



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

February 2021 | Volume 18 | Issue 1

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Letter from the National Indigenous Women's Resource Center

Dear Friends,

It is with great honor and responsibility that we share the February 2021 issue of *Restoration of Native Sovereignty and Safety for Native Women*. For more than 18 years, this publication has served its post well as a platform to lift the voices of the movement calling for the safety of Native women. With each passing year, this platform becomes more urgent, the voices louder, and the need for meaningful change more critical than ever before.

Here at the National Indigenous Women's Resource Center, we are feeling renewed hope and confidence in the work and actions that lie ahead in 2021. With a new Administration and a groundswell of advocates hungry for change, our staff is working furiously to organize actions in support of Sexual Assault Awareness Month, the May 5th National Day of Awareness of Missing and Murdered Indigenous Women and Girls (MMIWG), and our recently announced virtual Women Are Sacred Conference slated for June. These are sacred efforts that lift the voices and experiences of Native survivors and family members impacted by violence, as you will see featured in this issue. One action, in particular, we hope you will join is the collective effort to call on Congress to pass resolutions declaring May 5th as a National Day of Awareness for Missing and Murdered Native Women and Girls.

Though, despite some of the immediate actions taken by President Joe Biden on the Keystone XL pipeline and the reaffirmation of tribal sovereignty through tribal consultation, we must remember that the United States government has long historically failed Tribal Nations in meeting the federal Indian trust responsibility to assist in the health, safety and welfare of Tribal citizens. It is our duty as Native people to hold the federal government to account for our ancestors and the next generation of Indigenous women and girls. We can see a beacon of hope in the new Administration's recent actions, but we have a long way to go. Still, change is possible, and we look forward to continually working alongside our survivors, grassroots advocates, and tribal communities in this work.

This year also serves as a major milestone for our staff and board, as 2021 marks the 10-year anniversary of the NIWRC. It has been an honor for us to serve Tribal Nations and their programs as the National Indian Resource Center Addressing Domestic Violence and Safety for Indian Women. We look forward to continually offering culturally grounded resources, technical assistance and training, and policy development to strengthen tribal sovereignty and increase safety for Native women for many years to come. Stay tuned to our mailing list and social media for more updates and opportunities to help us celebrate this milestone this year.

Sending strength and prayers your way,



Ahéhee',

Lucy Simpson, Esq.
Diné
Executive Director



Mvto,

Cherrah Giles
Muscogee (Creek)
Board Chairwoman



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

Restoration of Native Sovereignty and Safety for Native Women Magazine, 2003-2021

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.

Editor

Jacqueline "Jax" Agtuca

Managing Editor

Mallory Adamski

NIWRC Staff Contributors

Lucy Simpson, Executive Director; Rose M. Quilt, Director of Policy and Research; Paula Julian, Senior Policy Specialist; Director of Research and Policy; Tang Cheam, Director of Information and Technology; Zinaida Carroll, IT Support Assistant; Kelsey Turner, Fellow; Erica "CC" Hovie, StrongHearts Native Helpline.

Organizational Contributors

Alaska Native Women's Resource Center, Tami Truett Jerue and Debra O'Gara; Indian Law Resource Center, Christopher T. Foley and Jana Walker; Pipestem & Nagle Law, Mary Kathryn Nagle and Andie Sweeden; Native Women's Society of the Great Plains, Carmen O'Leary; Minnesota Indian Women's Sexual Assault Coalition, Nicole Matthews; Pouhana O' Na Wahine Members Wanette Lee, NaniFay Paglinawan, Rose "Loke" Pettigrew, and Dayna Schultz.

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Comments?

Mail to: Restoration Magazine, NIWRC,
P.O. Box 99, Lame Deer, MT 59043
Email to: restoration@niwrc.org

Survivors Geraldine Dubourt (left) and Francis Hart (right) stand on the steps of the South Dakota Capitol to bring awareness to the abuses by boarding school staff and church personnel in 2020. (AP Photo/Stephen Groves). | Pg. 32.



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Editor's Note



Through the courageous stories of sisters like Elsie Boudreau, Louise Charbonneau Aamot, Malinda Limberhand, and from personal experience, we know that healing is possible.

Our larger challenge as a social justice movement is creating structural change within the United States government in the hope of preventing future violence against Native women and the generations to come.

Throughout 2020, police killings generated a groundswell across a broad spectrum of American society calling for systemic change to address structural inequalities.

Will such change be inclusive of justice for Native women and the crisis of missing and murdered Native women—the victims and survivors of domestic, sexual, trafficking, and hate crimes?

Rose Burkowski, a friend, beloved elder, and lifelong advocate, lived her life in remote Alaska and encountered the harsh reality of violence committed against her Yup'ik sisters. Rose always carried a deep sense of hope and often shared, “Nothing is impossible. Everything is possible.” Her words can light our path, our efforts, in 2021.

The Challenge of Addressing Structural Inequalities

The question before us is—How do we prioritize and integrate addressing structural inequalities into our

ongoing organizing efforts to increase safety and justice for Native women?

Structural inequalities for Native women are interwoven with the current political, economic, and social institutions of the United States. Through its authority as a government, the U.S. enacted laws, developed policies, funded programs, and supported social practices to eradicate and forcibly assimilate Indigenous peoples.

These structural inequalities created by colonization are not just historical facts but are alive today in the laws and policies that separate Native women from other populations, increasing their vulnerability to violence in a multitude of ways.

Indigenous women face both the structural inequalities resulting from the colonization of their nations and also gender-based inequalities and violence.

The litmus test of structural change is more than acknowledging the barriers. It must be removing and replacing the laws, policies, and programs separating Native women from living lives free of violence. While this includes accessing meaningful justice-related services, it also requires the full range of governmental departments and services—healthcare, housing, education, and others.

Beyond targeted reforms of the government, safety is linked to inclusion and fairness in the political, economic, social, and cultural institutions of the U.S. as a nation.

In 2021, and going forward, acknowledgment of injustices must be connected to changes that structurally correct the injustice. To the call for ongoing public awareness, we add the task of informing the public of the specific reforms required to dismantle systemic barriers. These reforms include reforms within the VAWA Reauthorization Act such as restoring tribal jurisdiction over non-Indians committing violence against women and children and resources to support services such as shelter, housing, and advocacy for survivors of domestic and sexual violence. Public awareness must be linked to intentional reforms.

Federal laws and policies created broad social permissions and tolerance of violence committed against Indigenous women. And while the struggle to correct the structural inequities are challenging, a far greater challenge is altering the dominant societal view of Native women.

Reaching Beyond Addressing Individual Violence

In preparing for this April as Sexual Assault Awareness Month, we aim to share information beyond the statistics that one in three Native women will be sexually assaulted in her lifetime by offering recommendations from survivors. In organizing for the May 5th National Day of Awareness to honor Native women who are missing or have been murdered, we identify and share recommendations from family members of our missing and murdered sisters to reform and remove structural barriers.

We raise the question of—*Why?* And to the answers, the reasons given, we call for systemic reforms.

The answers to *Why?* are not simple, but they are not ‘mysteries.’

The recurring violence committed against Indigenous women spanning generations is not natural. Domestic and sexual violence is not natural. These are the products of humans using the structures of governments to impose and achieve specific purposes through laws and policies. Essential to the creation of structural inequities are laws and policies reflective of specific beliefs and goals. One example is the Code of Indian Offenses criminalizing specific Indigenous spirituality; another is the Indian Civilization Act authorizing the forced removal of children from their parents to the horrors of government boarding schools.

THE STORY OF THE THREE SISTERS

One spring morning, three sisters left camp with their buckets to get water from a nearby stream. The stream was narrow but deep and fast flowing. The sisters were enjoying the warm weather and visiting as they walked to the stream.

As they neared the stream, they began to hear the cries and screams of babies. The sisters dropped their buckets and ran to the stream. To their horror, there were dozens and dozens of babies floating down the stream; many were drowning.

