Christ in Denver, Colorado. The Jesuit I believe was Father Hause was from Milwaukee, Wisconsin. The first six weeks at school were very lonely. My long hair was cut short above my ears after I arrived; we all got haircuts. Every time someone from town came to the school, I would say, “Tell my mom I am here,” but my mother wouldn’t come up because she was afraid that I would walk home with her. She wanted to make sure I’d stay in school. So I ended up at the mission for 12 years.

I spoke very little Lakota during that time because you were shunned if you spoke Lakota. Those who communicated in the classroom were the ones who could speak English; the non-English speakers took a back seat. Sometimes our behavior was misinterpreted and we got punished for speaking our language. So I learned then that I had to pick up the English language very quickly.

We went to mass every day at 6:30 or 7:00 a.m. I really didn’t know anything about myself. I was just a tribal person growing up there. During the summer months, we got to go home, from the end of May to the end of August. At Christmas, we got to go home for two weeks.

In high school, I learned that my spirit was such that I was

always being disciplined. The whole school was on a merit/demerit system, run military style with whistle blowing that commanded our behavior. During my tenth-grade year, I stayed at school all year because I didn’t earn the privilege of being able to go home on Sundays, from 10 to 5. The school had many rules and I learned that the rules were not always necessary to define who I was, and so I would go around the rules, and figure out how I could still manage to be who I was.

I graduated in my twelfth-grade year. By that time, I was a really strong Catholic product. I went on to a Catholic college about 300 hundred miles away, which was also run by Catholic nuns. After three semesters, I dropped out and went home.

Coming Home to Lakota Beliefs

I came home and went to business school to pick up accounting. Afterwards, I worked for the tribe’s Equal Opportunity Employment program for about a year; until I decided that I would go back to college. I went to college off the reservation because we didn’t have a community college on the reservation at that time. I spent two full semesters and three summers getting my bachelor’s in secondary education. I moved home, and eventually went back to the university to work on my master’s

in counseling.

During that time, I lived in a very traditional way. My family all spoke Lakota and believed in our practices, as well as embraced Catholicism. When my aunt went through heart surgery, I remember I kept hearing and hearing this sun dance song. Finally I got up and prayed for my aunt's wellness, and said I would sun dance for her health. At the same time my uncle, who saw a medicine person, made the same pledge, the same vow. My aunt came through alright.



Photo of young Tillie Black Bear. / Photo courtesy of NIWRC.

The following summer, at age 26, I sun danced to fulfill my pledge. It was my first time and I danced with my uncle at Crow Dog's sun dance. They called it Crow Dog's paradise. My mother was a very strong tribal woman. She dressed me in a buckskin dress. My uncle, who was a medicine person, made the reed for my hair and my arms. He cut two eagle feathers for me to wear in my hair like the men did. They took me there early in the morning so I could go into the sweat lodge with the sun dancers. At the end of that day, because I was fulfilling a vow for my aunt, they fed the people and had a giveaway. That was my first, real introduction to our tribal ways.

I grew up in a time when the healing ceremonies had to be held in secret. When I was in the eighth grade, I can remember being home when they were having a ceremony at night. Sentries were posted a block or two away looking out for the Catholic priests or the police. I grew up in that era. My family was one of those that went underground with the traditional ways—traditional spiritual practices. I started to practice those old ways, and today I call myself a recovering Catholic. Just like a recovering alcoholic, I still find myself in church sometimes for weddings,

baptisms, or confirmations.

The Call: Joining the Battered Women's Movement

After I got my master's, I went home with my two daughters. I had gotten into a relationship with a man who was very abusive. I was already working at Cangleska University as Dean of Student Services; I had my own home, and I was always very independent. Yet I got involved with a man who was abusive.

It took me probably about two years to leave that relationship. I was fortunate that he was from another reservation. If it wasn't for the strength that came from my family and my children, I probably would have stayed in that relationship a lot longer. My cousins kept talking to me and my aunts kept talking to me, and I eventually left the relationship. After that, I was really involved in my family again and everything was centered around my family.

I decided to leave the reservation for a while and went to university for my doctoral studies. While working on my doctorate in counseling (counselor education), I got a call from my friend Faith Spotted Eagle who was president/chair of the White Buffalo Calf Woman Society. Dialogue had started about White Buffalo Calf around 1976, and the organization was formed in December 1977. Faith asked if I would go to Washington, D.C., to represent White Buffalo Calf Woman Society. The U.S. Civil Rights Commission was having a two-day symposium on what they called "wife battering," and she asked if I would talk about the short-term needs of victims. I agreed to go because I just came out of an abusive relationship. I had survived.

Watch 'Beyond Shelter Doors'
video narrated by Tillie Black
Bear on YouTube:

bit.ly/3gdilGg



Call To Action: Declare October 1st as Tillie Black Bear Women Are Sacred Day

Carmen O’Leary (left), Executive Director of the Native Women’s Society of the Great Plains and NIWRC Board Member, sits next to the late Tillie Black Bear (right). / Photo courtesy of NIWRC.

By Jacqueline Agtuca,
Editor, Restoration
Magazine



Hear Tillie’s voice
and story on
Speaking Our Truth,
Episode 6.

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

“In the early years, women opened their homes to other women in need and the children that came with their mothers. In the 1970s, we did this as women helping other women, sisters helping sisters. Since that time, our movement has grown to open the eyes of this country and the world to better understand violence against women. Our role has and will continue to be to connect the violence beyond individual acts to the oppression that gives rise to the violence. As Native women this violence is linked to the colonization by the United States of our nations, lands, and peoples. As women of the movement we play many roles. One is to understand and reform those laws, policies, lack of resources, and so much more that continues to separate us as Native women. Another is to restore the sovereignty and

protections that are original to our Indian tribes. Looking back over three decades, having spent most of my life as a woman in our resistance movement, I am so proud of our women who went beyond the shelter doors. I am so proud of our movement for safety and sovereignty. As tribal women, as indigenous women, we are helping to create a safer, more humane world.—Tillie Black Bear, Sicangu Lakota, Rosebud Sioux Tribe, 1946–2014

The Tillie Black Bear Women Are Sacred Day on October 1st will kick off October as Domestic Violence Awareness Month. Tillie Black Bear was a founding mother of the National Coalition Against Domestic Violence and led in the national and Tribal organizing efforts to establish DVAM. Tillie was the recipient of an award from the U.S. Department of Justice for her work with victims of crime in 1988, and in 1989 received a Points of Light Award from President Bush. At the 2000 Next Millennium Conference on Domestic Violence in Chicago, she was recognized as one of the ten founders of the domestic violence movement in the United States. In 2000, President Clinton awarded Tillie with an Eleanor Roosevelt Human Rights Award. In May of 2003, she received the first annual Lifetime Achievement Award from Lifetime Television. Women’s E-News in 2004 selected Tillie as one of the “21 Leaders for the 21st Century” award. In addition, in 2005 she received a Women of Courage Award from NOW.

Tillie stressed the importance of utilizing Tribal cultures and traditions to address violence in our communities. As relatives

respect is a foundation for our relationships and treating each other in a good way. “Even in thought, women are to be respected. We teach this to our children. We teach it to our grandchildren. We teach it to our kids so that the generations to come will know what is expected of them. Those generations to come will also know how to treat each other as relatives.”—Tillie Black Bear.

“Tillie leaves a strong legacy of Tribal grassroots organizing,” said Lucy Simpson, Executive Director for NIWRC. “Tillie is a founding mother of NIWRC, and we are honored to continue her legacy of movement building.”

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

Sign on to support October 1st as Tillie Black Bear Women Are Sacred Day:

bit.ly/TillieSignOn

and join NIWRC’s ‘National Day of Awareness: Tillie Black Bear’ Webinar on October 1, 2020:

bit.ly/2ToFifO

Upcoming NIWRC Webinars on Domestic Violence

Domestic Violence and Pets

Wednesday, 8/19/2020

There is a clear and established link between animal cruelty and human violence. This webinar will focus on implications for pets in the context of domestic violence. This is important since studies have shown that 48% of domestic violence victims delay leaving or remain in abusive situations because of their pets. Yet fewer than 10% of domestic violence shelters house pets and almost half of all victim/survivors do not want to be separated from their pets. During this webinar we will discuss advocacy, safety planning, resources, model policies for co-sheltering and review legal protections for animals.

Register: bit.ly/36hRiVJ

Domestic Violence and Disabilities

Wednesday, 9/16/2020

We know that American Indian/Alaska Native women experience some of the highest rates for domestic violence, sexual assault, stalking, sex trafficking, homicide at the hands of an intimate partner, and missing & murdered. Women with disabilities are of double risk for violence and abuse. This webinar will offer data on American Indian/Alaska Native disabilities in equal access, fair accommodations, and an opportunity to make powerful contributions to provide accessible, safe, and effective services to individuals with disabilities and Deaf individuals who are victims of sexual assault, domestic violence, dating violence and stalking.

Register: bit.ly/2AQfwe2

NIWRC Honors Tillie Black Bear During Domestic Violence Awareness Month

“As Indian Women we have survived. As tribal nations we have survived. We have survived because of our beliefs, teachings and traditions.”

-Tillie Black Bear (Sicangu Lakota), Wa Wokiye Win (Woman Who Helps Everyone)

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

October 1st
Tillie Black Bear Women Are Sacred Day

National Indigenous Women's Resource Center

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100th Anniversary of the National Day of Mourning



BLOOD AND LAND MEMORY: LAND ACKNOWLEDGMENT AND HONORING INDIGENOUS PEOPLES

By Rose M. “Lashaawat” Quilt, (Yakama),
Director of Policy and Research, NIWRC

“For more than five hundred years, Native communities across the Americas have demonstrated resilience and resistance in the face of violent efforts to separate them from their land, culture, and each other. They remain at the forefront of movements to protect Mother Earth and the life it sustains. Today, corporate greed and federal policy push agendas to extract wealth from the earth, degrading sacred land in blatant disregard of treaty rights. Acknowledgment is a critical public intervention, a necessary step toward honoring Native communities and enacting the much larger project of decolonization and reconciliation.”¹

To ceremoniously venerate a Tribe’s sacred ties to their ancestral homelands is not only about setting a respectful framework but is also about honoring the centrality of relationships and protocol within tribal nations. It’s a step forward in honoring the first peoples, including their history, treaties, and recognition as sovereign nations with the call to strengthen sovereignty. It further acknowledges a tribe’s unique worldview as expressed through familial and kinship systems, ceremonies, and core values that revere elders, women, men, and children.

As Indigenous people, we understand the symbiotic relationship between women and mother earth. In educating about these sacred, spiritual connections, we encourage our partners to adopt acknowledgment protocols including the importance of affirming respect for Native women. One might ask what land acknowledgment has to do with restoring respect for Indigenous women?

¹ <https://usdac.us/nativeland>

Sacred Women, Water, and Land

Each Indian Tribe has its own creation story often fused with lessons about Indigenous ways of knowing, being and living including spiritual practices, customary laws, protocols, ceremonies, and nurturing spiritual relationships among all creation. These creation stories weave land and lessons and the importance of kinship systems respecting all relations, especially women.

The starting point for many creation stories are matrilineal and acknowledge the fundamental sacredness of women within Tribal societies. In creation stories, it is often the woman who created life through birthing children, or through creating earth from their bodies, from which plants and animals emerged. Her life-blood represents sacred womanhood along with many gifts, namely her strength, wisdom, influence, authority, autonomy, power, and gift of being a life-bearer.

Beyond creation stories, Native women historically have been highly revered within tribal societies. The importance of honoring women, kinship, and familial ties including the relationship to land and waterways, viewed as life-giving forces were deserving of the highest respect. To be sure, Indigenous women, in particular, share a sacred connection with the spirit of the land (mother earth) but also of water (carrying babies in water). Through an Indigenous lens, our waterways, mother earth and women are all viewed as life-givers, are all interrelated, and therefore rest on the principle of sacredness.

The importance of honoring women, kinship, and familial ties including the relationship to land and waterways, viewed as life-giving forces were deserving of the highest respect.

Colonization and Dehumanization

As history would unfold with contact and colonization, a radical disruption took place within tribal societies with colonizers imposing patriarchy and paternalism designed to unravel matrilineal systems and diminish the sacredness of women. The steady decline of authority for Native women, including their



Rose M. "Lashaawat" Quilt (Yakama) is the Director of Policy and Research for the National Indigenous Women's Resource Center. / Photo courtesy of Rose Quilt.



Learn more about land acknowledgements on Speaking Our Truth, Episode 3.

political, social, and economic power, was destructive not only for them but also for tribal nations. Because tribes were forced to dismantle or modify their tribal systems of governance – this disruption caused a breakdown of customary law and tribal ways of life that safeguarded Native women from acts of violence.

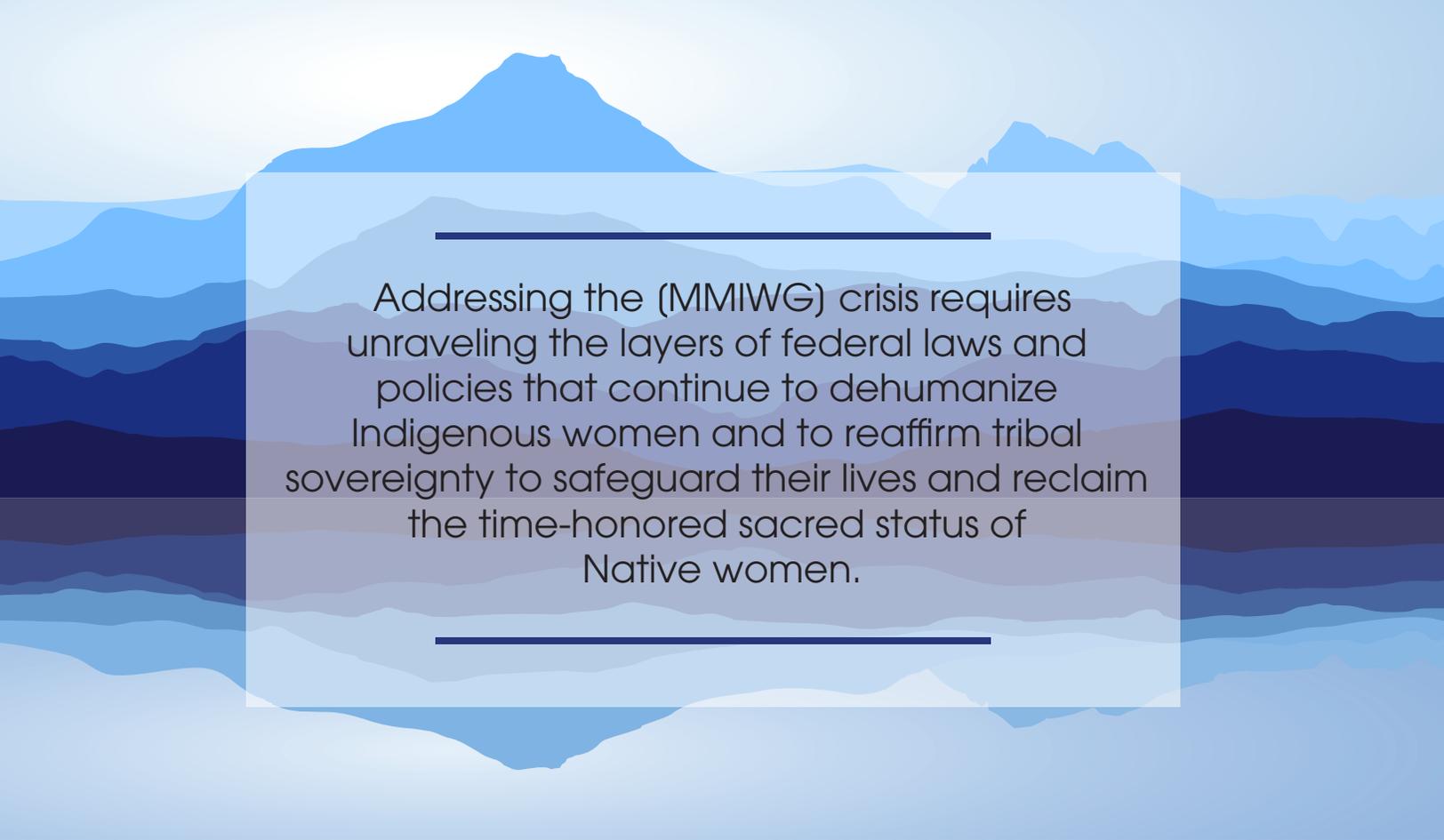
"It's about how genocide and colonization were based on the violent thought that land and bodies could be owned and consumed."² Government officials and settlers seized lands and Native women by war and violence. Native women, once revered, would be forcibly catapulted into a horrific path of dehumanization with ensuing acts of government sanctioned violence and genocide including rape and murder, still largely felt and seen today throughout the country.

A Movement of Resistance to Violence

As a way to lead efforts to create safety and ensure justice for Native women, a growing movement of resistance made up of long-time grassroots advocates began the journey of reclaiming the traditional status of women. The movement, in their wisdom strategized to reform the federal laws, policies, and systems that have failed Native women. Fortified with vision and clarity, the movement centered their indigenous worldview, upholding the sanctity of women, and organized for action to enhance the safety of Native women.

In her infinite wisdom, Tillie Black Bear imparted that "even in thought, women are sacred." She further reminded us that "as tribal women and allies that the commitment to bring safety and justice and restore the sacredness of women has only begun; the sovereignty of women has always been sacred." As the movement continues to grow and educate about how violence is linked to colonization of our nations, lands, and peoples; we are beginning to observe a shift with partners and agencies and their acknowledgment of tribes, treaty rights, the foundation of disparities, and historical account of violence against Native women.