The first sister jumped in and began catching and throwing babies on to the bank of the stream as fast as she could.

The second sister hollered, “You’re not saving enough babies!” She jumped in and began teaching the babies to swim so they could save themselves.

The third sister began running upstream. Her sisters yelled at her to help. She turned and yelled, “I am. I’m going up the stream to see how the babies are getting in the water in the first place.”

Looking forward to 2021, the central question for the movement for safety is less the government's role in the past but how current departments and agencies of the federal government maintain structural inequities separating Native women. Understanding and removing structural inequalities do not occur in the abstract but in the everyday functions and policies of government impacting the lives of Native women—the decisions, relations, and mandates of government.

Achieving these structural changes requires partnerships within the federal, state, and local governments because these employees are the people who implement the changes step by step, day by day. The structures that must be changed are currently considered the 'normal' operations of departments and agencies—the everyday policies separating Native women as invisible, less than, and vulnerable.

For these reasons mass public education is essential to establishing a new social standard of intolerance and accountability for violence against Indigenous women for the United States as a nation.

The New Administration's Potential to Create Systemic Change

In this sense, 2021 presents a political season of hope.

President Joe Biden signed two executive orders on his first day of office addressing priority issues intersecting with changes required to increase safety for Native women—racial equity and the climate crisis.

In addition, President Biden has the specific commitment, knowledge, and will to create change within the federal

government. The President has championed safety for Native women for over two decades. It was then-Senator Biden who included Indian tribes in the 1995 Violence Against Women Act, increased the VAWA funding stream from 4% to 10% under VAWA 2000, and included the Safety for Indian Women Title under VAWA 2005. In his previous role as Vice President, Joe Biden supported the restoration of tribal jurisdiction over non-Indians in domestic violence cases under the VAWA 2013.

The face of the new Administration, including Vice President Kamala Harris, nominee Deborah Haaland for a Cabinet position as Secretary of the Department of Interior, and so many others, is historic, and our social justice movement can strengthen the potential for change under their leadership. Their individual personas represent a step toward normalizing the reality that Native women and women of color can provide leadership at the highest levels of the United States political system.

We can support their efforts by identifying and presenting solutions to structural inequalities and building the societal groundswell needed for such changes to occur. Tribal leaders, policy experts, and advocates can offer their unique understanding of violence against Native women from their work every day to keep Native women safe.

The purpose of *Restoration* is to connect those concerned about the safety of Native women with the information necessary to create the changes needed. In this *Restoration*, we lift the voices of Native women who challenged the systemic responses to sexual violence and the crisis of missing and murdered Indigenous women. We honor the courage and commitment of these sisters to rise and stand against systemic injustice.

Despite the devastating losses of 2020, like our elder Rose did throughout her life and years of advocacy, we must carry a deep sense of hope for the potential of the next four years.

It is an exciting time—where nothing is impossible, and everything is possible.

Jacqueline “Jax” Agtuca
Cherokee and Filipino Descent
Editor, *Restoration of Native Sovereignty and Safety for Native Women*

The structures that must be changed are currently considered the 'normal' operations of departments and agencies—the everyday policies separating Native women as invisible, less than, and vulnerable.

NIWRC Celebrates 59th Presidential Inauguration of Joe Biden and Kamala Harris

By Mallory Adamski, *Diné*, Managing Editor,
Restoration Magazine

The National Indigenous Women's Resource Center (NIWRC) congratulates and extends our support to the 46th President of the United States of America Joe Biden and Vice President Kamala Harris. We look forward to working with the new administration in their efforts to unite a country deeply divided and in need of healing. As Native people, we know this healing will take time but is a crucial and necessary step to move the country forward together in a good way and restore relationships with each other.

NIWRC looks forward to engaging with the new Administration on issues affecting the safety of Native women and justice in Tribal communities. Throughout their campaign, Biden and Harris stressed a commitment to upholding the United States federal trust responsibility to Tribal Nations, strengthening the Nation-to-Nation relationship between the U.S. government and Indian Tribes, and working to empower Tribes in governing and making decisions for their communities.

"We are hopeful the new Administration delivers on making Tribal Nations a priority and supports the healing and social change needed for Native people because our communities have a right to safety," said NIWRC Executive Director Lucy Simpson, a citizen of the Navajo Nation. "As an Indigenous-led anti-violence organization, NIWRC will continue to advocate and elevate the voices of Tribes, Native women's advocates, survivors, and families calling for safety and equal protection."

In the U.S., Native women and children are more likely

**In The
News**



to be victimized by domestic violence, rape, abuse, and other violent crimes than any other racial or ethnic group. To break this cycle, President Biden has said he intends to partner with Tribes and Native women's advocates to ensure the safety of Tribal communities, focus on ending violence against Native women and children, and address the crisis of missing and murdered indigenous women and girls.

In 1990, then-Senator Biden first introduced the landmark Violence Against Women Act (VAWA) to include Indian tribes. In 2000 and 2005, he championed the reauthorization of the VAWA, increasing the dedicated tribal funding stream, and the inclusion of a dedicated tribal title named the Safety for Indian Women Title. These legislative reforms recognize that upholding and strengthening tribal sovereignty is integral to addressing the ongoing violence in Indian country. As Vice President, Joe Biden supported the VAWA 2013 reauthorization to include restored tribal authority to protect Native women from abuse through key tribal amendments.

"It is critical that our elected leaders prioritize the reauthorization of the Violence Against Women Act to deliver long overdue justice to Native women and safety for tribal communities," said Cherrah Giles, NIWRC Board Chairwoman, a citizen of the Muscogee (Creek) Nation. "These newly elected officials have a fresh opportunity to listen to and acknowledge the needs of Native women who have spoken truth time and again about all the violence that has happened to them and to turn all that pain into positive legislative change."

Urban Indian Health Institute Partners with NIWRC to Strengthen GBV, MMIWG Projects

Native-led organizations combine efforts to provide advocacy and data collection resources for tribal and urban Native programs and law enforcement agencies

By Mallory Adamski, *Diné*, Managing Editor,
Restoration Magazine

As advocates look toward a brighter future in 2021, a new wave of opportunities and collaborations begin to take shape—chief among them, a unique partnership aligning the efforts of Urban Indian Health Institute (UIHI) and the National Indigenous Women's Resource Center (NIWRC). The two organizations are partnering to provide high-quality public health reports, trainings, toolkits, and other materials addressing gender-based violence (GBV) and missing and murdered Indigenous women and girls (MMIWG) with a goal of having the widest possible reach in urban areas and Tribal communities.

Based in Coast Salish lands—also known as Seattle, Washington—Urban Indian Health Institute is a Tribal Epidemiology Center that serves tribal people currently living off Tribal lands in urban areas nationwide. In 2020, UIHI received emergency CARES Act funding through the Centers for Disease Control and Prevention to address the emerging increase in intimate partner violence stemming from the COVID-19 pandemic. Recognizing a collaboration would bolster their efforts with subject matter expertise, expanded reach, and expert insight, UIHI reached out to NIWRC.

“This critical partnership really builds on each



Abigail Echo-Hawk, MA, is an enrolled citizen of the Pawnee Nation of Oklahoma. She was born in the heart of Alaska where she was raised in the traditional values of giving, respect for all, and love. / Photo courtesy of Urban Indian Health Institute.

organization's strengths—Urban Indian Health Institute has the data expertise, and NIWRC is uniquely positioned to assist with our community connections and knowledge of tribal sovereignty,” said Lucy Simpson, NIWRC Executive Director and a citizen of the Navajo Nation. “Both organizations share the same value for Indigenous cultural framework and understand the importance of lifting up the voices of Native survivors of violence, as well as developing the next generation of Native advocates.”

We spoke with Abigail Echo-Hawk, MA (*Pawnee*), who serves as the Director of Urban Indian Health Institute and the Chief Research Officer at Seattle Indian Health Board to discuss the partnership further and UIHI's work to recognize and respect the unique cultural contexts of American Indian and Alaska Native people.

NIWRC: What community issues is Urban Indian Health Institute working to solve through this partnership?

Abigail: We know that GBV affects Native communities at staggeringly high rates. This includes MMIWG, sexual assault, and other forms of physical and emotional violence. The COVID-19 pandemic has made

these problems worse, but serious gaps in data collection systems impede the ability of government agencies at all levels to adequately support Native communities. We have found agencies either don't record race and ethnicity at all or lump Native-identified individuals into an "Other" category with other races making it difficult to disaggregate the data. Because of these issues, the crises of GBV and MMIWG affecting Native people "disappear" into the data. The communities know what is happening to them—they are living it—but they can't "prove it" to decision-makers or agencies.

Together, NIWRC and UIHI are working to build public health capacity for surveillance, evaluation, assessment and training at law enforcement agencies and urban and tribal programs to address GBV in the COVID-19 pandemic and beyond. By changing the way law enforcement agencies collect and use race and ethnicity data, we hope to make the issues of GBV and MMIWG more visible. By supporting and strengthening urban and tribal GBV programs, we are partnering to grow culturally based services and evaluation tools for our relatives. Through education on sexual assault exams, we hope more survivors will feel comfortable to make the choice to access the care they deserve. The crisis of MMIWG and GBV began more than 500 years ago with colonialism and will take innovative collaborations and partnerships rooted in Indigenous knowledge to address it. Violence is not our tradition.

NIWRC: What is data sovereignty, and why is it important in the work to end violence against Native women generally and more specifically with regard to the MMIWG crisis?

Abigail: The principle of data sovereignty underlies all our work, especially around MMIWG. At its core, it is an expression of tribal sovereignty. It has been defined as the authority of tribes to govern the collection, ownership, and application of their data. But we know that tribes and urban Indian communities haven't had access to MMIWG data making it difficult to understand the full impact of the crisis.

Our previous work identified a key underlying issue that prevents tribes and urban Indian communities from having access to data on MMIWG. Law enforcement agencies are not collecting the race and ethnicity of victims in a cohesive way, if at all, and frequently have not established relationships to share data with tribes

and urban Indian communities in a meaningful way. This lack of comprehensive data creates an environment where the violence experienced by Native people is effectively made invisible.

This is why Indigenous data sovereignty is critical to combating MMIWG—by improving the way law enforcement and other agencies collect and report back race, ethnicity, and tribal affiliation, we can better measure the true scope of the problem. With hard data in hand, tribes and urban Indian communities can make the case for better prioritization, funding, and other resources to address this crisis. It is also a part of reclaiming traditional values of gathering information to be used to improve the wellbeing of future generations. We are decolonizing data, for Indigenous people, by Indigenous people.

NIWRC: There is a leadership/mentorship component of this partnership between the organizations. Can you talk about what this work involves and why it's significant?

Abigail: I have been blessed to be mentored by many Native women including Cecilia FireThunder, Patsy Whitefoot, and Julie Johnson. These women followed in the footsteps of their ancestors as they openly shared knowledge to support and grow young leaders. In these experiences, I learned that supporting and passing knowledge to the next generations is our responsibility as Indigenous people. In forming this partnership with NIWRC, Lucy Simpson and I discussed our mutual dedication to fulfilling this joyous responsibility. We recognized the vast knowledge base and collective

Webinar: Decolonizing Data - Strengthening Community Voices to Take Action for Our Missing Relatives

In partnership with the National Missing and Unidentified Persons System (NamUs), Urban Indian Health Institute offered a training webinar where you can learn how to enter your missing Native loved ones' information into the NamUs database. **Watch the webinar: bit.ly/3ooKWfo**

*Missing and
Murdered
Indigenous
Women &
Girls: Data
From 71 Cities*

THIS IS AN UNDERCOUNT. WE KNOW THERE ARE MORE VICTIMS.

- 506** MMIWG cases were identified across 71 selected urban cities
- 128** were cases of missing Indigenous women
- 280** were cases of murdered Indigenous women
- 98** were cases with an "unknown status"
- 29** The median age of MMIWG victims



"Our Bodies, Our Stories" is a series of reports by the Urban Indian Health Institute that details the scope of violence against Native women across the nation. Download the reports at bit.ly/3biGfzW/ Photo courtesy of Urban Indian Health Institute.

experiences of the leaders, and team members at UIHI and NIWRC provided us a unique opportunity to provide this mentorship to Native women who are early in their careers to assist in building the skills necessary to become strong advocates.

NIWRC and UIHI will be sharing resources with the intention of building our mentoring efforts forward in a good way. We have included young Native women in the project and intend to give them direct support and opportunities, including preparing them to take on leadership responsibilities that allow them to share their knowledge in influential spaces. We also recognize and value what we learn from them as we spend this time together building relationships. It is essential to focus on healing for all Native women from our elders to our youth. Teaching and strengthening the next generation of advocates is a key part of that as we respond to and prevent the ongoing MMIWG and GBV crisis.

NIWRC: What resources and awareness activities should advocates be on the lookout for over the next few months?

Abigail: This partnership is already doing incredible work. In February, we will be releasing information on how to support Native sexual assault survivors, and later this year we will be releasing a toolkit for law enforcement agencies to improve their data collection practices, an informative video on what to expect during a Sexual Assault Nurse Examiner (SANE) visit, and reports on the impact of COVID-19 on domestic violence 911 call response in cities across the U.S.

Lastly, there is an effort underway to declare May 5th National MMIWG Awareness Day, and we encourage communities to get involved! We encourage readers to connect with local Native organizations, UIHI, and NIWRC about signing on to this effort.

Creating a Path Forward

NIWRC is dedicated to removing the structural barriers embedded in the federal government's response to the coronavirus pandemic and the MMIWG crisis. The current response is failing and to move beyond this point, foundational issues must be addressed. This partnership between NIWRC and UIHI to increase accurate data reflective of Native women in their context of tribal sovereignty is essential to this process of change.

"Our goal with this partnership is to produce the information needed to quell the doubts about the MMIWG crisis and improve the response beyond individual cases," Simpson said.

UIHI Offers Free One-Year Print Subscription to NIWRC's Restoration Magazine

Urban Indian Health Institute is offering a free 1-year annual print subscription to Restoration for survivors and supporters. Claim your free subscription at: niwrc.org/uihi-restoration-offer



Soaps that are ready for packaging in the Bathing Bundles. The soap's packaging is plastic-free and each bundle is wrapped in tissue paper and placed in a reusable muslin bag. / Photo courtesy of NIWRC.

The Bathing Bundle Project

NIWRC Provides 7,000 Bathing Bundles to Support Native Women's Shelter Programs During the COVID-19 Health Crisis

By Tang Cheam, Director of Information and Technology, NIWRC

With COVID-19 spreading into a second year, there is a heightened awareness of the need to access personal care products. While urgent to save lives, responding to public alerts to reduce the spread—wear a mask, wash your hands, social distance—can pose real challenges. Early on, these hygiene and protective items were difficult to find on store shelves as panic buying set in and products used for hand washing and general hygiene disappeared.

Staying healthy can already be difficult when leaving an abusive situation or while in a shelter, so when these items are scarce, it makes it that much more difficult to feel safe from abuse and the virus.

“When consumers struggled to locate these products, imagine the difficulty that organizations providing shelter must have gone through. It was out of this realization that the Bathing Bundle project was born” said Lucy Simpson, NIWRC Executive Director. “We sourced production of body and face bars from a soap maker who graciously provided these items at cost to help alleviate shelter programs struggling to maintain stock of these supplies.”