² Caroline LaPorte, *MMIW and the Need for Preventive Reform*, Restoration, Vol. 16 (Jan 2019), <https://goo.gl/bDBkzT>



Addressing the (MMIWG) crisis requires unraveling the layers of federal laws and policies that continue to dehumanize Indigenous women and to reaffirm tribal sovereignty to safeguard their lives and reclaim the time-honored sacred status of Native women.

Recognizing, Affirming, and Honoring Indigenous Peoples

In the United States, land acknowledgment appears to be gaining traction in certain circles, however, many countries are far ahead of the U.S. in offering acknowledgment, truth, healing, and reconciliation. Australia, New Zealand, and Canada have enacted important protocols that respect their local Indigenous people and affirm the place of Tribal peoples among their societies. These countries share a common history with the U.S. in their colonial policies towards Indigenous peoples such as government land theft, mandated boarding schools, punishment for speaking a person's Indigenous language, and outlawing Indigenous spirituality.

The current crisis of missing and murdered Indigenous women is one part of the broad spectrum of violence socially accepted and justified since early contact and further bolstered by acts of Congress, Supreme Court cases, and Presidential orders. Addressing this crisis requires unraveling the layers of federal laws and policies that continue to dehumanize Indigenous women and to reaffirm tribal sovereignty to safeguard their lives and reclaim the time-honored sacred status of Native women.

Land acknowledgment at the beginning of every gathering could signal one step forward in the long process of recognizing this history. Should the custom become widely accepted within

the U.S., land acknowledgment offered in a conciliatory way may move the process forward and invoke respect for Indian tribes including the sacred status and respect for Native women.

By taking the first step toward land acknowledgment, there lies a responsibility and commitment towards building trust and laying the groundwork for long-term restoration efforts, including the support for self-determination and sovereignty of tribes as well as safety for Native women and other areas of injustice. This process with Indigenous peoples will require hard work and an ongoing commitment. Moreover, the practice of acknowledgment must be authentic otherwise the gesture may be viewed as disingenuous, with any future pronouncements seen as “symbolic acknowledgment” serving no reconciliatory purpose.

It is in the spirit of sacred connectedness and relationships that Native people endure and have survived. Weaving our creation stories with the sacredness of Native women and ancestral homelands is a way of honoring spaces and interconnectedness. Such connections impart the importance that all creation is related and dependent on everything in creation for their existence. We must continue to elevate our sacred ways and they must be acknowledged and honored. We must continue reclaiming the sanctity of Indigenous women who have breathed life into our very existence.

MMIWG

National Day of Awareness Building a Resistance Movement to Normalization of Violence Against Native Women

By Jacqueline Agtuca, Editor, Restoration

Government inaction is the fuel beneath the surface of the crisis of missing and murdered Indigenous women and girls (MMIWG). The jurisdictional barriers provide a revolving door for abusers and predators to swing into and exit Tribal communities with impunity. To shift the gears from ‘inaction’ to ‘action’ requires governmental accountability. Social tolerance further fuels violence against Native women, their disappearances, and murders. As many community members say of domestic violence, rape, and abuse: *‘I thought it was normal.’*

The coronavirus (COVID-19) pandemic has, in a large way, paused efforts on national issues of grave concern, including advocacy for MMIWG. In light of the social restrictions, we were asked as a movement: how do we continue to impact the government to improve their response to the crisis of missing and murdered Native women and girls? Silence is not an option, while in-person gatherings and events, where direct, close, physical contact is expected, still remains a risk.

Amid a chaotic government response, this year’s May 5th National Day of Awareness occurred during a time of social restrictions, shelter-in-place orders, and curfews, all while thousands were diagnosed with the virus and have ultimately succumbed to the disease.

“With the health and well-being of our community members in mind, particularly our elders and relatives at high risk of complications of the disease, NIWRC adjusted its organizing for the 2020 National Day of Awareness for Missing and Murdered Native Women and Girls to a virtual organizing campaign,” said

Lucy Simpson, Executive Director of the National Indigenous Women’s Resource Center. “The new normal requires us to use our collective creativity to do things differently, to create a plan, and politically impact the federal MMIWG response.”

2020 National Day of Awareness Actions

The COVID-19 pandemic has undoubtedly amplified existing inequalities confronting Indian tribes and Native women, layers of inequality caused grave concern for those struggling to find safety from abuse. For many, the health crisis highlighted the importance of rallying together as a movement to honor MMIWG and demand justice. While large in-person community actions could not happen, organizing focused on actions via the Internet.

NIWRC spearheaded May 5th actions strategically with its sister organizations to honor and focus national and international attention on the MMIWG crisis through the #MMIWGActionNow campaign. These online efforts, which included a National Day of Action webinar, media outreach, and social media activities, provided access for people compelled by the MMIWG crisis to participate and take political action to call for safety and justice for Native women.

“I want to thank all of you for joining the webinar to honor MMIWG,” said Malinda Limberhand, mother of Hanna Harris who was murdered in July 2013. “Each one of you, by joining, is taking action to say enough is enough. Together we are raising our voices calling for justice for our Native women and girls. We are saying to the world that the lives of Native women and girls are important, and the crisis of MMIW must be a priority.”

“While history cannot be undone, changes to current federal policies can increase the safety of Native women to save lives. Before the MMIWG crisis can be fully addressed, it must first be acknowledged.”
-Cherrah Giles, NIWRC Board Chair



On May 5th, NIWRC facilitated two Twitter events, including a Twitter Storm and Twitter Chat, to promote broad awareness of MMIWG and honor our lost relatives by advocating for justice. The response to the overall 2020 #MMIWGActionNow campaign significantly increased over the 2018 and 2019 campaigns, respectively.

“Nearly 1,000 people registered for the National Day of Awareness webinar to listen to the families who have been impacted by this crisis and hear from our sister organizations advocating for justice for Native women and girls,” said

Mallory Adamski, NIWRC Director of Communications and Advancement and Managing Editor of *Restoration*. “Collectively, the #MMIWGActionNow campaign reached more than 24 million people around the world, not mention thousands of people who learned of the campaign with the help of our Native media allies who continue to shed light on this issue alongside us. What we witnessed this year was our communities and allies really coming together to advocate for justice for MMIWG. This is a huge surge of momentum that we can really build on going forward.”

2020 MMIWG National Day of Awareness Resources Available Online



Missing and Murdered Native Women and Girls - 2020 National Day of Action' Webinar

In case you missed it, NIWRC's May 5th webinar recording is available here: bit.ly/2XhcsPq



Native America Calling Radio Show: 'Uniting (In Isolation) for MMIW Awareness'

Listen to NIWRC's Lucy Simpson discuss the importance of advocating for MMIWG awareness: bit.ly/36whqw3



Native Wellness Institute's Facebook Power Hour on MMIW Response

Watch NIWRC's Lucy Simpson and Rose Quilt speak on MMIW alongside our sisters and LGBTQ2S relatives: bit.ly/2znaq8w



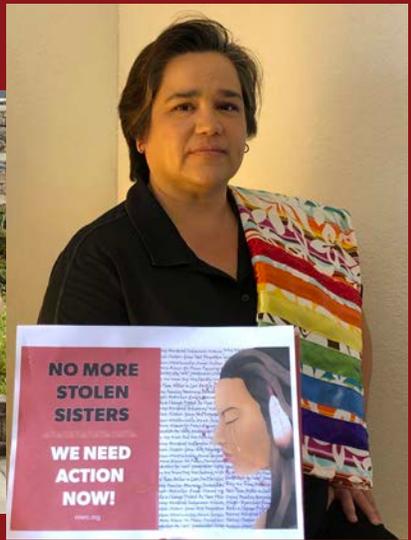
United State of Women #StateOfWomenTV Instagram Live Series

NIWRC's Elizabeth Carr speaks on Justice for Missing & Murdered Indigenous Women & Girls: bit.ly/3gfJjNt



Podcast, National Resource Center on Domestic Violence

In this episode, NRC DV interviews Tatewin Means of the Thunder Valley Community Development Corporation, and NIWRC's Rose Quilt provides commentary on MMIWG: bit.ly/3bVbTAo



#MMIWGActionNow

Highlights of the campaign

NO MORE STOLEN SISTERS

WE NEED ACTION NOW!

niwrc.org



National Indigenous Women's Resource Center
May 5 at 7:15 AM

- Today we honor the lives of missing & murdered Native women.
- The murder rate of Native women is 10 times the national average on some reservations.
- These disappearances and murders are often connected to domestic violence, sexual assault and sex trafficking.

#MMIWGActionNow #NoMoreStolenSisters #MMIWG



National Indigenous Women's Resource Center
May 5 at 1:53 PM

Watch now to hear from NIWRC's Executive Director Lucy Simpson speak about the crisis of #MMIWG and the importance of honoring our sisters on this National Day of Awareness, May 5th. Thank you to Indian Country Today for highlighting this important issue! 🙏❤️👏

#MMIWGActionNow #NoMoreStolenSisters



INDIANCOUNTRYTODAY.COM
MMIW National day of awareness
The crisis of missing and murdered Indigenous women is not new. It has...



Sharice Davids
@sharicedavids

Today National Day of Awareness for Missing and Murdered Native Women and Girls, a time to raise awareness about this silent crisis and recommit to finding solutions. I wear red to demand #MMIWGActionNow.



SWIWC @swiwc_4 · May 5
In case you missed it: conta.cc/3eNLV8

May 5th National Day of Awareness for Missing and Murdered Indigenous Women and Girls

#MMIWGActionNow

Highlights of the campaign



RUNNER—ACTIVIST ORGANIZES VIRTUAL MMIWG FUNDRAISER FOR NIWRC

Jordan Marie Brings Three White Horses Daniel fights for the visibility of Native people

By Mallory Adamski (*Diné*), Director of Communications and Advancement, NIWRC



Hear more about Jordan's activism on Speaking Our Truth, Episode 7.

Running is in her blood.

A runner for the past 23 years, Jordan Marie Brings Three White Horses Daniel, a member of the Lower Brule Sioux Tribe, is a fourth-generation runner. She said she's known since the eighth grade that she wanted to work for our people and give back to our communities and dreamed of living in Washington, D.C. in pursuit of the work.

In May, the National Indigenous Women's Resource Center received a substantial donation from Jordan, who held a virtual run fundraiser on Twitter and Instagram in support of the May 5th National Day of Awareness for Missing and Murdered Native Women and Girls.

A strong grassroots advocate, Daniel is continually living out her childhood dream, having served in various roles at the National Indian Health Board, the Administration for Native Americans, and interning with Congresswoman Chellie Pingree (D-Maine) in Washington, D.C. Fast track a few years into her work, she had her first taste of activism when she began attending rallies in protest of the Keystone XL pipeline in Washington, D.C.

"I really looked up to the Native people who would come to D.C. to organize," Daniel said. "But after seeing the dog attacks on the Standing Rock youth— relatives to me who were being hurt, that's when I said, 'enough is enough,' and I started organizing more and showing up at the White House and Army Corps of Engineer with my sign."

During this time, she began noticing several non-Native groups and organizations protest against the pipeline in support of Indigenous people, but she didn't always see Native speakers represented or land acknowledgments taking place at their protests and events.



(Top) Jordan Marie Brings Three White Horses Daniel runs in marathons throughout the year. (Bottom) During the COVID-19 pandemic, Jordan Marie Daniel ran on a treadmill as a virtual fundraiser for NIWRC on May 5th. / Photos courtesy of Jordan Marie Daniel.

“D.C. has such a beautiful Native community and who show up for each other, but it didn’t seem like protests were that inclusive of us and what we’re fighting for,” Daniel said. “After spending time pushing for that, my last year living there really changed as soon as I knew I wanted to be a better organizer and be a better relative for our people and our next generations.”

Her activism work evolved into the created a platform called Rising Hearts, a grassroots group devoted to uplifting the people and defending Indigenous rights by organizing with groups for awareness. Now living in Los Angeles and working at the University of California - Los Angeles as an Outreach & Project Manager, Daniels’ advocacy with Rising Hearts involves speaking out for the #MeToo movement to be more inclusive of missing and murdered Native women and girls. She said Native voices need to be heard across all sectors of society, from mainstream movements on up through the federal government.

“The responsibility of advocating for our communities lies so heavy on all of us, so what we’re trying to create is a space that includes allyship to help elevate awareness and help alleviate some of that weight so it doesn’t seem so heavy for us,” Daniel said. “That’s what I’m really trying to work hard towards — to bring allies and make sure that they’re getting the proper knowledge and education by directing them to Indigenous experts and resources. It can’t be just us doing this work. I think we’ll have the change we’re hoping for if we change the system and everyone is a part of that system.”

Read more about
Jordan in article by
Indian Country Today:

bit.ly/2ZrxEoC

Connect with Rising Hearts
on Facebook:

bit.ly/2WUBwwP



MMIW

Understanding the Missing and Murdered Indigenous Women Crisis Beyond Individual Acts of Violence

A Statement Prepared by NIWRC Policy Team Members Jacqueline Agtuca, Elizabeth Carr, Brenda Hill, Paula Julian, and Rose Quilt

From the beginning of European contact, Indian nations as sovereigns, engaged with foreign countries as governments. As sovereigns, Indian nations held full authority over the lands and peoples within their respective territories. The diminishment of this authority to a position of dependent nations within the United States occurred as a result of U.S. colonization.

The quality of life of the citizens of any nation is bound to the authority and resources of their respective governments to create stable and safe communities.

In the specific context of Native women, the original protections and concept of safety has deteriorated over five centuries of U.S. colonial Indian law and policies reflected in the current spectrum of violence and the crisis of missing and murdered Indigenous women (MMIW). In general, addressing the MMIW crisis requires reforms to the foundational set of laws and policies, creating the social conditions for the violence to reach the depth and breadth we see at present.

“Bad people commit these horrible crimes against Native women, but it is the system that allows it to happen generation after generation.”—Malinda Limberhand, mother of Hanna Harris who was murdered in 2013 on the Northern Cheyenne Reservation.

A person’s relationship to a problem often reflects their framework or worldview for understanding it. While violence against Native women is committed by individuals—abusers, rapists, traffickers—it is federal colonial policies and laws that created the social setting for such crimes. While living in the



Advocate Joann Horn, Yup'ik Eskimo, Village of Kotlik. / Photo courtesy of Joann Horn.

same country the worldview of the colonized versus that of the colonizer are fundamentally distinct.

Understanding the impact of U.S. colonization on Native women is essential to creating the necessary reforms to address the MMIW crisis because current federal law is based upon the laws and policies of earlier eras of U.S. colonization and continue to govern.

The essential reforms required to address violence against Native women are more complicated than increased training and resources under federal reforms such as VAWA. To address violence against Native women at a foundational level requires a deep dive to understand and repeal or amend previous colonial-era laws.

The underlying legal foundations of U.S. federal Indian policies while outdated continue to undermine tribal protections preventing Indian Nations from the full authority to protect Native women.

Legal Foundation of Violence Against Native Women and Genocide

Colonialism has many definitions but generally is defined as an act of one nation controlling another for economic gain. “In 1945, some 750 million people lived in territories that were dependent on colonial powers. Today, fewer than 2 million people live under colonial rule in the 17 remaining non-self-governing territories. The wave of decolonization, which changed the face of the planet, was born with the United Nations and represents the world body’s first great success.”¹ The exercise of foreign control of one government over another was generally by force and violence.

The horrors of colonization of Indigenous nations is not specific to the United States. What separates U.S. colonization from that of other colonizers is the failure to understand and reconcile colonial laws and practices toward Indian nations, specifically federal laws limiting Tribal protections of women.

The current control of the U.S. government over Indian Nations is tied to the earlier era of colonization by European monarchs, and later the European Nations that emerged. These monarchs, queens and kings, some with a religious decree, claimed Indigenous lands based on their individual rights as monarchs and some as god’s representative on earth. This claim, known as the Doctrine of Discovery, created a spiritual, political, and legal justification for seizure of lands inhabited by non-Christians. These claims to Indigenous lands lacked the consent of Indigenous Nations and used violence to gain control and convert the colonized to Christianity.

The formation of the United States occurred in the context

¹ Decolonization, U.N., <https://www.un.org/en/sections/issues-depth/decolonization/index.html>.

of international diplomacy and balancing trade and commerce with Indian Nations with the need for alliances against England during the revolutionary war. The view of Indian tribes as full sovereigns in the context of regulating trade was provided for in the U.S. Constitution in 1787.² Legislation passed during the first Congress asserted control over Indian affairs solely under the national government, not the states.³ The authority to govern—safeguard the lives of women from Indian and non-Indians—within their territories rested exclusively with Indian nations.

From International Diplomacy to Colonialism

The shift from international diplomacy to federal colonialism undermined the right of Indian Nations to self-government and the authority to protect Native women. Current federal Indian law is often referred to as a maze of injustice. It lacks logic and a moral standard because it was created based on the drive of the United States to lay stake to Tribal lands and resources.

In 1817, Congress passed the first statute creating federal jurisdiction over individual Indians in Tribal territory who committed serious crimes against non-Indians. Today, this statute is the basis of the General Crimes Act⁴. It was followed by the enactment of the Major Crimes Act in 1885, providing federal jurisdiction over seven major crimes committed by Indians against the person or property of Indians or others on an Indian reservation. The seven crimes were expanded over the years to the current sixteen crimes, most of which are recognized as common to the pattern of domestic violence⁵. Unfortunately, these two statutes from 1817 and 1885 continue as cornerstones of current federal Indian law.