A Project to Support Healing and Shelter Programs for Native Women

The ritual of bathing is a simple way to clear the mind and cleanse the body. Providing natural, environmentally friendly, and traditional medicine in products for

these routines can improve the situation for relatives who are experiencing transition out of trauma. The Bathing Bundle features handmade, vegan, natural moisturizing soaps without chemical preservatives, scented with essential oils that evoke a calming effect and have traditionally promoted healing. The natural properties of these soaps are gentle on the person and the environment as they are 100% natural, with no synthetic dyes, fragrances, hormones or preservatives. Each bundle includes a travel-size all-natural facial bastille bar soap and travel size moisturizing bath/shampoo essential oil bar.

About the Soap Maker

“This all started as a quarantine hobby,” said Teresa Agtuca-Cheam, the soap maker. “In March 2020, I decided I was terrible at gardening and decided to find a more satisfying passtime. I found an interesting community of soap makers on Instagram. After watching Youtube videos about soap making and reading about the hazards and safety procedures I decided to try it. I bought a starter kit and my very first batch was not terrible, but definitely a first try. I stuck with it, learned more from the online community and YouTube videos, and began sharing my soaps with family, friends, and co-workers. In August, I began selling on Etsy.com and by the end of October I officially opened my business—Terra Foama Soap.”

“I love making soap,” she added. “Traditional soap is



(Top) Teresa Agtuca-Cheam stirs a large batch of fresh facial soap. Safety equipment is important because activated lye can burn the skin. It is necessary for soap making to achieve saponification. Saponification is the chemical reaction produced by mixing activated lye and oils in which the lye bonds to the fat in the oils with the result being soap. (Middle) Cutting and drying facial soaps after a 24 hour gel process. These soaps then spend 4 weeks curing on the rack before being bundled. (Bottom) Bath bars are garnished with cornflower petals, white sage, lavender, and lemongrass as a way to represent the essential oil in the soap as well as provide an additional fragrant touch. / Photos courtesy of NIWRC.

made to nourish and cleanse; the simple ingredients are natural oils, soda ash, and natural scents derived from essential oils or spices. Soaps made without detergents or preservative additives and presented in plastic-free packaging are gentle to the earth and the skin. My mission is to create soaps that feed the skin and minimize environmental damage. When an opportunity for sharing my love of soap making and providing soaps to Native women and their children in need with NIWRC opened up in October, and I accepted! With COVID-19 rampaging through the country, it is so important to provide the tools to families to help with hygiene and wellness. The Bathing Bundle project provides all-natural face and body bath bars to tribal shelter programs nationally made possible by the RWN Foundation. I agreed to donate my time to the project, while the soap making supplies are provided by the grant.”

About the Bath Bundles

The Bathing Bundles feature traditional essential oils and scents: clary and white sage, tobacco, and flat cedar are incorporated into the soaps, representing familiar and authentic scents. Sage is used to prepare people for ceremonies and teachings, and for releasing what is troubling the mind and for removing negative energy. It is also used for cleansing homes and sacred items. Tobacco is our offering, we communicate our thoughts and feelings through the tobacco as we pray for ourselves, our family, relatives and others. Burning cedar provides protection, used to purify the home as well as also having many restorative medicinal uses. Cedar baths are healing. When cedar is put in the fire with tobacco, it crackles, calling the attention of the spirits to the offering that is being made.

Follow Terra Foama Soaps on Instagram @terrafoama or purchase products at [Etsy.com/shop/TerraFoamaSoap](https://etsy.com/shop/terrafoamsoap).

Expanding Advocacy at NIWRC's StrongHearts Native Helpline

StrongHearts Native Helpline is set to launch 24/7 operations as well as text advocacy in February 2021

By CC Hovie, *Sault Ste. Marie Tribe of Chippewa Indians*, Communications Manager, StrongHearts Native Helpline



Pandemic Impacts

Fueled by the need during an unprecedented pandemic, StrongHearts Native Helpline has been working hard to add services to address the needs of a population disproportionately affected by both the COVID-19 pandemic and domestic violence.

A recent study¹ by the Centers for Disease Control (CDC) found that in the 23 states studied, Native Americans were diagnosed with COVID-19 at a 3.5 times higher rate than the non-Hispanic white population. Furthermore, we know that Native peoples experience domestic violence at much higher rates. According to the National Institute of Justice, more than one in two Native women and one in three Native men have experienced physical violence by intimate partners in their lifetime.² Moreover, Native women are victims of violent crimes at 3.5 times the rate of the national average. Yet another recent study by the Radiological Society of North America confirmed what we suspected: that lockdowns have contributed to increased rates and severity of domestic violence across the country.

The pandemic forces millions of victim-survivors to shelter in place with their abusive partners for longer periods of time. The disproportionate effects of domestic violence and COVID-19 combined with a lack of sufficient healthcare and other resources are compounding the marginalization and victimization of Indigenous peoples.

1 <https://bit.ly/3c1WMsi>

2 <https://bit.ly/3bLz57P>

Through our own research at StrongHearts Native Helpline, we have uncovered a severe gap in resources to help those who need it most. According to the National Institute of Justice's 2016 report,³ more than one in three Native female victims and one in six Native male victims report unmet service needs. Of the 3,909 domestic and sexual violence providers reported by the National Domestic Violence Hotline and the StrongHearts Native Helpline, only 266 are Native providers (6.8%). Shelters are even worse—of the 1,653 domestic and sexual violence shelters identified by The Hotline and StrongHearts, less than four percent are Native-centered shelters.

Created by and for Native Americans, StrongHearts is uniquely equipped to serve a population facing some of the highest rates of domestic and sexual violence in the United States. According to StrongHearts' data, the severity of victims' experiences is telling: more than seven out of ten victim-survivor callers reported experiencing more than one type of abuse (70%), including physical abuse, emotional abuse, sexual abuse, financial abuse, digital abuse, cultural abuse, and other complex situations. Nearly half of Native callers experiencing violence reported a child being involved in their situation (38%). The top service requested by Native victim-survivors was peer support. Referrals to shelters was the second most requested service.

24/7 Operations

Offering services across six time zones throughout the U.S. is challenging when hours of operation are limited.

3 <https://bit.ly/3bUxYTi>



STRONGHEARTS

Native Helpline



Increasing operations to 24/7 will allow more of those impacted by domestic and sexual violence in tribal communities across the nation to reach the helpline when they are most in need. To meet the goal of 24/7 operations, StrongHearts added additional advocates and support staff. Nine advocates were hired and trained in December 2020 and three additional advocates were brought on board in January 2021.

“Domestic violence impacts our relatives every hour of every day, so it’s critical for us to be available as much as possible,” said StrongHearts Services Manager Joy Samuelson (*Standing Rock Sioux Tribe*).

Text Advocacy

Similar to chat advocacy, text advocacy will increase accessibility for those who may be hearing impaired or those who feel more comfortable texting.

“Social norms and technology are changing and texting may appeal to a younger audience who may feel a phone call is too formal or intimidating,” said Anna Nicolosi, StrongHearts Operations Manager.

Implementing this new service will also help those

that are facing isolation and barriers to using a phone to access advocacy services. StrongHearts realizes it is important to stay current and offer many options to reach out for help in order to remain accessible to all victim-survivors.

Growth

In the past 12 months, while all staff has been working from home, StrongHearts added chat advocacy, sexual violence advocacy and text advocacy as well as increasing operations to 24/7 availability.

New Website Coming Soon

StrongHearts expects to announce the launch date for a new, improved user-friendly website soon, too. Check out our website at strongheartshelpline.org or follow StrongHearts Native Helpline on Facebook, Twitter, and Instagram for the most current information.



Tamalpais CrossFit
October 15, 2020 · 3

celebration of [Indigenous Peoples Day](#) on Monday we pledged 100% of the proceeds from any merchandise and/or supplements sold and 25% of all memberships that were deducted would be donated to National Indigenous Women's Resource Center! Thanks to you guys, we will be donating \$368.34! That's pretty awesome!!!

you would like to donate directly to NIWRC, please visit: <https://www.niwrc.org/donate>

the National Indigenous Women's Resource Center, Inc. (NIWRC) is a Native-led nonprofit organization dedicated to ending violence against Native women and children. The NIWRC provides national leadership in ending gender-based violence in tribal communities by amplifying the collective voices of grassroots advocates and offering culturally grounded resources, technical assistance and training, and policy development to strengthen tribal sovereignty.