In the context of addressing violence against Native women and specifically cases of MMIW, federal intrusion into the authority of Indian Nations has resulted in perpetrators of crimes facing little, if any, consequences for their actions, including

² “To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes...” Article I, section 8, clause 3. “Indians not taxed” is listed and removed from the enumeration of state citizens for purposes of Congressional apportionment suggesting Indians were not part of the nation. Article I, section 2, <https://www.archives.gov/founding-docs/constitution-transcript>.

³ Trade and Intercourse Act of 1790, ch. 33, 1 Stat. 137.

⁴ “Except as otherwise expressly provided by law, the general laws of the United States as to the punishment of offenses committed in any place within the sole and exclusive jurisdiction of the United States, except the District of Columbia, shall extend to the Indian country.” 18 U.S.C § 1152, <https://www.justice.gov/archives/jm/criminal-resource-manual-678-general-crimes-act-18-usc-1152>

⁵ Any Indian who commits against the person or property of another Indian or other person any of the following offenses, namely, murder, manslaughter, kidnapping, maiming, a felony under chapter 109A, incest, a felony assault under section 113, an assault against an individual who has not attained the age of 16 years, felony child abuse or neglect, arson, burglary, robbery, and a felony under section 661 of this title within the Indian country, shall be subject to the same law and penalties as all other persons committing any of the above offenses, within the exclusive jurisdiction of the United States.” 18 U.S.C. § 1153, <https://www.justice.gov/archives/jm/criminal-resource-manual-679-major-crimes-act-18-usc-1153>

The high rates of violence against Native women and lack of accountability for such violence are clearly tied to federal intrusion, vulnerabilities created by such intrusion, and the failure to exercise authority to prosecute perpetrators for the last 500 years.

government employees and those charged with responsibilities for federal programs such as boarding schools and healthcare services.

A third federal intrusion into the criminal authority of Indian Tribes was enacted as part of the Termination Era toward Indian Nations through the transfer of federal authority to state governments under Public Law 280⁶. While passed based on the argument that it would address lawlessness through the handling of criminal cases by the state government it further deprived Native women of access to justice services.

The interpretation of federal criminal statutes further complicated the authority of Indian Nations to hold abusers accountable. Until the implementation of the 2005 Violence Against Women Act the common misinterpretation of the Major Crimes Act was that it divested tribes of authority of over the enumerated crimes. The same federal colonial framework also led to the misinterpretation of Public Law 280 as creating sole criminal jurisdiction in the state governments over crimes committed within tribal jurisdiction. Under Attorney General Janet Reno the USDOJ clarified that Indian tribes retained concurrent jurisdiction over crimes, such as rape, under both statutes. For decades Indian Nations did not prosecute sexual assault and other cases because of this misinterpretation.

The USDOJ statistic of 1 of 3 Native women will be raped in her lifetime is just one example of the consequences of the colonial framework denying Indian Nations the authority to protect women. This consistent shift away from the view of international diplomacy found in the Constitution to one of colonial federalism continues to be devastating in the lack of real and perceived protections for Native women.

Federal Colonialism: Denial of Authority and Resources

As affirmed in the 2009 Apology to Native Peoples, the U.S. recognized that there have been years of official deprecations, ill-conceived policies, and the breaking of covenants by the Federal Government regarding Indian tribes; and apologized

⁶ <https://www.justice.gov/usao-mn/Public-Law%2083-280>.

for the many instances of violence, maltreatment, and neglect inflicted on Native Peoples⁷.

Congressional reports throughout history document the failure of federal policies and recommended changes needed to correct failed colonial approaches. The 1867 Doolittle Report tracing a large majority of Indian Wars to lawless white men⁸. The 1928 Problem of Indian Administration Report criticizing the Department of Interior's (DOI) implementation of the Dawes Act and overall conditions on reservations and in Indian boarding schools⁹. The 2003 report, A Quiet Crisis, Federal Funding and Unmet Needs in Indian Country, documented unconscionable federal funding levels for Indian tribes and resulting living conditions¹⁰. The 2013 Indian Law and Order Commission Report, A Roadmap For Making Native America Safer, similarly criticized federal restrictions and recommended restoring tribal sovereignty¹¹. Most recently, the release in 2018 of the U.S. Commission on Civil Rights Broken Promises Report continues to affirm the need for the United States to fulfill its trust responsibility with appropriate allocation of resources¹².

These and other congressional reports document that the federal government failed to protect Native Americans, their land, and their resources, both personal and cultural. The reports consistently recommended critically needed changes to stop the death toll and human suffering of Indigenous peoples— to decolonize. While occurring over several centuries these

⁷ <https://www.congress.gov/bill/111th-congress/senate-joint-resolution/14/text>.

⁸ “The committee are of opinion that in a large majority of cases Indian wars are to be traced to the aggression of lawless white men, always to be found upon the frontier, or boundary line between savage and civilized life.... From whatever cause wars may be brought on, either between different Indian tribes or between the Indians and the whites, they are very destructive, not only of the lives of the warriors engaged in it, but of the women and children also, often becoming a war of extermination....” Doolittle Report, Condition of the Indians Tribes, 1867 Congressional Report, Senate Report, No. 156, 39th Cong. 2d sess, serial 1279, at. 3-10, http://www.digitalhistory.uh.edu/disp_textbook.cfm?smtid=3&psid=710.

⁹ https://narf.org/nill/documents/merriam/d_merriam_chapter1_summary_of_findings.pdf

¹⁰ <https://www.usccr.gov/pubs/na0703/na0204.pdf>.

¹¹ <https://www.aisc.ucla.edu/iloc/report/>.

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

reports reflect the failure of the federal colonial approach to tribal governance, and also document the potential strength, if unleashed, of Indian Nation to address the needs of Tribal citizens.

The high rates of violence against Native women and lack of accountability for such violence are clearly tied to federal intrusion, vulnerabilities created by such intrusion, and the failure to exercise authority to prosecute perpetrators for the last 500 years. Today, this pattern continues and is reflected in the lack of accountability of perpetrators documented in the minimal prosecutions and federal declinations by United States Attorneys of domestic violence, sexual assault, and trafficking cases.

The 2013 report to Congress by the Indian Law and Order Commission, is one of the most comprehensive assessments ever done of criminal justice systems servicing Native American and Alaska Native Communities. In its report the Commission summarized federal Indian law.

“The Commission has concluded that criminal jurisdiction in Indian country is an indefensible morass of complex, conflicting, and illogical commands, layered in over decades via congressional policies and court decisions and without the consent of Tribal nations.”¹³ The multiple layers of Congressional Acts, Presidential Orders, and Supreme Court rulings have, through the course of history, giving legal color to what the United Nations defines as genocide. In 1946 the

United Nations General Assembly recognized genocide as a crime prohibited under international law. The crime of genocide is defined as “*any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such: a. Killing members of the group; b. Causing serious bodily or mental harm to members of the group; c. Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; d. Imposing measures intended to prevent births within the group; e. Forcibly transferring children of the group to another group.*”¹⁴

While the UN recognition of the crime of genocide did not occur until 1947, the eras of the Indian Wars, removal, boarding schools, termination, forced sterilization, and other federal laws and policies were developed with the intentional destruction of Indian Nations by the United States. Today these past U.S. laws and policies continue to dehumanize Indigenous peoples, specifically women, and support the legal and cultural infrastructure underlying the crisis of MMIW.

“A great general has said that the only good Indian is a dead one, and that high sanction of his destruction has been an enormous factor in promoting Indian massacres. In this sense, I agree with the sentiment, but only in this: that all the Indian there is in the race should be dead. Kill the Indian in him, and save the man.”¹⁵

Reconciliation of the United States with Indian Nations

Colonization of the Indigenous Peoples of the world was not isolated to the United States. During the same era, the Canadian government enacted similar laws and policies towards Aboriginal peoples, such as its boarding school era. Canada’s National Inquiry into Missing and Murdered Indigenous Women and Girls is one example of a political process to analyze for lessons¹⁶. One area of particular interest is the concentration of the reconciliation process on government accountability for the murders of Indigenous women and girls. The report from the Inquiry released in May of 2019 said: “Genocide is the sum of the social practices, assumptions, and actions detailed within this report.” The Inquiry held 24 hearings across Canada, and at least 2,380 people attended, including the families of those killed or missing. While not complete or a perfect process, it is one far in advance of the United States.

Due to the national movement, the United States has taken some steps to reform colonial-era law and policies to strengthen Indian Nations in their protection of Native women. Since 1995

¹⁴ <https://www.un.org/en/genocideprevention/genocide.shtml>.

¹⁵ Richard Pratt (founder Carlisle Indian School), The Advantages of Mingling Indians with Whites, Proceedings of the National Conference of Charities and Correction, U.S. Session, at 2, (1901) <https://play.google.com/books/reader?id=dpJIAAAAYAAJ&printsec=frontcover&output=reader&hl=en&pg=GBS.PA45>.

¹⁶ Canada’s Reclaiming Power and Place: The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls: <https://bit.ly/2RLjQjk>.

Congressional reports document that the federal government failed to protect Native Americans, their land, and their resources, both personal and cultural. The reports consistently recommended critically needed changes to stop the death toll and human suffering of Indigenous peoples—to decolonize.

¹³ A Roadmap, Executive Summary, supra at xi.

following the passage of the Violence Against Women Act, Indian tribes amplified their collective voices to make strong recommendations to government officials. The mandate under the Tribal Title of VAWA 2005 provided for annual consultation between Indian Nations and specific federal departments. Since the first consultation in 2006, Tribal leaders consistently reiterated that to address violence against Native women, full Tribal sovereignty must be restored with adequate resources to implement such authority to fully protect women.

The 2020 annual consultation once again provides an essential opportunity to engage on the scope of reforms needed to address the crisis of MMIW.

The United States, in the context of a federal colonial framework, justified laws diminishing the tribal protections provided Native women. Implementation of these laws and policies regarding Indian affairs created the social context for the normalization and acceptance of violence against Native women. The United States has the authority and the resources to end the crisis of violence against Native women but has not demonstrated the will.

Legislation introduced in 2019, provided Congress the opportunity to strengthen the authority of Indian nations to protect women, including essential resources, to implement expanded protections. This legislation included reauthorization of the Violence Against Women Act and the Family Violence Prevention Services Act, and amending the Victims of Crime

Act. To specifically address the MMIW crisis, five bills were introduced in the House and Senate; the President issued a National Day of Awareness MMIW proclamation and created the “Operation Lady Justice Initiative,” and the Senate passed the National Day of Awareness Proclamation.

Congress failed to pass any of the 2019 legislative reforms drafted in cooperation with tribal leaders and advocates.

The crisis of MMIW is a national crime pattern. The complete storyboard for this crime pattern is not two individuals and a crime scene but all of the above--the government, culture, and economics--layered upon the lives of Native women and Indian nations. Understanding the legal and social infrastructure that place Native women in harm’s way are essential to changing this crime story of the last 500 years.

It also requires reeducation of mainstream America to understand both the past and present truths of American Indian Nations and the women of those Nations. This two-fold process of legal reform and cultural reeducation can direct the changes required at the national, state, and county levels.

The national movement calling for justice for MMIW is growing and maturing, and the unprecedented support for the 2020 National Day of Awareness is a strong indication it will not be turned back. It consists of dedicated people who are willing to take political action to impact the government to correct the past and decolonize.

**Read 2020 Proclamation on Missing and Murdered
American Indians and Alaska Natives Awareness
Day issued by The White House:**

bit.ly/2XuZ36L

**and learn more about The Presidential Task Force
on Missing and Murdered American Indians and
Alaska Natives, ‘Operation Lady Justice’:**

bit.ly/302jWZL





INTERNATIONAL UPDATES



COVID-19 Pandemic Impacts on Violence Against Indigenous Women and Indigenous People Worldwide

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

On March 11, 2020, the World Health Organization (WHO), declared COVID-19 a worldwide pandemic. WHO, a global health agency, defines a pandemic as a global spread of a new disease.

Suspensions, Cancellations, and Rescheduled Meetings

Even before the WHO's declaration, as the coronavirus spread throughout the world, the United Nations (UN) and Organization of American States (OAS) began curtailing international human rights meetings – meetings that serve as key spaces to advocate for Indigenous peoples and Indigenous women's rights.

In February, the UN Secretary-General recommended to Member States that delegations and other stakeholders refrain from travelling to any UN Headquarters. Thereafter, the UN suspended its 43rd Session of the Human Rights Council (Feb. 24 – Mar. 20, 2020), urging delegations not to travel to Geneva, Switzerland.

In New York, the UN Commission on the Status of Women suspended indefinitely its 64th Session (Mar. 9-20, 2020) though it opened briefly for a procedural session adopting a political statement and other resolutions.



(Top) Tedros Adhanom Ghebreyesus, Director-General of the World Health Organization (WHO), holds a virtual briefing on the COVID-19 pandemic in Geneva, Switzerland, on April 15, 2020. (Bottom) View of the Special Meeting of the OAS Permanent Council including OAS Secretary General Luis Almagro (center) on March 12, 2020. | Photos courtesy of Indian Law Resource Center.

The UN also indefinitely postponed the 19th Session of the Permanent Forum on Indigenous Issues (April 13-24, 2020) to be held in New York. The Alaska Native Women's Resource Center, Indian Law Resource Center, National Indigenous Women's Resource Center, and National Congress of American Indians had been approved to carry out a side event during the session on the movement to eliminate violence against American Indian and Alaska Native women.

At the time of writing, the UN has placed a hold on the 13th Session of the Expert Mechanism on the Rights of Indigenous Peoples (June 8-12, 2020) scheduled for Geneva, suggesting that participants not make travel arrangements.

The Bonn UN Climate Change Conference has been postponed to October 4-12, 2020, with pre-session meetings set for September 28-October 3.

It is unclear yet whether the UN will proceed with its 44th (June 15-July 3, 2020) and 45th (Sept. 14-Oct. 2) Sessions of the Human Rights Council to be held in Geneva.

Statements on COVID-19 and Violence Against Women by the UN and OAS

Addressing Gender-Based Violence Must be a Key Part of All National COVID-19 Response Plans

Recognizing that domestic violence is one of the most prevalent human rights violations, the UN is urging immediate actions.

On April 6, 2020, UN Secretary-General Antonio Guterres called on countries to address the “horrifying global surge in domestic violence” against women and girls associated with government-imposed lockdowns. The Secretary-General noted that “for many women and girls, the threat looms largest where they should be safest: in their own homes.”¹ Secretary-General Guterres urged governments to prevent and redress violence against women as a key part of their national COVID-19 response plans, outlining the following domestic violence recommendations to help improve the situation:

- Increase investment in online services and civil society organizations,
- Make sure judicial systems continue to prosecute abusers,
- Set up emergency warning systems in pharmacies and groceries,
- Declare shelters as essential services,
- Create safe ways for women to seek support, without alerting their abusers,
- Avoid releasing prisoners convicted of violence against women in any form,
- Scale up public awareness campaigns, particularly those targeted at men and boys.

Growing Shadow Pandemic of Violence against Women and Girls

Agreeing with the UN chief’s statement, the Executive Director of UN Women, Phumzile Mlambo-Ngcuka, reported that “we see a shadow pandemic growing of violence against women.” Ms. Mlambo-Ngcuka noted that with more than 90 countries in lockdown and four billion people sheltering at home from COVID-19, reports of domestic violence are rising and demands for emergency shelter are heightened across the world, including the United States, all at a time when health services are stretched thin and domestic violence shelters are full. She warned that such limitations “fuel impunity for the perpetrators,” and the situation creates “a perfect storm for... violent behavior behind closed doors.” She also urged that every country with specific funding must consider women’s helplines and shelters as essential services, with broad efforts to increase awareness about their availability².

1 <https://news.un.org/en/story/2020/04/1061052>

2 <https://www.unwomen.org/en/news/stories/2020/4/statement-ed-phumzile-violence-against-women-during-pandemic>

Statements on COVID-19 and Indigenous Peoples by the UN and OAS

Indigenous Communities Suffer Particular Vulnerability to the Global Pandemic

International human rights bodies are further recognizing that indigenous peoples are particularly vulnerable to the global pandemic.

United Nations

The UN has created a website on COVID-19 and Indigenous peoples that includes the latest information and useful resources by the United Nations and WHO. It also includes statements by the UN Permanent Forum on Indigenous Issues and other UN-mandated bodies; statements and recommendations by Indigenous peoples organizations; reports and public service announcements on COVID-19; and news articles about Indigenous peoples and COVID-19 beginning in March 2020. You can view the website here: bit.ly/2zACVj8

Anne Nuorgam, Chair of the UN Permanent Forum on Indigenous Issues stated the “pandemic presents a grave threat to indigenous peoples around the world” and urged “Member States and the international community to include the specific needs and priorities of indigenous peoples in addressing the global outbreak.”³ She also issued a message urging Member States “to take immediate steps to ensure that indigenous peoples are informed, protected and prioritized during the COVID-19 pandemic.”⁴

The Expert Mechanism on the Rights of Indigenous Peoples also issued a statement on April 6, 2020, emphasizing that Indigenous peoples will suffer the effects of the coronavirus disproportionately and in different ways. The Expert Mechanism urged early action in the crisis stating that: “We call on all States to fulfill their human rights obligations, guided by the UN Declaration on the Rights of Indigenous Peoples, to protect the health and lives of indigenous peoples. In following WHO advice, we urge you to ensure that indigenous peoples become your partners in this endeavour, and that you provide culturally acceptable healthcare, as well as food or other humanitarian relief, when necessary, and without discrimination. States should acknowledge and accommodate the cultural, spiritual, and religious rights and responsibilities of indigenous peoples when considering measures to respond to the virus. As with the adoption of any measures that may affect indigenous peoples, their free, prior and informed consent, grounded in the right to self-determination, should be sought.”⁵

3 <https://www.un.org/development/desa/indigenouspeoples/covid-19.html>

4 https://www.un.org/development/desa/indigenous-peoples-es/wp-content/uploads/sites/34/2020/04/UNPFII-Chair-statement_COVID19.pdf

5 <https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2020/04/EMPRIP-English.pdf>

The UN Department of Economic and Social Affairs (UN DESA), issued a statement titled “Indigenous Peoples & the COVID-19 Pandemic: Considerations.” Observing that indigenous peoples and especially indigenous women and girls often are disproportionately affected by epidemics, the UN DESA reiterates that the UN Declaration on the Rights of Indigenous Peoples “establishes the minimum standards for the survival, dignity and well-being of indigenous peoples” and then recommends a number of considerations for governments and representative institutions and for UN entities, private sector, and nongovernmental organizations.⁶

The OAS General Secretariat has issued a press release calling on member countries to pay special attention to indigenous populations during this global health crisis. The General Secretariat urges local, regional, and national authorities in member countries to protect the health and well-being of indigenous peoples using an intercultural approach, as established by the UN Declaration of the Rights of Indigenous Peoples and the American Declaration of the Rights of Indigenous Peoples of the OAS. Additionally, the General Secretariat recommends that member states use specific policies and programs to sustain indigenous communities’ economies to mitigate the economic and social consequences of the pandemic.⁷

The OAS has also issued a “Practical Guide to Inclusive Rights-Focused Responses to COVID-19 in the Americas” which is available in Spanish, which you can view here: bit.ly/3d35DI0. The English version will follow soon. The guide is intended to support member states in responding to this global pandemic and to offer tools to consider in responding to the particular circumstances of vulnerable groups. Secretary General of the OAS Luis Almagro cautioned that the ability to survive the pandemic is less likely for those in situations of poverty and extreme poverty and for groups historically discriminated against like women and indigenous peoples. Accordingly, the OAS and its guide states “that the member states must place emphasis on guaranteeing the right to health of these groups, using objective and reasonable criteria of distinction, based on the equalization of opportunities to bridge the inequality gap, and avoid arbitrary differences in treatment.”⁸

⁶ https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2020/04/COVID19_IP_considerations.pdf

⁷ https://www.oas.org/en/media_center/press_release.asp?sCodigo=E-029/20

⁸ https://www.oas.org/en/media_center/press_release.asp?sCodigo=E-032%2F20



SUPREME COURT VAWA SOVEREIGNTY INITIATIVE UPDATE

By Mary Kathryn Nagle
(Cherokee Nation),
Counsel to NIWRC



Learn more about the arguments in the McGirt case on Speaking Our Truth, Episode 4.

McGirt. v. Oklahoma (18-9526)

On May 11, 2020, the U.S. Supreme Court heard oral argument in *McGirt v. Oklahoma* (18-9526), a case in which Oklahoma has asked the Supreme Court to judicially disestablish the Muscogee (Creek) Nation’s Reservation.

“The NIWRC, along with scores of other tribal and non-Native organizations working to end domestic violence and sexual assault filed an amicus brief before the Supreme Court in *McGirt*, offering our unique perspective on the relationship between Congress’s authority over Indian affairs, the inherent sovereign authority of tribal governments to prosecute crimes committed against their own citizens, and safety for Native women and children,” said Lucy Simpson, Executive Director for NIWRC.

NIWRC was joined by the American Civil Liberties Union (ACLU) as well as five Tribal Nations that have invested significant resources, time, and effort to ensure that their prosecutions of domestic violence crimes serve to increase the safety of their tribal communities, while simultaneously working to ensure that the rights of the domestic violence defendants in tribal criminal proceedings are respected and enforced.

In *McGirt*, the State of Oklahoma is asking the Supreme Court to judicially disestablish the Creek Nation’s Reservation, despite the fact that Congress has never done so, and the last hundred or so years of Supreme Court precedent makes very clear that until or unless Congress disestablishes a reservation created by treaty, that reservation continues to exist.

If the Supreme Court were to judicially disestablish the Creek Nation’s Reservation, the majority of the lands within the Nation’s historical boundaries would no longer constitute “Indian country” under 18 U.S.C § 1151(a). Such a disestablishment of an existing reservation would eliminate the very same tribal jurisdiction that Congress recently, and purposefully, restored.

In reauthorizing the Violence Against Women Act in 2013 (“VAWA”), Congress tethered its restoration of tribal criminal jurisdiction to lands that constitute “Indian country” as defined by 18 U.S.C. § 1151. VAWA, Pub. L. No. 113-4, title IX, § 904(a)(3), 127 Stat. 121 (March 7, 2013) (codified at 25 U.S.C. § 1304(a)(3)). Thus, because the lands within a Tribal Nation’s borders—its “reservation”—constitute “Indian country” under § 1151, a judicial decision disestablishing a Tribal Nation’s reservation would effectively preclude that Nation from fully implementing VAWA’s restored tribal jurisdiction. For instance, if this Court were to declare the Creek Nation’s Reservation “disestablished,” the Creek Nation’s ability to prosecute a non-Indian engaged in an act of domestic violence or dating violence within its territorial jurisdiction would be severely truncated.

During oral argument, Justices Gorsuch and Sotomayor asked several questions indicating they are very hesitant to depart from the Supreme Court’s clear precedent and judicially disestablish a reservation Congress has never disestablished. Other Justices, however, including Justices Thomas, Kavanaugh, Alito, and Chief Justice Roberts asked several questions about the allotment of the Creek Nation Reservation, the fact that some citizens of the Creek Nation fought on the side of the Confederacy during the Civil War, and many other issues that, until now, have not been relevant to the Supreme Court’s disestablishment jurisprudence.

The 2019 Term is set to expire at the end of June, and thus, it is anticipated that the Court will issue its decision in *McGirt* before then. However, as the events of last year demonstrate, there is no guarantee that the Supreme Court will issue a decision by then.

Standing Rock Sioux Tribe v. United States Army Corps of Engineers (D.D.C., No. 16-cv-1534-JEB)

On March 25, Judge James E. Boasberg of the United States District Court, District of Columbia in *Standing Rock Sioux Tribe v. United States Army Corps of Engineers* (D.D.C.), remanded the case back to the Corps to prepare a full environmental impact statement (EIS) to address the health, safety, and treaty concerns of the Dakota Access Pipeline. The federal court found the Corps violated the National Environmental Policy Act when it approved federal permits for the pipeline in 2016, a decision affirming concerns raised by Tribal Nations and Native organizations for the Corps’ decision to allow Dakota Access LLC to build a pipeline less than a mile from the Standing Rock Sioux Reservation in North Dakota.

In February 2017, NIWRC filed an amicus brief in the litigation in support of the Standing Rock Sioux Tribe’s motion for summary judgment challenging the Corps’ decision to proceed with permitting the pipeline without preparing a full environmental impact statement. NIWRC’s amicus brief was joined by 118 additional organizations and Tribal Nations that share NIWRC’s commitment to ending violence against Native women.

Prior to filing its amicus brief, NIWRC formally submitted comments to the Corps in January 2017, eight days after the Corps initiated the EIS comment period and thirteen days before the Corps terminated the EIS process on February 8, 2017. In its submitted comments, NIWRC provided the Army Corps with its views on:

the unconsidered risks that would result from the Army Corps granting the easement without adequately considering the public interest implications of the proposed pipeline. Specifically, the Army Corps must consider the increased levels of violence Native women and children in the Bakken region will face if the pipeline is permitted to cross the Missouri River at Lake Oahe and commence operations.

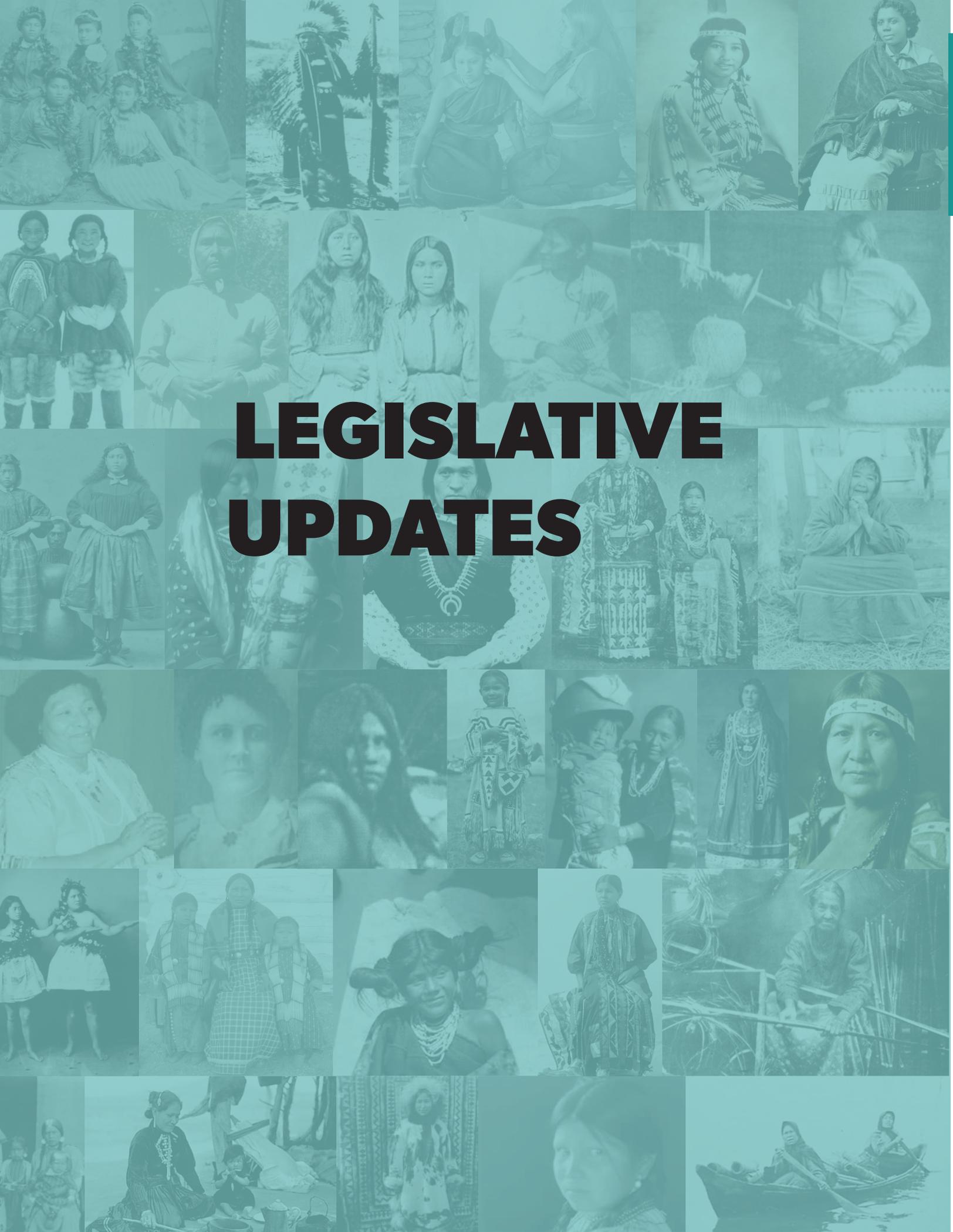
NIWRC plans to take an active role in engaging with the Army Corps of Engineers during the EIS preparation process, including formally submitting updated comments on the public health, safety, and welfare concerns the Dakota Access Pipeline project presents for Native women in the region.

United States v. Cline, No. 19-cr-23

On April 14, the United States District Court, District of Washington at Seattle, denied the Defendant’s motion to dismiss. Lee James Cline had been indicted on one count of domestic assault by a habitual offender in violation 18 U.S.C. § 117(a). In this case, the indictment against Defendant alleges that he has “been convicted of at least two assaults against a spouse or intimate partner” and that Defendant “did assault Jane Doe, a person with whom he shares a child in common and who is or was similarly situated to a spouse.” Although the Defendant challenged the sufficiency of the underlying convictions, asserting that they did not trigger the Habitual Offender prohibition under § 117(a), the District Court thoroughly analyzed the Nooksack Domestic Violence Code and included that Defendant’s prior convictions for violations of the Code in Nooksack Tribal Court qualified as predicate offenses under § 117(a).

The District Court denied the Defendant’s motion to dismiss the charges against him, and now he is awaiting trial.





LEGISLATIVE UPDATES

116th Congress Legislative Update: Legislation to Watch VAWA, FVPSA, MMIW and Alaska

By Elizabeth Carr (*Sault Ste. Marie Tribe of Chippewa Indians*), Senior Native Affairs Policy Advisor, NIWRC

Due to coronavirus (COVID-19) pandemic, Congress has not acted on any pending legislation and is instead focusing on legislation packages aimed to address this ongoing threat. While Congress has paused its action on pending legislation, it is expected that Congress and the President will continue to focus on bills to address the impacts of COVID-19. NIWRC continues to advocate on behalf of Tribes and Tribal programs to ensure that the needs of victims and survivors are considered and included in COVID-19 related packages moving forward.

Proposed Legislation

Health and Economic Recovery Omnibus Emergency Solutions (HEROES) Act

On May 12, 2020, democratic leadership introduced a fourth phase stimulus package, the Health and Economic Recovery Omnibus Emergency Solutions (HEROES) Act. While it is not expected to pass the Senate, HEROES would provide important funding resources to programs serving victims and survivors including:

- *Office of Victims of Crime:*
 - Deposit issue addressed and match waiver included for duration of the pandemic.
- *Office of Violence Against Women:*
 - Sexual Assault Services Program: \$15 million- Services, Training, Officers, and Prosecutors (STOP) Formula Grants: \$30 million- Transitional Housing Assistance Grants: \$15 million
 - Rural Sexual Assault, Domestic Violence, Dating Violence, and Stalking Assistance Program: \$10 million
 - Legal Assistance for Victims Grant Program: \$10 million
 - Grants to Support Families in the Justice System Program: \$16 million
 - Grants to Tribal Governments: \$4 million to assist Tribes in exercising special criminal domestic violence jurisdiction
- *Department of Health and Human Services Programs:*
 - Family Violence Prevention and Services Act (FVPSA) program: \$50 million including 10% for tribal grantees.

Additional tribal specific provisions include:

- \$20 billion for a Tribal Fiscal Relief Fund that clarifies the funds are to be dispersed to tribal governments;
- \$900 million for the Bureau of Indian Affairs to meet Tribal government needs necessary to prevent, prepare for,

and respond to COVID; and

- \$2.1 billion to the Indian Health Service to address health care needs related to COVID for American Indian/Alaska Natives.

COVID-19 Passed Legislation

Please see this short summary on the packages that have been passed by Congress and signed by the President.

On March 6, 2020, the President signed the first COVID-19 legislation, the Coronavirus Preparedness and Response Supplemental Appropriations Act. The President has since signed two subsequent pieces of COVID-19 legislation, one on March 18, the Families First Coronavirus Response Act and the other, the Coronavirus Aid, Relief, and Economic Security Act, on March 27, 2020.

Coronavirus Preparedness and Response Supplemental Appropriations Act, H.R. 6074

H.R. 6074 includes \$950 million for grants and cooperative agreements to be administered through the Centers for Disease Control (CDC) for state and local governments, tribal governments, tribal organizations, and urban Indian organizations. The funding is for public health preparedness and response activities, including epidemiology, lab capacity, infection control, communications, and other efforts. Of the \$950 million, not less than \$40 million was set aside specifically for tribal nations, tribal organizations, and urban Indian organizations. The CDC has since allocated \$80 million dollars in funding to Indian Country and is now in the process of disbursing those funds.

Additionally, H.R. 6074 includes language authorizing the use of funds to reimburse federal agencies, such as Indian Health Service, in addition to tribal nations, tribal organizations, and urban Indian organizations that may have incurred costs related to coronavirus response and mitigation prior to the enactment of the supplemental funding package.

Families First Coronavirus Response Act, H.R. 6201

H.R. 6201 includes \$64 million to be appropriated into the Indian Health Services Account. Additionally, it includes coverage of testing for COVID-19 at no cost-sharing to American Indians and Alaska Natives regardless of where services have been authorized. Lastly, \$10 million was set aside

for grants for Indian programs within the Older Americans Act (OAA).

Bipartisan negotiations in the Senate unfortunately broke down and has resulted in two Senate Bills to reauthorize VAWA.

Coronavirus Aid, Relief, and Economic Security (CARES) Act, H.R. 748

H.R. 748, the bipartisan CARES Act will ensure Indian Tribes, Tribally-owned businesses, and Native-owned business have equal access to federal Coronavirus response resources. It will give Tribes and their government-owned enterprises access to \$8 billion in flexible funding to support Coronavirus response. The CARES Act contains over \$2 billion in emergency supplemental funding for federal programs that serve Indian Tribes, urban Indian health centers, and Native families including a \$4.5 million tribal set-aside to the Family Violence Prevention and Services (FVPSA) program.