[#yearsstrongtogether](#) [#thewatersofgreatness](#)
[#malpaiscrossfit](#) [#trainlikeabear](#) [#TCFstrong](#) [#bayareacrossfit](#) [#marin](#) [#crossfit](#) [#bayareacrossfit](#)
[#bayareafitness](#) [#norcalfitness](#) [#crossfitlife](#) [#crossfitaddicts](#) [#fitness](#) [#teammacho](#)



FORRIE J SMITH is asking for donations.
August 22, 2020 · 3

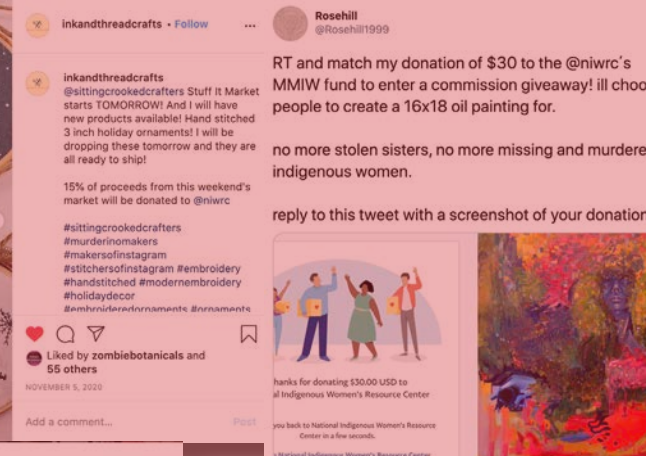
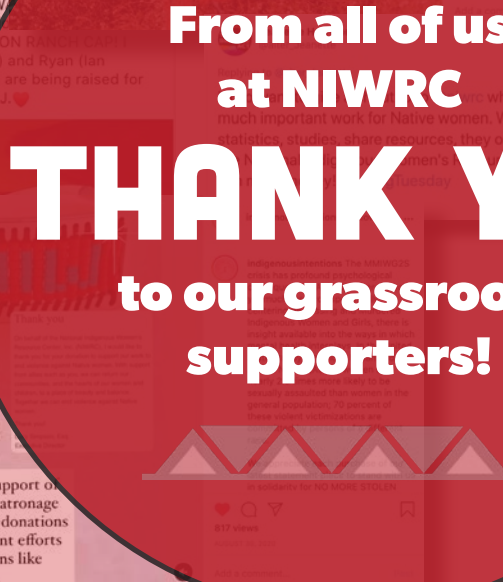
THE DONATIONS ARE CLOSED! THANK YOU VERY MUCH! WE ARE W...
COUPLE OF RESPONSES!! One more time...Donate to NIWRC to end violence against Native women and children!! AND get your OFFICIAL YELLOWSTONE DUTCHMAN RANCH...
only have 3 left... Signed by Lloyd (Forrie J. Smith) Rip (Cole Hausen) and Ryan (Ian...
chen). Donate now and the TOP 3 donors will win a cap!! 🎉. Monies are being raised for the National Indigenous Women Resource Center. Thank you, Forrie J. ❤️



\$3,575 raised for National I Center
25 people donated.

Max Bidasha
January 19 at 10:09 AM · 139

so proud of the cast of Missing Red Girls. We know this is so much more than a play. It is reality for so many Indigenous Women, Girls, and Two-Spirits, and their families. And we want this to change. Everyone has their own way of spreading messages and stories. I am an Indigenous, Two-Spirit playwright and this is my way of spreading awareness about the 8,000 Missing and Murdered Indigenous Women in the US and Canada alone and how you can help. Please check out @niwrc to see how they are helping or raised \$725 for this amazing organization in December and will raise more through this play in hopes of ending this horrific and racist epidemic [#missingandmurderedindigenouswomen](#)



2021 WOMEN ARE SACRED CONFERENCE

"CARRYING OUR MEDICINE
AND STRENGTHENING
OUR VISION TO END THE
VIOLENCE"

JUNE 8 - 10, 2021 | VIRTUAL EVENT



Save The Date! WAS Conference Will Take Place Virtually June 8-10, 2021

NIWRC is pleased to announce the date for the 2021 Women Are Sacred (WAS) Conference, which will be hosted virtually June 8-10, 2021. Mark your calendars and visit our website for more details, including registration and agenda, as they become available at niwrc.org/was.

The WAS Conference is one of the oldest and largest gatherings of advocates, survivors, tribal domestic and sexual violence programs, tribal community members, tribal leadership, law enforcement, and tribal court personnel dedicated to ending violence against American Indian and Alaska Native women and children. WAS offers state of the art training opportunities designed to increase the capacity of Tribal Nations, tribal domestic violence, and community-based programs to address violence in tribal communities. Conference presenters include emerging Indigenous leaders and experts in the movement to end violence against Native women.

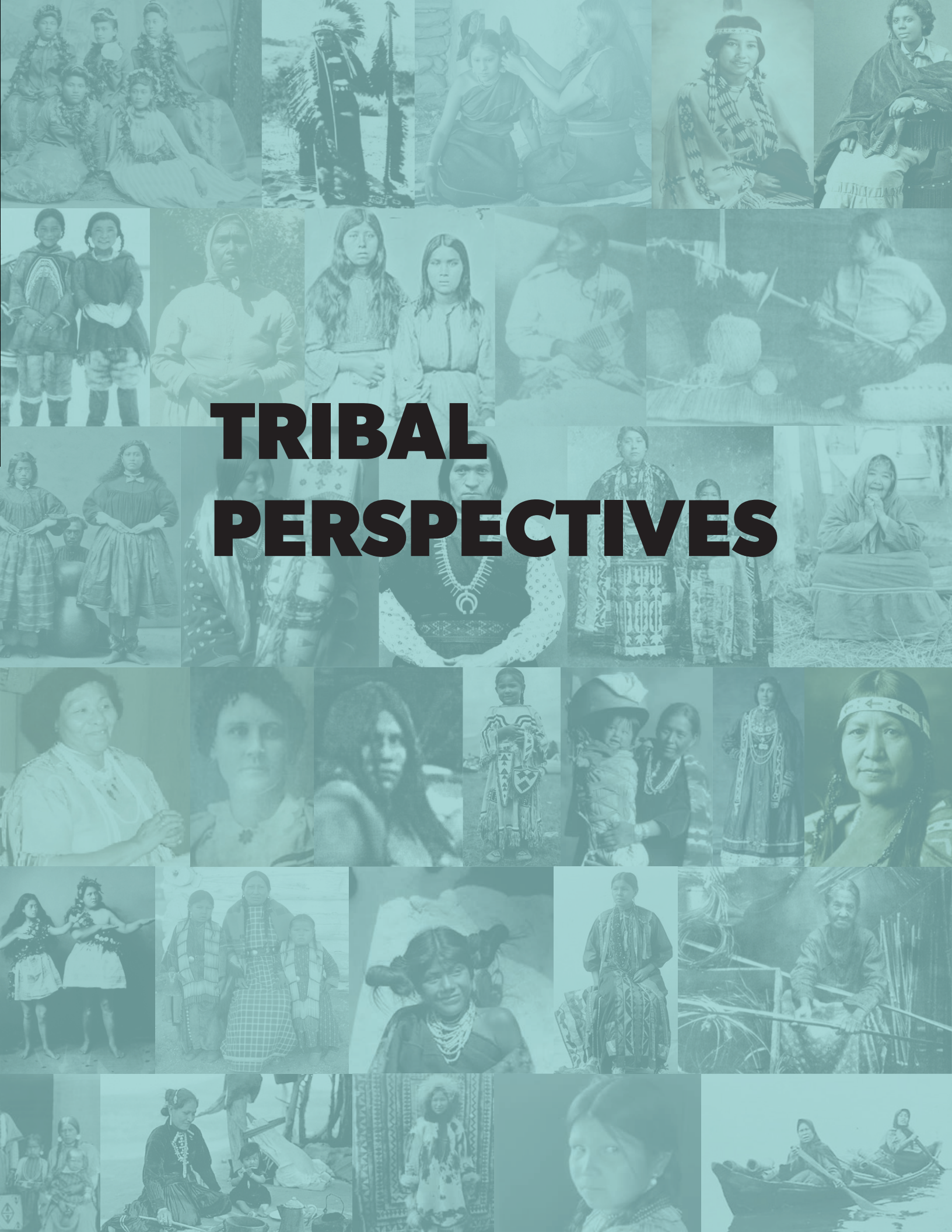
Our conference theme is "Carrying Our Medicine and Strengthening Our Vision to End the Violence." Carrying our medicine is how we have survived and continue to survive as Indigenous people. It is how we heal our spirit, our body, and the land we walk on. It is using traditional knowledge, skills, and practices to enhance the health and well-being of ourselves, our families, our