Pending Legislation Addressing Violence Against Women

While currently paused, NIWRC continues to advocate for and track the movement of several bills related to addressing violence against Native women. Please see below for the latest update on several bills that will likely resume negotiation and movement once COVID-19 related legislation slows.

Violence Against Women Act

Last reauthorized in 2013, the authorization for VAWA expired in 2018. On April 4, 2019, the House of Representatives passed a VAWA Reauthorization bill (H.R. 1585). This bipartisan bill was developed in partnership with the national and tribal advocacy organizations. H.R. 1585 includes critical resources for tribes to implement VAWA and necessary lifesaving amendments to enhance tribal sovereignty and safety for Native women. H.R. 1585 is widely supported across Indian Country.

- On November 13, 2019, Senator Dianne Feinstein (D-CA) introduced a companion Senate Bill S.2843 to H.R. 1585 to reauthorize VAWA. This bill closely mirrors the language contained in the bipartisan, advocate supported H.R. 1585 and is inclusive of the important tribal provisions that tribal leaders and advocates strongly support.
- On November 20, 2019, Senator Joni Ernst (R-IA) introduced S.2920 to reauthorize VAWA. This legislation, while inclusive of Indian tribes if enacted, would destabilize tribal justice systems by imposing burdens and restrictions on tribal courts far beyond those imposed on federal and state courts, including audits by the Attorney General and leaves Tribes vulnerable to lawsuits by defendants of tribal courts through the stripping of sovereign immunity. Ultimately, this bill would eliminate the gains made in VAWA 2013 and infringes on the inherent tribal authority of tribal nations to prosecute crimes committed against their citizens on tribal lands.

Violence Against Women Reauthorization Act of 2019

Numbers	Summary
<p>H.R. 1585 Rep. Bass (D-CA), there are 167 co-sponsors and only 1 of them is republican, Rep. Fitzpatrick (R-PA) Passed with Amendments 4/4/19</p>	<p>- Reauthorizes 2013 provisions and expands prosecution of non-Indians to include obstruction of justice-type crimes, sexual assault crimes, sex trafficking and stalking; and creates pilot project for five Alaska Tribes and expands the definition of Indian Country to include ANCSA lands, townsites and communities that are 75% Native. - Expands definition of DV to include children who witness the crime. - Provides a specific finding for Alaska and jurisdictional challenges because of restrictive land settlement. - Expands Tribal Access Program (TAP) to tribes without law enforcement. - Expands enforcement of tribal protection orders and specifically in Alaska with land issues.</p>
<p>Note: Two Senate Bills to Reauthorize VAWA S.2843 Sen. Dianne Feinstein (D-CA)</p>	<p>Closely mirrors H.R. 1585 with expansion of covered crimes.</p>
<p>S.2920 Sen. Joni Ernst (R-IA)</p>	<p>Includes expansion of covered crimes but would undermine tribal justice systems by imposing undue burdens and restrictions on tribal courts far beyond those imposed on federal and state courts.</p>

Family Violence Prevention and Service Act

The Family Violence Prevention and Services Act (FVPSA) authorization expired in 2015. The FVPSA provides critical support for shelters, coalitions, training and technical assistance centers, children’s services, emergency response hotlines, and prevention initiatives. The FVPSA is the only federal grant program solely dedicated to domestic violence shelter and supportive services. It is the primary source of funding for these services for Indian tribes.

This past year, a coalition of national advocacy organizations worked closely with congressional staffers in both the House and Senate to draft of an enhanced reauthorization of the FVPSA reflecting the diverse needs of domestic violence victims and priorities of Indian tribes and the domestic violence field. In July 2019, Senators Bob Casey (D-PA) and Lisa Murkowski (R-AK) introduced S. 2259. In November, House Representatives Lucy McBath (D-GA), Gwen Moore (D-WI), Tom Cole (R-OK), and John Katko (R-NY) introduced a companion bill H.R. 5041. These bills, S. 2259 and H.R. 5041, expand grant programs and make many needed improvements so that more survivors have access to support and safety including:

- Increasing the overall funding authorization level to address very low per-program funding levels and provide access to FVPSA funds for more tribes and programs not currently funded.

- Strengthening the capacity of Indian Tribes to exercise their sovereign authority to more fully respond to domestic violence in their communities by increasing the current 10% tribal allocation to 12.5% off the top of appropriations.
- Authorizing recognition and meaningful funding for tribal coalitions to provide Indian tribes and tribal organizations with technical assistance and training on developing responses to domestic violence.
- Authorizing recognition and permanent funding for the currently funded Alaska Native Women’s Resource Center.
- Authorizing recognition and permanent funding for the currently funded StrongHearts Native Helpline to serve as the national Indian domestic violence hotline.

On December 12, 2019, the Senate Health, Education, Labor, and Pensions (HELP) Committee passed S.2971 a package of legislation inclusive of a bill to reauthorize FVPSA. Unfortunately, S.2971 falls short on the tribal enhancements included in S.2259 and H.R. 5041.

NIWRC and the coalition looks forward to continued conversations when Congress returns to regular business to ensure that the FVPSA bill moving forward is inclusive of more robust enhancements for Tribes and tribal programs.

Family Violence Prevention and Services Improvement Act of 2019	
Numbers	Summary
<p>S.2259 Sen. Murkowski (R-AK) and Casey (D-PA)</p> <p>H.R. 5041 Sen. Lucy McBath (D-GA), Gwen Moore (D-WI), Tom Cole (R-OK), and John Katko (R-NY)</p>	<p>S.2259 and H.R. 5041 include four important tribal provisions:</p> <ul style="list-style-type: none"> - Makes adjustments to the current formula to address tribal sovereign relationships, re-structures the funding for the children’s program grants and the newly authorized culturally specific grant program. - Codifies the StrongHearts Native Helpline, which addresses the culturally specific needs facing Native survivors and survivors living on tribal lands. - Codifies the funded Alaska Native Women’s Resource Center to reduce tribal disparities and ensure ongoing access to comprehensive technical assistance from culturally relevant providers that address the unique and urgent needs of domestic violence victims in Alaska. - Authorizes funding for tribal coalitions, which provide vital support to tribes and tribal domestic violence programs.
<p>S. 2971 Included as a rider in the Child Abuse Prevention and Treatment Act (CAPTA) Sen. Johnny Isakson (R-GA) Ordered to be reported favorably out of Senate Health, Education, Labor, and Pensions (HELP) Committee</p>	<p>S.2971 falls short on including urgently needed tribal enhancements but includes:</p> <ul style="list-style-type: none"> - Authorizes funding for tribal coalitions, which provide vital support to tribes and tribal domestic violence programs but are not currently authorized by statute to receive FVPSA funding. - Codifies the currently funded Alaska Native Women’s Resource Center to reduce tribal disparities and ensure ongoing access to comprehensive technical assistance from culturally-relevant providers that address the unique and urgent needs of domestic violence victims in Alaska.
<p>S. 85 Sen. Grassley (R-IA), Sen. Klobuchar (D-MN), Sen. Capito (R-WV), Sen Tills (R-NC). Referred to the Committee on Health, Education, Labor, and Pensions</p>	<p>S.85 is not supported because as a straight reauthorization it fails to incorporate the needed changes since the last reauthorization in 2010. It also disregards the changes proposed by the national movement, tribal leaders, and advocates</p>

Legislation Addressing Missing and Murdered Indigenous Women

Savanna's Act

Introduced in both the Senate (S.227) and House (H.R. 2733). Originally, advocates and NIWRC raised several serious concerns with S.227. Those concerns were addressed in H.R. 2733 and have subsequently been addressed in the markup of S.227. On March 11, 2020, S.227 was passed by Unanimous Consent in the Senate. H.R. 2733 recently passed through the House Judiciary Committee, when Congress returns to regular business, it is expected to move to a full vote in the House.

Savanna's Act aims to improve the response to missing and murdered Native women by:

- Improving tribal access to federal criminal information databases;
- Requiring data collection on missing and murdered Native people; and
- Directing the U.S. Attorneys to develop law enforcement and justice protocols to address missing persons.

Significant changes that NIWRC and other organizations have advocated for include:

- Expand the requirement for the creation of law enforcement guidelines to all U.S. Attorneys, not just those with Indian Country jurisdiction, and require such guidelines to be regionally appropriate;
- Require the Attorney General to publicly list the law enforcement agencies that comply with the provisions of the legislation (rather than list those that don't comply); and
- Replace the affirmative preference subsections with an implementation and incentive section that provides grant authority to law enforcement organizations to implement the provisions of the legislation and increases the amount of those grants for those that comply, while removing the preference provision in the original S. 277 that will punish Tribal Nations lacking sufficient resources to implement the guidelines their local U.S. Attorney creates.

Not Invisible Act

Introduced in both the Senate (S.982) and House (H.R. 2438), the Not Invisible Act aims at addressing the crisis of missing, murdered, and trafficked Native people by engaging law enforcement, tribal leaders, federal partners, and service providers and improving coordination across federal agencies. On March 11, 2020, S.982 was passed by the Senate.

This bipartisan bill establishes an advisory committee of local, tribal, and federal stakeholders to make recommendations to the Department of Interior and Department of Justice on best practices to combat the epidemic of disappearances, homicide, violent crime, and trafficking of Native Americans and Alaska Natives.

Bridging Agency Data Gaps and Ensuring Safety Act

Introduced in both the Senate (S.1853) and the House (H.R. 4289), the Bridging Agency Data Gaps and Ensuring Safety Act (BADGES) aims to improve law enforcement recruitment, Tribal access to federal criminal databases, and coordination between federal, state, Tribal, and local law enforcement agencies by:

- Addressing inefficiencies in federal criminal databases;
- Increasing Tribal access to federal criminal databases; and
- Improving public data on missing and murdered Indigenous women cases and Indian Country law enforcement staffing levels.
- Promoting more efficient recruitment and retention of BIA law enforcement;
- Providing Tribes with resources to improve public safety coordination between their governments, States, and federal agencies; and
- Mitigating against federal law enforcement personnel mishandling evidence crucial to securing conviction of violent offenders.



Elizabeth Carr is a citizen of the Sault Ste. Marie Tribe of Chippewa Indians and is Senior Native Affairs Policy Advisor for NIWRC. / Photo courtesy of Elizabeth Carr.

Hear about the legislation NIWRC is tracking on Speaking Our Truth, Episode 5.



Name & Numbers	Summary of Bill
<p>Savanna’s Act S. 227 Sen. Murkowski (R-AK), Sen. Cortez Masto (D-NV) (with 14 bipartisan cosponsors).</p> <p>H.R. 2733 Torres (D-CA) and Haaland (D-NM) and 31 other cosponsors including AI/ AN Representatives Cole (R-OK), Mullin (R-OK), and Davids (D-KS)</p>	<p>Aims to improve the response to missing and murdered Native women by -improving tribal access to the federal criminal information databases, -requiring data collection on missing and murdered Native people, and -directing the U.S. Attorneys to develop law enforcement and justice protocols to address missing persons.</p> <p>Significant changes in H.R. 2733 from the S.277 include provisions that: -Expand the requirement for the creation of law enforcement guidelines to all U.S. Attorneys, not just those with Indian Country jurisdiction, and require such guidelines to be regionally appropriate; -Require the Attorney General to publicly list the law enforcement agencies that comply with the provisions of the legislation (rather than list those that don’t comply); and -Replace the affirmative preference subsections with an implementation and incentive section that provides grant authority to law enforcement organizations to implement the provisions of the legislation and increases the amount of those grants for those that comply, while removing the preference provision in S. 277 that will punish Tribal Nations lacking sufficient resources to implement the guidelines their local U.S. Attorney creates.</p>
<p>Not Invisible Act S. 982 Introduced 4/2/2019 Sen. Murkowski (R-AK), Cortez Masto (D-NV), Tester (D-MT)</p> <p>H.R. 2438 Introduced 5/1/2019 Representatives Haaland (D- NM), Davids (D-KS), Cole (R-OK), and Mullin (R-OK) and 32 other sponsors</p>	<p>Aims to address the crisis of missing, murdered, and trafficked Native people by engaging law enforcement, tribal leaders, federal partners, and service providers and improving coordination across federal agencies. This bipartisan bill establishes an advisory committee of local, tribal and federal stakeholders to make recommendations to the USDOJ and USDOJ on best practices to combat the epidemic of disappearances, homicide, violent crime and trafficking of Native Americans and Alaska Natives.</p>
<p>Bridging Agency Data Gaps and Ensuring Safety Act</p> <p>S.1853 Introduced 6/13/2019 Senators Udall (D-NM), Tester (D-MT), Murkowski (R-AK), Cortez Masto (D- NV), McSally (R-AZ.), and Smith (D-MN).</p> <p>H.R. 4289 Introduced 9/11/2109 Representatives Haaland (D- NM), Cole (R-OK), Davids (D-KS), Mullin (R-OK), Young (R-AK), Gallego (D- AZ), O’Halloran (D-AZ), Torres (D-CA) Newhouse (R-WA), Moore (D-WI), and Cook (R-CA).</p>	<p>Aims to improve law enforcement recruitment, Tribal access to federal criminal databases, and coordination between federal, state, Tribal, and local law enforcement agencies by: -Addressing inefficiencies in federal criminal databases; -Increasing Tribal access to federal criminal databases; and -Improving public data on missing and murdered Indigenous women cases and Indian Country law enforcement staffing levels. -Promoting more efficient recruitment and retention of BIA law enforcement; -Providing Tribes with resources to improve public safety coordination between their governments, States, and federal agencies; and -Mitigating against federal law enforcement personnel mishandling evidence crucial to securing conviction of violent offenders.</p>

Finding and Investigating Native Disappearance Act

Introduced in the Senate, the Finding and Investigation Native Disappearance Act (FIND Act) (S.1893) aims to require the Comptroller General of the United States to conduct a study on ways to increase reporting of missing Indians and the effects of the use of methamphetamine and other illegal drugs on violent crime in Tribal communities, and for other purposes.

Tribal Reporting and Accountability to Congress Act

Introduced in the Senate, the Tribal Reporting and Accountability to Congress Act (TRAC Act) (S.1892) aims to amend the Indian Law Enforcement Reform Act to require each tribal liaison within the U.S. Attorneys' Offices to submit to Congress an annual report on missing and murdered Indians.

Name & Numbers	Summary of Bill
<p>Finding and Investigating Native Disappearance Act (FIND Act) S.1893 Sen. Steve Daines (R-MT) Introduced 6/19/2019</p>	<p>Aims to require the Comptroller General of the United States to conduct a study on ways to increase reporting of missing Indians and the effects of the use of methamphetamine and other illegal drugs on violent crime in Tribal communities, and for other purposes.</p>
<p>Tribal Reporting and Accountability to Congress Act (TRAC Act) S.1892 Introduced 6/19/2019 Sen. Steve Daines (R-MT)</p>	<p>Aims to require tribal liaisons to submit to Congress reports on missing and murdered Indians. Full bill text: https://bit.ly/30vz5kl</p>

Legislation Strengthening Tribal Sovereignty to Increase Accountability of Non-Indian Abusers

Native Youth & Tribal Officer Protection Act

Introduced in both the Senate (S.290) and the House (H.R. 958), the Native Youth and Tribal Officer Protection Act (NYTOPA) aims to reaffirm tribal criminal jurisdiction over some crimes committed by non-Indians including: child abuse and crimes that are committed against certain public safety and justice officials.

Justice for Native Survivors of Sexual Violence Act

Introduced in both the Senate (S.288) and the House (H.R. 3977), the Justice for Native Survivors of Sexual Violence Act aims to reaffirm tribal criminal jurisdiction over some crimes committed by non-Indians including sexual assault, stalking, and trafficking.

Name & Numbers	Summary of Bill
<p>The Native Youth & Tribal Officer Protection Act S. 290 Sen. Udall (D-NM), Sen. Murkowski (R-AK), Sen. Smith (D-MN)</p> <p>H.R. 958 Rep. O'Halleran (D-AZ), Rep. Cole (R-OK), Rep Sewell (D-AL), Rep. Gallego (D-AZ), Rep. Haaland (D-NM), Rep. Kuster (D-NH)</p>	<p>Reaffirms tribal criminal jurisdiction over some crimes committed by non-Indians including child abuse and crimes that are committed against certain public safety & justice officials.</p>
<p>Justice for Native Survivors of Sexual Violence Act S. 288 Sen. Smith (D-MN), Sen. Murkowski (R-AK), Sen. Udall (D-NM)</p> <p>H.R. 3977 Rep. Deb Haaland (D-NM), Paul Cook (R-CA), Ruben Gallego (D-AZ), Tom Cole (R-OK), Sharice Davids (D-KS)</p>	<p>Reaffirms tribal criminal jurisdiction over some crimes committed by non-Indians including sexual assault, stalking, and trafficking.</p>

Legislation Permanently Providing Tribal Access to Funds to Provide Victim Services

SURVIVE Act

Introduced and passed out of the Senate Committee on Indian Affairs, the bipartisan Survive Act (S.211) would direct that five percent of the total annual outlays from the Crime Victims Fund (CVF) be provided to Indian tribes to provide crime victim services. Since Fiscal Year 2018, Congress has appropriated 5% of the CVF for a tribal set aside, S.211 would make the authorize the appropriation permanently.

Name & Number	Summary of Bill
Securing Urgent Resources Vital to Indian Victim Empowerment Act (SURVIVE Act) S.211	Directs that five percent of the total annual outlays from the Crime Victims Fund (CVF) be provided to Indian tribes to provide crime victim services.