communities, and our nations. The Women Are Sacred Conference represents the strength and resilience of our people and the tools and knowledge we have to make a difference. It's about our shared vision for the future in ending the violence.

This virtual conference is an outstanding opportunity to connect with survivors, advocates, grassroots organizers, tribal leaders, law enforcement, child welfare, social services, and tribal court personnel across Tribal Nations, Alaska Native villages, Indian and Native Hawaiian communities to build capacity and enhance your advocacy and skills to strengthen the movement to end the violence.

The Office on Violence Against Women (OVW) has approved OVW Tribal grantees managed by the Tribal Affairs Division to use their OVW funds to cover travel expenses for up to 2 to attend WAS without a Grant Adjustment Notice (GAN).

The registration fee for the WAS virtual conference is \$150. For more information, visit niwrc.org/was.



TRIBAL PERSPECTIVES



APRIL IS SEXUAL ASSAULT



AWARENESS MONTH

Looking Beyond Individual Violence

By Jacqueline Agtuca, *Cherokee and Filipino descent*, Editor, Restoration Magazine

Thousands of Native women and children suffered and continue to suffer rape and sexual abuse due to U.S. government policies and federal laws regarding American Indian Nations.

Women and girls are sexually abused by U.S. government employees—the military, personnel of medical facilities, prisons, and schools.

Thousands more suffered sexual abuse at the hands of men who held positions of control over Native women and children by U.S. government authorization or contracts, such as programs or schools operated by religious institutions or non-profit contractors.

This abuse is documented by the legal actions and stories of survivors who, in their struggle for justice, faced denial or opposition from government agencies and religious institutions. These heroines are often supported by their families and communities, but also many times stand alone.

Rape and sexual abuse are intertwined with the colonization of Indigenous peoples and the development of the United States. This connection, when acknowledged, is often thought of as the past—a time long ago.

“The ongoing connection between sexual abuse of Native women and colonization remains largely hidden from the public,” said Lucy Simpson, Executive Director, NIWRC. “We need to understand the systemic and structural foundation of the statistic that 1 of 3 Native women will be raped in her lifetime.”

The same government infrastructure—federal laws, policies, and institutions—targeting and permitting sexual abuse of Native women in the 1800s continues to exist in 2021. To remove these structural inequalities requires a shift in understanding and advancing changes to end sexual violence.

Sexual Assault Awareness Month 2001 to 2021, Challenging Systemic Barriers to Safety

Sexual Assault Awareness Month was first observed in 2001, twenty years ago.

While many reforms have been achieved over the last two decades, most reforms have not reached Indian Country and Native Hawaiians. A primary focus of reform to

sexual violence has rested on the criminal justice system with only minimal success. The U.S. Attorney’s office declined to prosecute 64% of sexual assault cases across all reservations from 2013-2018. The challenge for the movement is to understand: what is necessary to change this response? The ongoing answer from tribal leaders and the movement is the recognition and support for Indigenous responses based in the tribal community and government—not to increase federal or state government oversight and management.

Similarly, reforms within the healthcare system are minimal for Native women. Sexual Assault Examiner (SAE) and Sexual Assault Response Team (SART) programs have been shown to improve both the care of survivors of sexual assault and criminal justice outcomes in sexual assault cases. SAEs and SARTs are instrumental in facilitating immediate access to appropriate healthcare and other services for survivors and minimizing re-victimization by the justice system. A 2014 study used GIS mapping to evaluate the proximity of trained forensic examiners to 650 census-identified Native American lands. The study found that more than two-thirds of Native American lands are more than 60 minutes away from the nearest sexual assault forensic examiner.

“This Sexual Assault Awareness Month, we honor those Native women challenging the systemic response to sexual assault,” Simpson said. “As a social justice movement, we must address the structural barriers that continue the vulnerabilities of Native women and children to rapists and allow abusers to go free.”

Honoring Native Women Who Took Action to End Sex Abuse

In 2021, it is important to reach beyond individual violence to raise awareness of social permissions that uphold the system that allows sexual violence to happen generation after generation. This SAAM, we uplift Native women who struggled against systemic, structural permissions for such abuse. Their efforts to achieve justice in their individual cases are inspiring and courageous. They challenged systemic barriers, policies and laws permitting such abuse to make all women safer.

In 2005, Lavetta Elk, (*Lakota, Pine Ridge Indian Reservation*) successfully sued the United States for sexual assault by a U.S. Army recruiter under the “Bad Men” clause of the Treaty of 1868 between the Sioux

Indian tribes and the United States.¹ It states, “If bad men among the whites. . . shall commit any wrong upon the person or property of the Indians, the United States will...reimburse the injured person for the loss sustained.” For the first time, the decision ruled that the Treaty may be relied on to recover “pain and suffering” damages against the United States—mental, emotional, or physical damages.



In 2003, Apugen, (Elsie Boudreau), Algaaciq Tribe (*St. Mary's, Alaska*) sued the Archdiocese Catholic Church for sexual abuse of a Jesuit Priest and challenged the on-going abuse of the clergy in the public eye. She is the founder of Arctic Winds Healing Winds.² “The whole premise behind the Catholic Church and their mission with the Native people, with Indigenous people, was to strip them of their identity,” Boudreau said. “And so sexual abuse was one way. I think it’s intentional when you have an institution that is aware of problem priests, perpetrator priests, and moves them to places where they believe that people are ‘less than,’ where they believed the people there would not speak out.”³



In 2010, Lisa Marie Iyotte (*above, third from left*), Ta Wacinya Waste Win (Her Good Plume Woman),

1 <https://bit.ly/35UHmm4>

2 *Elk v. United States*, Court of Federal Claims, Case No. 05-186L.

3 <https://bit.ly/3nZrIS2> . See also <https://bit.ly/38XtY2e>

courageously stood to tell her story of sexual assault and how the Tribal Law and Order Act would correct the systemic barriers she faced. On July 7, 2010, introducing President Barack Obama, Lisa shared how the Act could change the response of the Department of Justice to victims of rape.⁴ Through her words Lisa challenged the federal government to understand, amend old laws and create new ones to make Native women safer.



In 2010, Louise Charbonneau Aamot (*above, second from left*) and eight of her sisters filed lawsuits against the Catholic Diocese of Sioux Falls in Sioux Falls, South Dakota, seeking church accountability for sexual abuse. The sisters formed an advocacy group called 9 Little Girls (named for Aamot and her sisters) to raise awareness of the abuse of Native children at Catholic schools on reservations (*see story, pg. 33*).



In 2017, elder Winnefred Hunt (*above, on right*), help to organize and shared her story at the first sexual assault conference in the Yup'ik region. By courageously speaking out, Winnefred opened the way for challenging the culture of silence within villages and making sexual violence a community issue.