Legislation Addressing the Exclusion of Alaska Indian Tribes

Alaska Tribal Public Safety Empowerment Act

Introduced in the Senate, the Alaska Tribal Public Safety Empowerment Act (S.2616) aims to expand the jurisdiction provided in the Violence Against Women Act of 2013 (VAWA) to apply to Alaska Native villages on a pilot basis. This bill would also expand covered crimes to include crimes of sexual violence, sex trafficking, stalking, and assault of law enforcement or corrections officers.

Name & Number	Summary of Bill
Alaska Tribal Public Safety Empowerment Act S. 2616 Introduced 10/17/2019 Sen. Lisa Murkowski (R-AK)	S. 2616 aims to expands the jurisdiction provided in the Violence Against Women Act of 2013 (VAWA) to apply to Alaska Native villages on a pilot basis. This bill would also expand covered crimes to include crimes of sexual violence, sex trafficking, stalking, and assault of law enforcement or corrections officers.



15th Annual Tribal Consultation on Violence Against Native Women

Mandated Under the VAWA 2005 Safety for Indian Women Title

Congress amended VAWA in 2005 to include a tribal title by which it requires an annual Tribal consultation to be organized by the USDOJ and Indian tribes dedicated to addressing violence against Indian women. On May 28th, OVW launched preparations for the 2020 consultation and held a WebEx to discuss plans for the 15th Annual Government-to-Government Tribal Consultation on Violence Against Women.

“Under the consultation mandate, the federal departments—Departments of Justice, Health and Human Services, and Interior) must each consult annually with Indian nations on issues concerning the safety of Indian women. To continue to increase protections for Native women, Indian nations need to continuously identify the roadblocks and solutions that will allow us as governments to protect women.” —Juana Majel-Dixon, Co-Chair, NCAI Task Force on Violence Against Women.

An annual consultation between the United States and Indian nations as governments is on the highest level a discussion of the legal, policy, and administrative issues essential to safeguard the lives of Indian women and the successful implementation

of VAWA as governments. This nation-to-nation interaction provides an avenue for Tribal governments and the United States to discuss matters that at the broadest level impact the safety of Indian women. It provides an opportunity to examine and address important issues that impact all Indian nations in providing safety for women.

Based on the various concerns identified from the consultations (2006-2012), Congress strengthened the consultation mandate when it reauthorized VAWA in 2013. These amendments addressed concerns from Tribal leaders about the consultation process allowing for mutual dialogue as governments of the legal and policy roadblocks to the safety of Native women.

The VAWA 2013 amendments to the consultation provision established a 120-day notification period of the date and location of the annual consultation, and required the Department of Interior to attend. It also mandated the Attorney General to submit to Congress a report of Tribal recommendations made during the consultation and progress made to address the Tribal concerns. The 2019 Tribal Consultation report is available at: bit.ly/3e14o1c

VAWA Tribal Consultation Mandate

Safety for Indian Women, VAWA 2005 §903 and VAWA 2013 §903

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

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

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

VAWA 2013 Amendments to the VAWA 2005 Consultation Mandate Require:

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

Progress Made Based on the VAWA Annual Consultation Process

The 2020 VAWA consultation marks 15 years of annual consultations between Indian tribes and federal departments on issues concerning violence against American Indian and Alaska Native women. These annual consultations have driven federal legislative and policy reform for more than a decade, providing a consistent dialogue between Tribal governments and the federal departments on the highest priorities to be addressed. The 14 years of annual consultations during which Tribal leaders raised their concerns and recommendations have resulted in major changes needed to increase the safety of Indian women.

Major Victories

Since 2006, Tribal leaders have raised at the annual consultation the most serious roadblocks to the safety of Native women and issues impacting the ability of Indian tribes to protect women.

“The barriers identified are often legal ones—existing laws passed by Congress, U.S. Supreme Court rulings from decades ago, or administrative policies of federal departments,” said Elizabeth Carr, Senior Native Affairs Policy Advisor, NIWRC. “Removing certain barriers identified by tribal leaders at the annual consultations has required ongoing discussions and national advocacy which has occurred for more than a decade.”

Changes and reform of federal law and policies is complicated due to the layers of federal Indian law. As a result, addressing certain barriers requires Congressional action and the reforms occur through amendments to existing federal law or passage of new federal law. “Other changes or reforms require changes by a federal department in administrative policies that do not require Congressional action,” said Carr.

The amendment under VAWA 2000 increased the amount of the dedicated tribal fund to 10% required amending the original amount of 4% under VAWA of 1995. The creation of a separate Tribal title under VAWA in 2005 required amending

VAWA 2000. And the numerous amendments, such as restoring tribal jurisdiction over non-Indians, made by Congress under VAWA 2013 stem from difficult and challenging conversations at consultation over years and amending the Indian Civil Rights Act and other federal laws.

Understanding that this government-to-government consultation process on violence against Indian women has resulted in major legislative and administrative victories is important in preparation for the 2020 annual consultation. This progress must continue until safety and justice for Native women are achieved.

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

2010 Congressional Act—Increase in sentencing limitation on tribal courts from a maximum of 1-year incarceration per offense to up to 3 years for a single conviction under the Tribal Law and Order Act amending the Indian Civil Rights Act.

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

2013 Congressional Act—Return of jurisdiction over certain non-Indian domestic violence abusers; increase in funding for the tribal coalition grant program; and other important amendments.

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

2015 DOJ Policy Change—Launch of the Tribal Access Program for Indian tribes to submit criminal and civil information to and access the National Crime Information Center databases.

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

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

2019 OVC Policy Change—Development of a non-competitive formula for distribution of the FY 2020 tribal VOCA set-aside.

Past consultation reports from 2009–2019 are available at bit.ly/3djUi6B

OVW Consultation Tribal leader letter and framing paper can be found at bit.ly/2Xrod7c | bit.ly/305IH7k

Tribal Preparation the Essential Link for Annual Consultation on Violence Against Women

In preparation for each of the annual consultations, the NCAI Task Force on Violence Against Women has assisted Indian tribes in preparing for the consultation. The Task Force organizes a national webinar to summarize key national concerns and emerging issues for Tribal leaders to consider in their preparation. During the webinar, Tribal leaders and representatives receive a briefing of priority issues, specific tribal concerns and recommendations, for the consultation. This year in light of concerns regarding COVID-19, the national webinar, “Tribal Consultation on Violence Against Indian Women (VAWA 2013, Section 903),” is scheduled for September 2, 2020, at 11 a.m. PT/12 p.m. MT/1 p.m. CT/2 p.m. ET. You can register now at bit.ly/2XzLVxd.

Like in past years, this current Restoration provides an overview of Tribal priority issues for the 2020 annual consultation. This section is intended to provide a review of concerns and recommendations made by Tribal leaders addressing the three statutory areas identified for consultation.

The Federal Response to the VAWA 2005 Consultation Mandate

Since 2009, the consultation process organized by OVW has improved each year with issuance of the required consultation reports to Congress and also made available online¹. The pre-consultation process to determine date, location, and consultation issues are determined through a series of scoping calls. The annual consultation established under the VAWA 2005 is now institutionalized and provides a process to annually review and monitor critical issues concerning the safety of Native women. OVW over the last 14 years has consistently coordinated the annual consultation and this process has resulted in annually identifying the most urgent concerns and recommendations many of which have been addressed by Congress as amendments to federal law or federal departments or agencies policy changes.

To improve the consultation process, Tribal leaders have also raised consistently that the annual consultation is a government-to-government dialogue and a time for presentations by tribal leaders of the concerns and recommendations of their respective nations regarding the three broad categories stated under the statute. The concerns previously raised have included the following:

- Consultation is not the time for federal presentations designed to provide training and education.
- Framing papers developed by the federal agencies seeking response from Tribal leaders should be distributed no less than one month prior to the consultation if not sooner.
- The consultation agenda should reflect a government-to-government relationship and should not be open to public comment or dialogue.
- The consultation statute mandates the Attorney General, Secretary of HHS, and DOI attend the consultation, and attendance of top leadership of these Departments is inconsistent.

SAVE THE DATE
Webinar: Tribal Consultation on Violence Against Indian Women (VAWA 2013, Section 903)
September 2, 2020
10am AKT/11am PT/12pm MT/1pm CT/2pm ET
Register: bit.ly/2XzLVxd

For the history of VAWA consultation requirement, see pages 57-60: bit.ly/3qshv45

Presenters:
-Juana Majel Dixon, NCAI Violence Against Women Task Force, Co-Chair
-Kelbie Kennedy, Policy Counsel, NCAI
-Elizabeth Carr, Senior Native Affairs Advisor, NIWRC
-Debra O'Gara, Policy Specialist, AKNWRC

NIWRC
National Indigenous Women's Resource Center

National Congress of American Indians

NIWRC's participation in this webinar is supported by Grant Number W91402-04-1-0001 from the Administration on Children, Youth and Families, Agency for Health Services Research, U.S. Department of Health and Human Services.

¹ U.S. Department of Justice, Tribal Consultation Reports, <https://www.justice.gov/ovw/tribal-consultation>.



The Honor Shawl Ceremony, Lifting Prayers for Native Women Opening Tribal Consultation Since 2006

Shawls presented at 14th Annual Tribal Consultation in New Buffalo, Michigan, on August 21, 2019. / Photo courtesy of NIWRC.

On September 16, 2006, three Honor Shawls opened the first annual tribal consultation mandated under the 2005 Violence Against Women Act held at the Shakopee, Mdewakanton Sioux Community in Minnesota. From 2006 until present, each annual consultation has opened with an Honor Shawl Ceremony.

The shawl ceremony was offered in 2005 to the Tribal coalitions as a gift from Tlingit Elder Jessie Johnnie, from Hoonah, Alaska. Through her guidance, support, and encouragement, the Tribal coalitions created three honor shawls. As Tribal leaders, advocates, and survivors from Indian tribes across the country shared their histories and how violence impacted their relatives and changed their communities, the shawl ceremony developed as a cultural practice of the annual consultation.

Originally in 2006, three shawls were created and dedicated to those lost to the violence, those yet to come, and a third for the women across Tribal nations seeking safety in their lives. For the children yet unborn, a colorful shawl with butterflies was created. For those lost to the violence a black shawl with butterflies was created. On the black shawl, the fringe was incomplete as if there was not enough to go all the way around.

This was with intent, to signify the horrific act of women being ripped from their lives and relatives. For those seeking safety

in their lives, prayers were offered that our sovereign Indian nations would stand and provide women the protection needed.

In the early years, other tribal women contributed to the shawl ceremony. Caroline Antone, of the Southwest Indigenous Women's Coalition offered the concept of the butterflies and the message of healing and hope that butterflies represent. Tillie Black Bear, Grandmother of the Battered Women's Movement from the Rosebud Sioux Tribe, initially offered the honor song for the shawl ceremony. Later, Elder Lorena Dixon of the Pauma Band of Luiseno Indian gifted the coalitions a song to accompany the shawl ceremony frequently led by her daughter Juana Majel Dixon.

The shawl ceremony has developed over the last 14 years and lives as a cultural component of the government-to-government consultation process lifting the voices of Native women—past and present.

Tribal Consultation 2020

Priority Issues to Address Violence Against Indian Women

The following concerns and recommendations are ongoing national priority issues raised during past annual consultations from 2006–2019. These issues have been voted upon by Indian tribes through tribal resolutions unanimously passed during NCAI conferences (2000–2019). Regional organizations of Indian tribes have also discussed and passed resolutions in support of these recommendations. Tribal leaders and advocates have discussed and raised concerns about these barriers to protecting Native women at numerous national meetings with the administration, federal departments and agencies, and their respective Congressional delegations.

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

“In 2005, advocates and tribal leaders came together as a movement to engage Congress to understand the life-and-death need to expand VAWA. It was clear to reach Indian tribes, VAWA had to be more than a grant program. The passage of the Safety for Indian Women Title was a historic stepping stone, but we have a long road ahead of us to reach safe ground.”

—Carmen O’Leary, Executive Director, Native Women’s Society of the Great Plains; Board of Directors, NIWRC

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

Many of the concerns and recommendations made by Tribal leaders during past consultations are addressed in the Safety for Indian Women Title of the Violence Against Women Reauthorization Act of 2019, H.R. 1585¹. Other recommendations are addressed in other federal legislation, such as the Justice for Native Survivors and the Not Invisible Act. In 2019, Tribal leaders raised concerns about the lack of shelter and supportive services for Indian tribes. The primary and only dedicated funding for shelter is provided under the Family Violence Reauthorization Act (FVPSA) that expired in 2015 and must be reauthorized with key Tribal enhancements in 2020.

The concerns and recommendations raised by Indian tribes are extensive as documented in past VAWA Consultation Reports to Congress. The following pages provide some of the priority issues and where available, any supporting legislation. Additional information on pending legislation is also provided for FVPSA on pages 62-63, VAWA on pages 64-67, and Alaska Native villages on pages 68. A chart of pending legislation is provided at page xx. We hope this information is helpful to your preparation for and engagement during the 2020 Consultation.

Tribal Jurisdiction Over Non-Indian Offenders (SDVCJ)

The lack of Tribal jurisdiction over non-Indian offenders on Indian lands continues to be a key reason for the perpetuation of disproportionate violence against American Indian and Alaska Native women. VAWA 2013 addressed this issue for certain crimes of domestic violence, dating violence, and protection order violations for some tribes. While a step forward, VAWA 2013 failed to make the changes needed for Indian tribes to fully protect Native women from abusers, rapists, traffickers, and predators. It also did not address protections for Tribal

¹ <https://www.congress.gov/bill/116th-congress/house-bill/1585/text#toc-HADAAEA751E1C4F58984108D1086A8E46>.

children and public safety personnel in the context of domestic violence crimes. It also failed to include 228 tribes in Alaska and Indian tribes in Maine. For those tribes that are implementing the jurisdiction provision of VAWA 2013, funding and resources are a significant problem. Indian tribes are concerned about payment of health care costs for non-Indian inmates who are sentenced in Tribal courts.

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

- Expansion of Tribal criminal jurisdiction over non-Indian perpetrators of domestic violence, sexual assault, dating violence, stalking, and sex trafficking for all federally recognized Indian tribes.
- Commensurate funding for Tribal implementation of SDVCJ.
- Inclusion of 228 Alaska Native Villages as eligible to utilize SDVCJ.
- Creation of an Alaska pilot project under which Tribal criminal jurisdiction over non-Indian perpetrators of domestic violence, sexual assault, dating violence, stalking, and sex trafficking can be implemented (SDVCJ) on all land within any Alaska Native village.
- Inclusion of Indian tribes in the State of Maine as eligible to utilize SDVCJ.
- Extending protections for children and law enforcement personnel on Tribal lands. As also provided by the Native Youth & Tribal Officer Protection Act (NYTOPA). See legislative update on page 52.
- Restoring Tribal authority to prosecute non-Indians in cases of sexual assault, sex trafficking, and stalking as provided by the Justice for Native Survivors of Sexual Violence Act. See legislative update on page 52.

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

The federal response to the crisis of Missing and Murdered Native Women (MMIW) is a breach of the federal trust responsibility and human rights violation as reflected in the statistical disparities documented in the 2016 National Institute of Justice Violence Against American Indian and Alaska Native Women and Men: 2010 Findings from the National Intimate Partner and Sexual Violence Survey. According to the 2018 U.S. Department of Justice Indian Country Investigations and Prosecutions Report to Congress, the 94 offices of federal prosecutors and respective FBI/BIA offices are responsible for responding to crimes for 200 Indian tribes, less than half of federally recognized tribes. We cannot continue to ignore the importance of an adequately resourced local Tribal response to prevent abductions and murders as affirmed by the 2018 U.S. Department of Justice Indian Country Investigations and Prosecutions Report to Congress (pg. 3) that stated: “It is the Department’s position that prioritization of initiatives in Indian



During the annual consultation, Tribal leaders have consistently presented their concerns and recommendations for fundamental changes required to increase protections for Native women. Top: Juana Majel Dixon, Pauma Band of Mission Indians, and Co-chair of the NCAI Task Force on Violence Against Women. Bottom: Michael Williams, Secretary/Treasurer, Akiak Native Community, and Catherine Kashkaani Edwards, 6th Vice President, Central Council Tlingit and Haida Indian Tribes of Alaska. / Photos courtesy of NIWRC.

country, including the effort to build capacity in Tribal courts, will lead to enhanced public safety for Native Americans.” It is a continuation of the history of genocide committed against the Indigenous peoples of this country. The Tribal and public calls for justice have created a National Day of Awareness for Missing and Murdered Native Women and Girls recognized by Senate Resolutions (2017, 2018, and 2019), and in 2019 and this year a Presidential Proclamation. In combination, over 200 Tribal, state, regional, and national organizations joined with the National Indigenous Women’s Resource Center in support of the Senate MMIW resolutions. The National Day of Awareness efforts reached 24.5 million people across the United States and the world through social media platforms. This public call for justice indicates the extent to which Native women are missing and/or murdered, past and present, often because of the lack of Tribal advocacy services and without any response by law enforcement exacerbated by the federal government’s failure to adequately fund Tribal advocacy services.

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

- MMIW often occurs in connection with domestic violence,

dating violence, sexual assault, stalking, and sex trafficking. It is essential that OVW, FVPSA, and IHS provide increased Tribally based victim advocacy services to the families and community members of the abducted, missing, or murdered Native woman. Such services should include counseling for the children of the MMIW, burial assistance, community healing such as walks for justice and to honor the missing or murdered, community meals and gatherings, and other Tribal-specific activities. OVW does not allow grant funds to be used to provide services to families of MMIW.