4 <https://www.youtube.com/watch?v=h4K1UYCC0dQ>

“The authority of Indian tribes to provide the immediate response, protection, for Native women from rapists, abusers, and traffickers must be returned. It is an essential step forward to ending the sexual assault of Native women and girls.”

**—Rose Quilt, Director of Policy and Research,
NIWRC**

Organizations Founded by Native Women Challenging Systemic Permissions

In addition to heroic individual efforts, Native women have birthed national organizations such as the Minnesota Indian Women Sexual Assault Coalition and the National Indigenous Women’s Resource Center to inform and challenge systemic barriers.

“MIWSAC has worked for nearly two decades to address sexual violence and sex trafficking in Tribal communities,” said Nicole Matthews, Executive Director of the Minnesota Indian Women’s Sexual Assault Coalition. “Whether it is policy, advocacy, education, research, or public awareness, our work is rooted in the voices of survivors.”

“NIWRC launched the Violence Against Women Sovereignty Initiative to defend the legal victories won under the Violence Against Women Act. We have now filed eight amicus briefs in cases before the Supreme Court,” said Cherrah Giles, Muscogee (Creek), Chairwoman, NIWRC Board of Directors. “The first case was in support of the Mississippi Band of Choctaw Indians authority in the sexual assault of an Indian child. The employer of the white store manager, Dollar General Corporation, argued the tribe had no jurisdiction over the accused assailant because he was non-Indian. The Court upheld the authority of the Indian tribe.”

Government Systemic Permissions For Sexual Violence Against Native Women

The United States apologized on behalf of the people of the United States to all Native Peoples for the many instances of violence, maltreatment, and neglect inflicted on Native Peoples by citizens of the United States.⁵

Through the authority of the government, laws and policies were created that separated Native women from all other women in the United States. Approximately 34% of Native women are raped in their lifetime, and nearly half will experience sexual violence other than rape within their lifetime. When Native women are raped, they are more likely to experience other physical violence during the attack, their attacker is more likely to have a weapon, and they are more likely to have injuries requiring medical attention.

Early U.S. law explicitly permitted sexual violence against Native women. It reflected the perspective that American Indians did not require protection because of their race and status as political wards of the United States. Today many of these laws and policies continue to be embedded in government infrastructure, particularly the Departments of Justice and Health and Human Services. At the systemic level, there is a failure to protect Native women from sexual violence and ongoing sexual abuse.

⁵ <https://bit.ly/3aWgKT8>

This systemic response provides social and cultural permissions to rapists, abusers, and traffickers.

Rising to Challenge Systemic Barriers Within the Justice System

One of the strongest forms of support to honor survivors is demanding the justice system hold sexual assault offenders accountable. Indian tribes and advocates have worked hard with national allies and Congressional champions to reauthorize the Violence Against Women Act (VAWA).

“Each reauthorization of VAWA has chipped away at systemic barriers,” said Rose Quilt, *Confederated Tribes and Bands of the Yakama Nation*, Director of Research and Policy, NIWRC. “In 2013, we won—restored—the partial authority of Indian tribes to prosecute non-Indians who sexually assault Native women in cases of domestic violence within tribal jurisdiction. These are steps in a process to tear down systemic barriers.”

Unfortunately, 2020 Congressional negotiations to reauthorize VAWA stalled in the Senate. SAAM 2021 provides the opportunity to inform members of Congress at their district offices of the urgency to address sexual violence against Native women and how VAWA will increase protections and services for Native women.

Reauthorization of VAWA (House Bill 1585 and Senate Bill 2843) is urgently needed.

Justice for Native Survivors Act (House Bill 3977 and Senate Bill 288) are important marker bills that, if passed, would enhance the authority of Indian tribes to prosecute non-Indians who sexually assault Native women within tribal jurisdiction. The bills will amend the Indian Civil Rights Act of 1968 to extend the jurisdiction of tribal courts to cover crimes involving sexual violence, trafficking, and other crimes.

“Bad men commit these crimes, but it is the system that allows these crimes to continue generation after generation.”

-Malinda Limberhand, Mother of Hanna Harris, who was murdered in 2013

HISTORY OF SAAM, 1970–NOW

Since the late 1970s, women around the world have organized protests against violence, beginning in England with Take Back the Night marches. These women-only protests emerged in direct response to the violence women encountered as they walked the streets at night. These activities became more coordinated and soon developed into a movement that extended to the United States.

In 1978, the first Take Back the Night events in the U.S. were held in San Francisco and New York City. Sexual assault awareness activities expanded over time to include the issue of sexual violence against men and men’s participation in ending sexual violence.

By the early 1980s, there was increased interest in coordinating activities to raise awareness of violence against women. As a result, time was set aside during October to raise awareness of violence against women issues. October became the focus of domestic violence awareness activities. Sexual assault advocates looked for a separate time to focus attention on sexual assault.

In the late 1980s, the National Coalition Against Sexual Assault (NCASA) informally polled state sexual assault coalitions to determine when to have a national Sexual Assault Awareness Week. A week in April was selected.

In the late 1990s, many advocates began coordinating activities throughout the month of April on a regular basis, laying the groundwork for a nationally recognized month for sexual violence awareness activities.

From 2000-2001, the Resource Sharing Project and the National Sexual Violence Resource Center polled state, territory, and tribal coalitions and found that the color teal was the preferred color for sexual assault awareness and prevention and that April was the preferred month to coordinate national sexual assault awareness activities. As a result, Sexual Assault Awareness Month (SAAM) was first observed nationally in April 2001.

HEALTH SYSTEM

Failure to provide health response such as Sexual Assault Nurse Examiners.

More than two-thirds of Native American lands are more than 60 minutes away from the nearest sexual assault forensic examiner.

Sterilization abuse using federal funds under Indian Health Services.

SOCIAL CULTURAL

Normalization of the government's non-response to sexual assault.

Lack of recognition and resourcing of cultural healing practices and Indigenous justice responses.

JUSTICE SYSTEM

Failure to uphold Treaty Provisions such as the "Bad Men Clause" and prosecute sexual assault cases.

The U.S. Attorney's office declined to prosecute 64% of sexual assault cases across all reservations from 2013-2018.

Failure to process rape kits in a timely manner.

CONGRESS

Failure to restore tribal authority over non-Indian sexual assailants; provide adequate budget allocation to support victims; and end the statute of limitations in cases.

Most survivors cannot access services needed.

SYSTEMIC BARRIERS TO SAFETY

A New Administration and Action Plan

Awareness activities during April are strong statements of support for survivors. Activities calling for justice such as walks, marches, vigils, prayer circles, and other events throughout April reflect tribal community statements honoring survivors of rape and sexual abuse. These activities can also be a pathway for informing the new administration.

In 2021, public awareness efforts centered on needed reforms can inform and propel the new administration to make the systemic changes necessary to end the legacy of government permissions of sexual violence against Native women. The laws and policies first established during the Indian Wars were genocidal and must be cast out of governing systems in 2021.

President Joe Biden, during his long tenure as a U.S. Senator, championed addressing sexual violence through VAWA. Then-Senator Biden championed the inclusion

of three historic reforms—increasing tribal funding under VAWA 2000, creation of a Tribal Title within VAWA 2005, and the restoration of tribal jurisdiction over non-Indian offenders within VAWA 2013. President Biden understands and has acted for more than two decades to support safety for Native women.

The new Biden-Harris administration has the potential to lead a public reckoning of how the United States permitted sexual violence against Native women. The administration will face challenges to meet this demand. An essential ingredient to change over the next four years is the continued groundswell of the grassroots calling for foundational reforms.

This April, Sexual Assault Awareness Month provides the opportunity for the beginning of a new standard of accountability by President Biden for the entire executive branch of government. The President can require by Executive Order each department to develop plans in consultation with Indian tribes to address sexual

The new Biden-Harris administration has the potential to lead a public reckoning of how the United States permitted sexual violence against Native women. The administration will face challenges to meet this demand. An essential ingredient to change over the next four years is the continued groundswell of the grassroots calling for foundational reforms.

violence, including resources to support such goals.