- Implement the 2020 recommendations of NCAI regarding Tribal based victim services that should be funded by the Tribal set-aside from OVC².
- NIJ fully implement the VAWA 2005 program of research and specifically provide Indian tribes information regarding the missing and murder of Native women.
- DOJ and DOI review, revise, and create law enforcement, and justice protocols appropriate to the disappearance of Native women and girls, including inter-jurisdictional issues as provided by the Savannah's Act (see page 50) and the Not Invisible Act (see page 50).
- Support the Government Accountability Office efforts to prepare and submit a report on the response of law enforcement agencies to reports of missing or murdered Indians, including recommendations for legislative solutions as provided by the Studying the Missing and Murdered Indian Crisis Act.
- Coordinate efforts across all federal departments to increase support for Tribal responses to missing or murder of Native women and girls. As provided by the Savannah's Act.
- Coordinate efforts in consultation with Indian tribes to increase the response of state governments, where appropriate, to cases of the disappearance or murder of Native women or girls.
- See recommendations in section on Accountability of Extractive Industries for Violence Against Native Women.

Consultation Issue: 2020 Tribal Funding and Distribution

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

American Indians and Alaska Natives experience the highest crime victimization rates in the country³. In 2018, the CJS appropriations bill directed 3% of overall CVF disbursements to Indian tribes to address the needs of crime victims. This amounted to \$133.1 million. In 2019, the Tribal set-aside in the CJS bill was increased to 5%, totaling \$167 million. In 2020, the CJS bill maintained the 5%, totaling \$132 million. (The SURVIVE Act (S. 211) is pending authorizing legislation that

² <https://www.ovc.gov/news/tribal-set-aside.html>

³ Rosay, R. B. (2016). Violence against American Indian and Alaska Native women and men: 2010 findings from the national intimate partner and sexual violence survey. Retrieved from <https://www.ncjrs.gov/pdffiles1/nij/249736.pdf>

would similarly direct 5% of CVF disbursements to tribes).

While the establishment of a Tribal set-aside in the CVF represented a long-overdue recognition of the needs in this area, DOJ's efforts to administer the funding in the first two years raised significant concerns about their capacity and commitment to ensuring that the funds reach the Tribal communities. However after hearing from Tribal Leaders on their concerns, OVC following a specific Tribal set-aside consultation released a solicitation that reflected the concerns and recommendations raised by Tribal leaders during consultation and moving forward with a formula distribution of this funding.

Recommendations to DOJ OVC:

- Continue to engage in the process of consultation with Tribal governments to improve the distribution of the Tribal funds and how regulations should be tailored to address the unique Tribal context.
- Utilize a Tribally-based view of what constitutes activities that will "improve services to victims of crime" as set forth in the appropriations bill. Different tribes will have different needs, and it is essential that the funding can be used flexibly. The needs of victims in Tribal communities may differ significantly from those in non-Tribal communities. Congress enacted the Tribal set-aside to rectify a longstanding inequity between Tribal governments and state, and territorial governments. OVC must respect the sovereign right of Tribal governments to self-determination as they respect the sovereign right of state governments to self-determination.
- Extend the grant project period for up to 4 years for CVF awards. A project period of up to 4 years to spend any funds would allow tribes, when appropriate, to use the time necessary at the start of the award period for project planning and needs assessments.
- Support a permanent fix to VOCA Tribal funding stream as provided by the SURVIVE Act. See page 53.

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

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

Recommendation to OVW:

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

Department of Interior, Bureau of Indian Affairs Disparities in Funding

Indian nations located in Public Law 280 (PL 280) jurisdictions - 65% of the nation's federally recognized tribes - receive substantially lower amounts of support from the BIA for tribal law enforcement and tribal courts than Indian nations not subject to PL 280. Consequently, the tribes in PL 280 jurisdictions have less resources and support to develop their own police departments and court systems. Since the 1990s, the DOJ has financially supported and provided technical assistance to Indian nations for the development and enhancement of their police departments and court systems. Only in the past few years because of the tribal outcry, the DOI requested and received funding towards this end. The federal funding disparities for tribes located in Public Law 280 and similarly situated jurisdictions must be addressed.

Recommendation to BIA:

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

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

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

Recommendations:

- DOJ, DOI, the DOD Army Corps of Engineers, and HHS create standards of protection for tribal communities for extractive industries to comply with before, during, and post construction to protect Native women and children, including through the federal permitting processes.
- DOJ and DOI establish screening guidelines to prevent convicted rapists, domestic violence offenders, stalkers, child predators, sex traffickers, and murderers from assignments by industries on tribal lands to prevent predators from accessing vulnerable, and often unprotected, populations of Native women and children.
- DOJ assist Indian tribes in safeguarding the lives of Native women where extractive industries employ a militarized police force to ensure no militarized tactics and usage of excessive force and/or violations of civil rights are committed against citizens and members of Tribal communities.
- HHS should enhance support for services and training for shelter and related advocacy and medical services by developing materials addressing the needs of domestic and

sexual violence victims who are victimized by itinerant workers who cannot be held accountable by local tribal authorities.

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

TLOA, Section 201, Federal Accountability. Section 201 requires U.S. Attorneys to coordinate with tribal justice officials on the use of evidence when declining to prosecute a reservation crime. Sharing this type of information is critical to keeping Indian women safe. Tribal officials need to be notified when a U.S. Attorney declines to prosecute sexual assault and domestic violence cases so that, in the case of an Indian defendant, a tribal prosecution may proceed. In cases of non-Indian defendants, it is also important so the tribe can at least notify the victim of the status of the case so that the victim may take the necessary steps for protection.

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

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

Recommendation:

- The DOJ work with Congress to ensure that the Bureau of Prisons Pilot Project is reauthorized.

TLOA, Section 601, Prisoner Release and Reentry. Section 601 requires the U.S. Bureau of Prisons to notify tribal justice officials when a sex offender is released from federal custody into Indian country.

Recommendation:

- Ensure that tribal justice officials are notified of prisoner release and reentry on Indian lands, regardless of the process by which this occurs. Whether the BOP Director gives notice directly to Tribal justice officials or notices to the U.S. Attorneys, it is the U.S. Attorneys who are responsible for relaying that message to Tribal justice officials.



Increased Funding Needed in Reauthorization of Family Violence and Prevention Services Act

By Paula Julian, Senior Policy Specialist, NIWRC

For two years, a coalition of national advocacy organizations worked closely with congressional staffers to draft an enhanced version of a bill to reauthorize the Family Violence Prevention Services Act (FVPSA), one reflecting the diverse needs of domestic violence victims, priorities of Indian tribes, and the national movement. This coalition included a Tribal Workgroup including the National Indigenous Women's Resource Center, Alaska Native Women's Resource Center (AKNWRC), National Congress of American Indians (NCAI), StrongHearts Native Helpline, and the Alliance of Tribal Coalitions to End Violence (ATCEV).

The FVPSA provides critical support for shelters, coalitions, training and technical assistance centers, children's services, emergency response hotlines, and prevention initiatives, and is the only federal grant program dedicated to domestic violence shelter and supportive services. It is the primary source of funding for these services for Indian tribes.

On December 12, 2019, the Senate Health, Education, Labor, and Pensions (HELP) Committee passed a package of legislation, S. 2971, inclusive of portions of the draft. The progress made toward reauthorization of FVPSA is the result of partnership between congressional champions and the movement to protect Native women. In July 2019, Senators Bob Casey (D-PA) and Lisa Murkowski (R-AK) introduced S. 2259. In November 2019, House Representatives Lucy McBath (D-GA), Gwen Moore (D-WI), Tom Cole (R-OK), and John Katko (R-NY) introduced a companion bill H.R. 5041.

These bills, S. 2259 and H.R. 5041, expand grant programs and make many needed improvements so that more survivors have access to support and safety.

“While S. 2971 as passed by the HELP Committee makes slight improvements, S. 2259 and H.R. 5041 provide a more



complete and better pathway for providing Native victims with the advocacy services so desperately needed,” said Lucy Simpson, Executive Director of NIWRC. “We will continue to advocate on the importance of moving this critically needed legislation forward, ensuring that it aligns more closely with the actual needs of the victims we all aim to serve.”

According to a 2018 annual survey of the National Network to End Domestic Violence (NNEDV), in just one day, domestic violence programs across the country were unable to meet 9,183 requests from survivors.

Native survivors of domestic violence urgently need increased services, and NIWRC welcomes the HELP Committee's vote to move the reauthorization of FVPSA, S. 2971, forward. S. 2971 includes some of the important enhancements that the national coalition advocated for by recognizing the role of tribal domestic violence coalitions, the StrongHearts Native Helpline—a national Indian domestic violence hotline, and the Alaska Native Women's Resource Center. The national coalition will continue to work with both the Senate and the House to more closely align a final bill with the more fully enhanced provisions in S. 2259 and H.R. 5041.

“We are thankful for the recognition of the unique role that tribal coalitions play in supporting tribes and tribal organizations to address domestic violence and look forward to ongoing negotiations to secure the tribal resources so badly needed,” said Dawn Stover, Executive Director for ATCEV.

The tribal improvements in S. 2259 and H.R. 5041 reflect the needs of domestic violence victims and priorities of Indian tribes and our coalition, including but not limited to the following:

- Increasing the overall funding authorization level to address very low per-program funding levels and provide access to FVPSA funds for more tribes and programs not

currently funded.

- Strengthening the capacity of Indian Tribes to exercise their sovereign authority to more fully respond to domestic violence in their communities by increasing the current 10% tribal allocation to 12.5% off the top of appropriations.
- Authorizing recognition and meaningful funding for tribal coalitions to provide Indian tribes and tribal organizations with technical assistance and training on developing and strengthening responses to domestic violence.
- Authorizing recognition and funding for the currently funded Alaska Native Women’s Resource Center.
- Authorizing recognition and funding for the currently funded StrongHearts Native Helpline to serve as the national Indian domestic violence hotline.

The national coalition does not support the straight reauthorization of FVPSA, S. 85, introduced by Senator Chuck Grassley (R-IA), because it lacks increased support for survivors.

“S. 85 falls short of our coalition’s call for improvements to the law,” said Simpson. “Given the growing call of families and grassroots organizing against the injustice of missing and murdered Indian women, and resulting state and federal attention, the need for advocacy services for Native victims is urgent.”

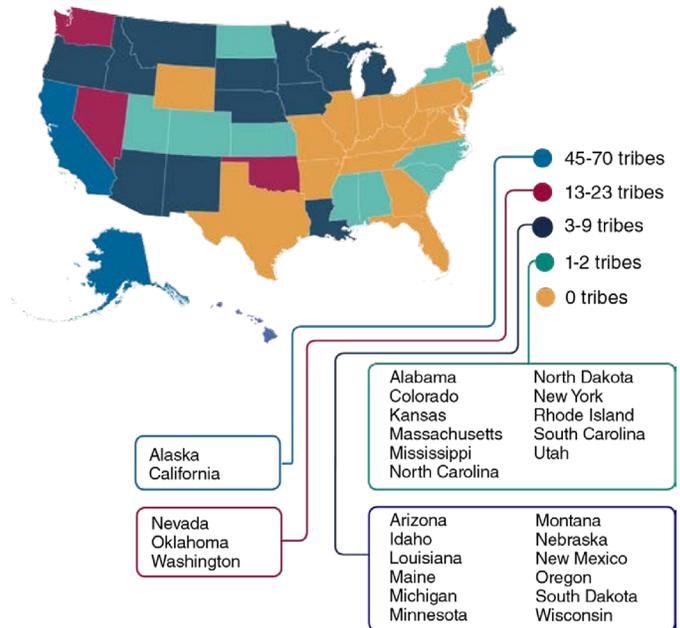
Funding Under the FVPSA 2020 Reauthorization Must Increase

While all federally recognized Indian tribes are eligible to apply for tribal FVPSA funding, unfortunately the current funding level prevents funding all the tribes. NIWRC applauds the FVPSA office for funding over 250 tribes and tribal organizations, yet this number must increase. Currently fewer than half of all federally recognized tribes receive FVPSA funding.

“Typically, the largest number of tribes funded are in Alaska and California (between 45 to 70 tribes), followed by Nevada, Oklahoma, and Washington (13 to 23 tribes). All other states

have fewer than ten tribes funded through FVPSA. To meet the need for shelter, tribal programs contract with hotels, utilize safe homes, and access non-Native shelters outside of their villages, communities, and reservations.”¹ Fewer than 50 tribal domestic violence shelters currently exist. FVPSA funding must increase to support additional Indian tribes to provide lifesaving shelter and services.

Number of Tribes Funded by States in 2017



Forty-two years ago, January 1978, Tillie Black Bear provided testimony to the U.S. Commission on Civil Rights at a historic hearing titled ‘Battered Women: Issues of Public Policy’ about the lack of shelters and support for victims. Six years later in 1984, because of the groundswell of advocacy from survivors like Tillie and their advocates, FVPSA became federal law. We are long overdue for these tribal enhancements to increase shelter and supportive services for all tribes.

¹ https://www.acf.hhs.gov/sites/default/files/fysb/fvpsa_tribaldvservices_071818_508.pdf.

Act Within Your Reach on FVPSA

Call on your Members of Congress to support a FVPSA bill with the tribal provisions contained in S. 2259 and H.R. 5041. These provisions meet the needs of Indian tribes and increase shelters and services Native women and survivors need.

Sample Tweets:

Increase funding for Native shelters and support services. #FVPSA4All

Native women who are battered need shelters and services now. #FVPSA2020

Increase tribal domestic violence shelters to support Native women. #TribalFVPSA

ACTION NEEDED TO REAUTHORIZE THE VIOLENCE AGAINST WOMEN ACT

By Jacqueline Agtuca, Editor, Restoration Magazine

The Violence Against Women Act (VAWA) became the law of the land in 1995. Over the past 25 years, VAWA has grown into a historic Act reshaping the laws, policies, and responses of federal, tribal, and state governments. While the legal reforms of VAWA continue the grant provisions of VAWA expired in December of 2018 and must be reauthorized. The struggle for VAWA reauthorization is complicated and challenging reflecting the very real difference in the view of safety for Native women and safety for other populations in the United States.

As Indian tribes, the country, and peoples around the world struggle to survive and organize in response to the COVID-19 virus, the reality of domestic violence victims under social distancing restrictions is of grave concern. Specifically, the concern for how the 24-7 confinement to a living space with an abuser complicates an already dangerous setting—the potential for ongoing threats, physical abuse, and murder. This setting is even more dangerous if the local government where you live has no authority over the abuser highlighting the urgent need for the VAWA tribal amendments contained in H.R. 1585.

“Justice in America is racialized. Indian tribes are the only governments in America without jurisdiction to protect women from violence due to the race of the abuser. We must have full authority on our lands to protect victims of abuse from non-Indians,” said Juana Majel-Dixon, Co-Chair of the NCAI Task Force on Violence Against Women. “The COVID-19 crisis has spotlighted why VAWA must be reauthorized this year to change this reality.”

VAWA 2020 Reauthorization, H.R. 1585 and S.2843

The position of the NCAI Task Force is that the Senate version of the Violence Against Women Reauthorization Act must address this jurisdictional gap with local solutions that will deliver long-overdue justice to Native women and safety to tribal communities. Senate Bill 2843 is a companion bill to and mirrors the tribal provisions of H.R. 1585, specifically amendments to protect children and elders; victims of sexual violence, stalking, sex trafficking; obstruction of justice; and assaults against law enforcement and corrections personnel.

In 2013, the movement won a historic but limited victory in the return of jurisdiction to Indian tribes over non-Indians committing domestic violence. While many said this would “never happen” tribal women who were survivors of such violence understood the dangers perpetrated by non-Indians and stepped forward to testify at Congressional hearings, speak to the media, and share their stories where needed. The groundswell that led to the 2013 victory must continue to grow in 2020 to create these needed changes. The final VAWA bill should restore tribal criminal jurisdiction over non-Indians to respond to and prevent the pattern of domestic violence crimes that threatens the lives of Native women daily.

“Women and men, Senators and Representatives from all backgrounds, and tribal leaders from across Indian Country have all spoken that these injustices cannot continue,” Majel-Dixon said. “Normalization—social tolerance—of violence

against Native women is intertwined with these antiquated racialized federal laws.”

VAWA has expanded its reach over the decades to more fully include support for Indian tribes to address domestic violence, sexual assault, dating violence, stalking, and sex trafficking. The 2013 VAWA amendments demonstrate an increasing awareness of the legal barriers to address violence against Native women and the essential role of tribal governments in the full implementation of VAWA. In 2020, these legal disparities in protections for Native women must be corrected. Justice cannot continue to be based on antiquated federal laws from the 1800s.

“For each reauthorization, NIWRC has joined with the NCAI Task Force, tribal leaders, and the grassroots advocacy movement for Native women to partner with Congressional champions,” said Lucy Simpson, Executive Director of NIWRC. “This national alliance has secured legal protections and increased resources for Indian tribes to protect and support Native women, and we must do so again in 2020.”

Voids in VAWA 2013 Tribal Jurisdiction

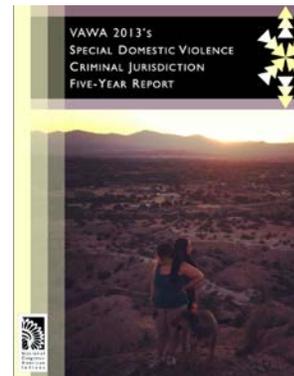
Congress, in 2013, unfortunately, limited the return of tribal jurisdiction over non-Indians to only three domestic violence crimes—domestic violence, dating violence, and violation of an order of protection. In March 2018, NCAI released a Five-Year Report on VAWA 2013’s Special Domestic Violence Criminal Jurisdiction (SDVCJ)¹. This report summarizes the implementation of VAWA 2013’s tribal jurisdiction over non-Indians. It analyzes the impact of special domestic violence jurisdiction during the first five years of enactment. The report is a strong statement that VAWA 2013 has been successful in holding criminals accountable and protecting Native women. It is also a statement of the tremendous void that Congress allows to continue by non-Natives who are committing sexual assault, trafficking, and crimes against children and justice personnel responding to domestic violence.

Indian tribes implementing SDVCJ report many of the offenders prosecuted had a significant number of tribal police contacts prior to implementation and had been menacing their victims and straining the tribes’ law enforcement resources. The Tulalip Tribes, for example, has reported that their 17 SDVCJ defendants had a total of 171 contacts with tribal police in the years prior to SDVCJ implementation and their ultimate arrests. The implementing tribes reported the 85 defendants accounted for 378 prior contacts with tribal police before their tribe implemented special domestic violence criminal jurisdiction over non-Indians.

The Tulalip Indian Tribes shared one case example of a non-Indian defendant with 19 prior contacts with tribal police. The case involved an Indian woman who was assaulted and raped by the non-Indian father of her children. The couple’s 8-year

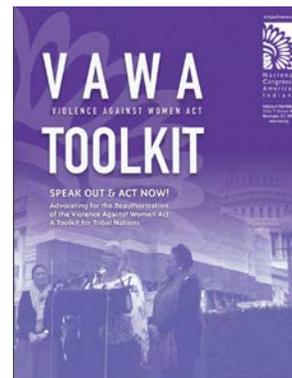
¹ http://www.ncai.org/resources/ncai-publications/SDVCJ_5_Year_Report.pdf

VAWA 2020 Reauthorization Resources



VAWA 2013’s Special Domestic Violence Criminal Jurisdiction (SDVCJ) Five-Year Report, National Congress of American Indians

This report summarizes how VAWA 2013’s landmark provision has been implemented and analyzes its impacts in the five years since it was enacted. View: bit.ly/3gNqMIK



Advocating for the Reauthorization of the Violence Against Women Act: A Toolkit for Tribal Nations, National Congress of American Indians

The resources in this toolkit are available to support your advocacy around VAWA as you take action in your community. View: bit.ly/36PollW

old son disclosed in his statement to police that he was “punched in the face” by his father. This incident, the latest in a long history of abuse, resulted in charges of Assault in the First Degree Domestic Violence and Rape Domestic Violence, but the defendant was not immediately apprehended. Based on the conduct alleged, the victim petitioned for a protection order, which was granted. Prior to defendant’s arraignment on the violent crimes, he was served with, and twice violated, the protection order. At the scene of these violations, the defendant was taken into custody. The defendant had nineteen contacts with Tulalip Police prior to these incidents. However, after the implementation of SDVCJ, the defendant was finally held accountable for his crimes.

This is but one of many examples of the success of the return of tribal jurisdiction over non-Indian abusers. The VAWA 2013 amendment has made a tremendous difference in the lives of victims of domestic violence. “Before VAWA, tribal police could only give an abuse victim “a head start” to flee the scene. In 2014, a non-Indian man attacked his Indian wife in a public parking lot of a gas station. During the assault in the car, he also bit her. When she ran out of the car and rushed into a women’s restroom to seek shelter, he followed her and continued to assault her. The police were called, and tribal and state officers arrived at the scene. In any other case, the man would have been arrested and charged. However, because the assault took place on the Sisseton-Wahpeton Oyate reservation and the defendant was a non-Indian, only the federal government had jurisdiction. So, the tribal and state police who responded did the best they could do. They held the man in custody and painfully told the woman all they could do is try to “give her a head start.” The Sisseton-Wahpeton Indian Tribe is now implementing SDVCJ. Still, for many reasons, such as the lack of resources, the vast major of other Indian tribes are not.

Why Tribal Jurisdiction Under VAWA Must be Expanded in 2020

Passed by the House of Representatives, the VAWA Reauthorization Act, H.R. 1585, includes the expansion of tribal jurisdiction over non-Indians based on the needs of victims, including specific crimes involving children and elders, sexual violence, stalking, sex trafficking, obstruction of justice, and assaults against law enforcement and corrections personnel.

Unfortunately, the U.S. Senate has yet to pass a companion bill to reauthorize VAWA. The current lack of tribal jurisdiction over non-Indian offenders emboldens criminals because they face no consequences for violent crimes committed on tribal lands. If Congress continues to stall and show their lack of concern about the safety and well-being of Native women and children, they fail to fully understand that allowing criminals to commit crimes with impunity only raises the threat to all women and children.

There are many examples of how the narrow restrictions of the VAWA 2013 SDVCJ limit the protection tribal law can provide victims of domestic violence, sexual assault, trafficking, and

other crimes. In the following case reported in the NCAI Five-Year Report, a child sexual predator who evaded tribal prosecution was subsequently arrested by the county for raping a young girl.

A non-Native man with criminal convictions moved to the Sault Ste. Marie Reservation and began an intimate relationship with a tribal member. He then began making unwanted sexual advances on his girlfriend’s 16-year-old daughter. He sent inappropriate texts to the daughter and would stand outside the windows of their home. On one occasion he groped the daughter and then told her she could not tell anyone about it. The tribe charged the defendant with domestic abuse, attempting to characterize his actions toward the daughter as tied to the relationship with the mother and thus within special domestic violence jurisdiction of the tribe, but the tribal judge dismissed the case as beyond the tribal court’s jurisdiction.

Four months later, he was arrested and charged by city police with three counts of criminal sexual conduct, one count of attempted criminal sexual conduct, one count of child sexually abusive activity, one count of using a computer to commit a crime, and one count of using a computer network to commit a crime. The alleged incident involved a barely 14-year-old girl who was a tribal member and resided on the Sault Ste. Marie Reservation. The defendant allegedly contacted her online and then kidnapped and held her in an off-reservation motel, repeatedly raping her over the course of 12 hours.

“Had our tribe had jurisdiction to maintain court authority over the alleged non-Native perpetrator for the first incident, this second act of violence may have been prevented. This child’s life will never be the same.”—Jami Moran, Director of the Sault Ste. Marie Tribe of Chippewa Indians Advocacy Resource Center

VAWA’s Support for Safety and Sovereignty Since 1995

The Violence Against Women Act was originally enacted in 1994 and became law January 1, 1995. The VAWA has been reauthorized three times: 2000, 2005, and 2013. With each reauthorization of VAWA, the national movement has achieved significant victories in support of tribal authority and resources needed to increase the safety of Native women. These legislative victories include the following highlights:

- 1995—VAWA included a 4% dedicated funding stream for American Indians and Alaska Natives tribes with a statutory purpose of “developing, enlarging, or strengthening programs addressing the needs and circumstances of Indian tribes in dealing with violent crimes, including sexual assault and domestic violence, against women.”
- 2000—VAWA increased the tribal dedicated funding stream from 4% to 5%, provided increased clarity regarding tribal court protection orders and enforcement, and created a tribal coalition grant program.
- 2005—VAWA included a Safety for Indian Women Title,

recognizing the unique legal relationship of the United States to Indian tribes and women. Congress explicitly provided that the title was “to strengthen the capacity of Indian tribes to exercise their sovereign authority to respond to violent crimes committed against women.” It authorized the creation of a single VAWA tribal grant program and increased the tribal funding generally across VAWA to a minimum of 10%, created a tribal unit and Deputy Director for Tribal Affairs, and mandated annual tribal-federal VAWA consultations. VAWA 2005 also added dating violence as a new purpose area.

- 2013—VAWA included a historic amendment affirming inherent tribal authority over non-Indians committing

specific acts of domestic violence, or dating violence, or violation of certain protection orders in the Indian country of the tribe. It also provided increased funding for the OVW tribal coalition’s program, and recognized sex trafficking as a new purpose area under the tribal grants program.



Statement by Juana Majel-Dixon, Co-Chair for the Task Force on Violence Against Women and Secretary of the National Congress of American Indians

Each reauthorization has included important reforms to increase the safety of Native women across the United States by recognizing and supporting our responsibility as sovereigns to protect our people. Yet despite these achievements, Native women and children are still suffering.

Too many of our sisters are missing, and too often our hands are tied when we want to protect our people. We are forced to rely on state or federal governments who are disinterested and ill-equipped to address these issues in our communities. This is unacceptable.

We wear shawls with the message “Sovereignty and Native Women’s Safety” to honor survivors of violence, to remember our missing relatives, and as a reminder that the sovereignty of our nations and the safety of our women are

interdependent. We are the ones who will bring healing, justice, and safety to our communities.

We celebrate our accomplishments under VAWA, however, in 2020 we must continue the reform process to build a better future. A future where our daughters, granddaughters, and great-granddaughters will not have to shoulder the same high rates of crimes that Native women endure in Indian Country today. As tribal leaders, we have no greater priority than protecting our women, children, and elders.

We are thankful that there are strong leaders in both the House and Senate that have stood for the protections of Native women, regardless of party politics. We celebrate and thank the representatives for standing with us, and for passage of H.R. 1585 with amendments necessary for Indian tribes to protect Native women. We urge the Senate to move quickly to reauthorize a VAWA inclusive of these Tribal amendments as found in S.2843. Victims in Indian Country cannot wait. We will not accept a VAWA Senate bill that leaves Native victims behind. They are counting on us.

I call on all Tribal leaders, legislators, advocates, and allies to help us move forward to reauthorize VAWA with strong tribal provisions. We must remove the barriers to justice and recognize our inherent authority—and responsibility—to protect our citizens. We cannot take a step backward in this fight. Our future and the lives of Native women across the United States, depend on what we do here and now.

ALASKA UPDATE

VAWA Special Domestic Violence Jurisdiction for Alaska Indian Tribes Is Essential

By Tami Truett Jerue, Executive Director, AKNWRC



Only one of the 229 tribes in Alaska are eligible to exercise special domestic violence criminal jurisdiction (SDVCJ) under the Violence Against Women’s Act of 2013 (VAWA 2013). Late last year, Senator Lisa Murkowski introduced the Alaska Tribal Public Safety Empowerment Act, S. 2616. The Act will expand the jurisdiction provided under the VAWA 2013 to Alaska Native villages on a pilot basis under certain conditions.

“Far too many communities in Alaska know what it feels like to lack any means to seek help or justice for a crime of domestic violence or sexual assault because their village lacks advocacy services and law enforcement. This bill aims to change that and empowers villages to develop local solutions to problems,” said Senator Murkowski.

When it comes to domestic violence, Alaska Native women are overrepresented by 250 percent—that means our sisters, mothers, aunts, cousins, and loved ones are being violated at rates that are unacceptable anywhere, in any state. Alaska’s tribes need to be able to exercise the special domestic violence criminal jurisdiction to address our staggering statistics. Alaska tribes, with support from the federal government, can be effective partners with the State to address Alaska’s rural public safety crisis.

The House of Representatives included a pilot project provision in the VAWA Reauthorization Act, H.B. 1585, passed in March 2019. Similar to VAWA 2013, H.B. 158 recognized the inherent authority of Alaska tribes to exercise SDVCJ and defined Indian Country for the purposes of exercising this jurisdiction to: “(1) Alaska Native-owned Townsites, Allotments, and former reservation lands acquired in fee by Alaska Native Village Corporations pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 33) and other lands transferred in fee to Native

villages; and“(2) all lands within any Alaska Native village with a population that is at least 75 percent Alaska Native.”

Senator Murkowski’s bill takes a different approach to defining jurisdiction. While she agrees the population has to be 75% Alaska Native, rather than use the term “Indian country,” she defines jurisdiction to a “village,” which means the Alaska Native Village Statistical Area covering all or any portion of a Native village (as defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602)).

The bill would also expand covered crimes to include crimes of sexual violence, sex trafficking, stalking, assault of law enforcement or corrections officers, obstruction of justice, and assault of a law enforcement or correctional officer, any crime against a child, and any crime involving the possession, transportation, or sale of alcohol or drugs where that possession, transportation, or sale is prohibited by an applicable Federal, State, or Tribal law. Eligible tribes must meet the required criteria, including having a community be predominantly Native.

This bill would provide real change to our tribal communities, especially if there is a funding mechanism tied to this bill or implementing tribes are permitted to use funding under the Office on Violence Against Women grant programs. This bill is essential for the safety of Alaska Native women.





VIOLENCE IS NOT OUR TRADITION

TAKE ACTION NOW

- Access Tribal resources
- Request technical assistance
- Connect on social media
- Join mailing list to organize, receive updates, & action alerts



National Indigenous Women's Resource Center

Learn more at niwrc.org



National Indigenous Women's Resource Center

SUPPORT OUR MISSION

Help us end violence against Native women

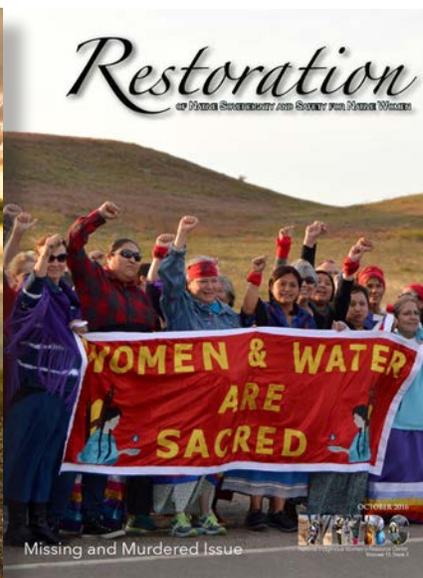
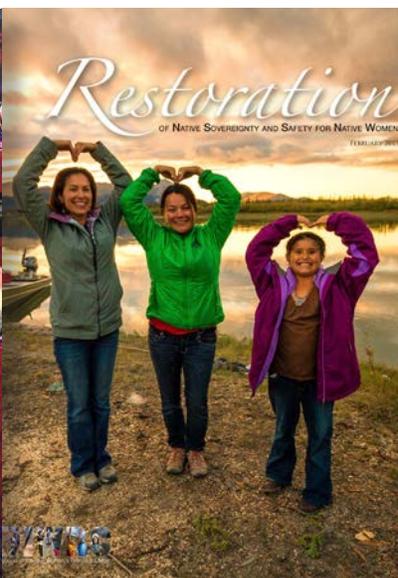
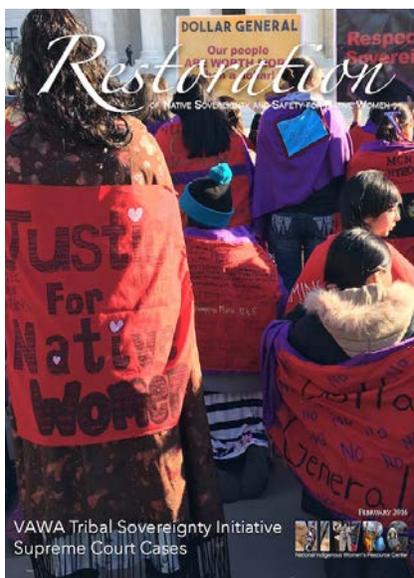


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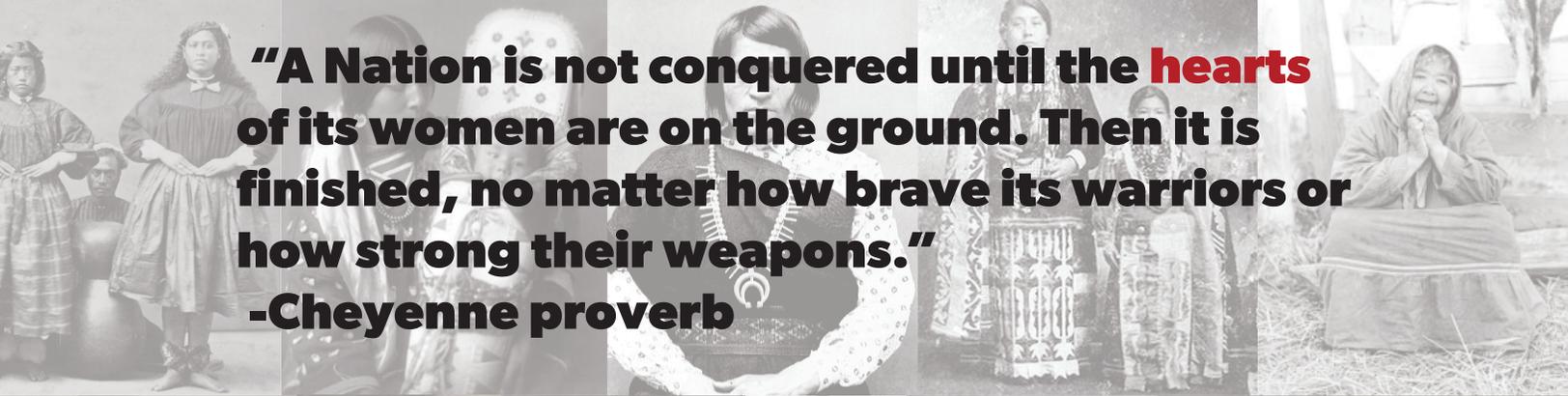


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**“A Nation is not conquered until the hearts
of its women are on the ground. Then it is
finished, no matter how brave its warriors or
how strong their weapons.”
-Cheyenne proverb**



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