Like past executive orders requiring plans for consultation with Indian tribes, each department can be charged with developing plans to adopt new policies and action to support Native survivors of sexual violence across departments. What a different world it might be if the Federal Departments charged with responsibilities in the lives of Native women—Justice, Health and Human Services, Housing, Education, Interior—developed affirmative plans to support victims and survivors of sexual violence.

Sexual Violence Against Native Women Must Become a Priority

Sex offenders should not have a hall pass because of their race or status as federal employees or social standing. Survivors need the support of federal departments

and should be protected. The federal response to the following questions must change:

- Why did the United States fail to prosecute the white store manager accused of multiple counts of sexual abuse of a child in the *Dollar General* case?
- Why did the U.S. Army fail to prosecute the army recruiter for sexual assault of Lavetta Elk?
- Why do victims of clergy abuse, like Elsie Boudreau and the Charbonneau sisters,⁶ have no recourse but to bring their own lawsuits against their clergy assailants?
- Why do child victims of doctors and employees of Indian Health Services, like Stanley Weber⁷ and Pedro Ibarra-Perocier,⁸ wait decades for justice?
- Why are Native women forcibly sterilized? And why are they left to seek justice on their own?⁹

⁶ <https://bit.ly/39IM7Ak>

⁷ <https://bit.ly/2LM78C6>

⁸ <https://bit.ly/2LLqPdf>

⁹ <https://bit.ly/3iqXFfe>



Healing is Possible

Moving from Trauma to Healing: A Strength-Based Perspective and Why It's Important

Elsie Boudreau (right) and her daughter, Shanelle Boudreau (left). / Photo courtesy of Elsie Boudreau.

By Apugen (Elsie Boudreau), *Algaaciq Tribe*
(*St. Mary's, Alaska*)

Waqaa (hello). Yupirua (I am Yup'ik). Apugenaugua (My name is Apugen).

I am named after my maternal grandmother whom I have never met, but I feel her spirit when I introduce who I am. I come from a long line of proud Yup'ik people who inhabited the southwestern part of Alaska for thousands of years living off the land and, according to Yuuyaraq—the Way of the Human Being—living out what it means to be a good relative.

I am the youngest daughter of the late Edgar and Theresa Francis of Pilot Station, the granddaughter of the late Alfred and Nastasia Francis of Pilot Station and the granddaughter of the late George and Apugen Peterson of Old Andreafski. I am a wife, mom, grandma, a social worker, and a survivor of childhood sexual abuse.

First, I want to say that we are in this together. No one is greater or less than anyone else. As I share, I don't admit having all the answers, but I speak my truth and share my experiences of my healing journey. I honor all of you for having the courage to read about trauma and believing that healing is possible. I honor you for being of service to our people, to our children. In that way, we honor our ancestors and hold hope for a safe world for our children.

I will share a bit of what happened to me as a victim of

child sexual abuse. I will also share what I did to survive and protect myself because of the abuse I endured. My hope is that through my story, you will come to see that healing is not only possible, but how freeing the process is and how what happened to many of us is a legacy of the actions of those who colonized us. That you will come to believe and know that we can heal collectively. Please give yourself permission to be present and remind yourself that you are safe if you're finding yourself triggered by what is shared.

Each person's experience is their truth. While what gets shattered because of abuse/traumatic experiences is different for everyone, speaking TRUTH and being believed is universal medicine to heal. Healing takes work, it takes practice and it takes patience. Healing requires love, justice, and truth.

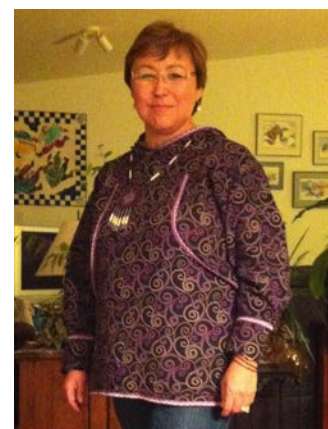
I was sexually abused by a family friend who happened to be a priest. I was 10 years old and vulnerable. As a result of him paying attention to me, I felt special. I did not equate his actions as sexual abuse until much later because it was not violent. I thought it was love. This relationship went on until I turned 19 and I wrote a letter to him while in college that I never wanted to be alone with him again. After that, I never was. Until that happened, it was almost like we were boyfriend/girlfriend, like we were a couple. I received "love letters" and I

looked forward to being with him. I remember at one point when I was a teenager and had a boyfriend my own age, he had me go to confession in his room. I thought that was strange, but he was the adult and a priest. I also remember asking a close friend whether she thought it was weird to be in such a relationship with a priest. But I didn't know what to do about it and I never told my mom.

It wasn't until years later when my daughter turned 10, the same age I was when the abuse began, that I could no longer shield the truth from my consciousness. I remember looking at her and wondering how anyone could take advantage of such innocence. During this time, there was a group of 20 men from my village of St. Mary's that had filed a lawsuit against the Catholic Church. They had been sexually abused by the priest that served our village when I was growing up. My brother happened to be one of those that was abused, but he had yet to come forward. It was then that I realized that I was not the only one abused by a priest. I filed a lawsuit against the Catholic Church and, once it was settled, served as an advocate for other survivors in various capacities. That is how I've come to know that what happened to me, happened to many. Therefore, I say what happened, happened to us collectively. I believe our history as Alaska Native and American Indian people must be rewritten to include clergy sexual abuse.

Before I went public with my story, I talked with Grandma Rita Blumenstein and got permission. She told me that it was time. Throughout various points of my healing journey, I have felt held, and that was one of the times. Held by our ancestors—by my side, in front of me pulling me forward and behind me, pushing me to keep going. I don't believe any of this is by accident. I find that the more I speak my truth—and people believe me, it's like “shedding old, bruised, harmed skin”—the closer I get to the essence of who I am—that is where I find strength, in the truth. I do not attest that I am healed. I just say I am healed enough...healed enough to speak, acknowledge my Truth, and encourage the truth of others in a loving, gentle way.

I have come to a point where I know I was sexually abused and have rid myself of the shame and guilt I carried. I have come to see that being vulnerable was not a bad thing, but that this person who I thought loved me took advantage of my vulnerability. I did nothing wrong. I used to equate my vulnerability as a weakness, but I



know now that all children are vulnerable and have a birth right to feel loved, safe, protected and put in a place of honor.

I protected myself. Relationships were difficult, particularly relationships with others who I viewed as having authority over me and who expressed affection. Once I learned that I was “special” to that person, I didn't know how to act, and I would almost freeze. It's like I had to figure out what it was that they wanted from me to keep that feeling of being special. I have come to realize that because of the dynamics of the sexual abuse I endured over all those years, feeling special to the man who abused me came at a price. I had to sacrifice my sacredness (we are all born sacred), which translated into shame. I had become a victim of emotional, spiritual and sexual abuse at the hands of the man I loved and thought loved me.

My thinking patterns were flawed. I believed for a long time that I was less than...less than others, inferior. And even today, I have to be careful of that way of thinking. Some of this comes from intergenerational trauma, I believe, and the sense of internalized oppression. I had to learn to use positive words and thoughts toward myself. I had to learn to identify positively with my needs and find ways to get those met. To be compassionate toward myself.

School was a safe place. I could engross myself in my studies and I found that I could do well. I worked hard to get the best grades. It's almost like if I didn't get the best grades, it proved that I was that needy child and that there was something wrong with me.

I had to protect myself from the truth—like I was allergic to the truth, as it would reveal my inadequacies...the shame I felt. I had to use kindness and compassion toward myself.

Today, I can sit in my own body and be okay with it. I can be myself with nothing to hide, with my strong side and my vulnerability. It's almost like I can smile at my insides. I have forgiven myself for the negative thinking patterns and thinking I was less than. I can be gentle with myself. And I ground myself in that truth. That we are not alone.

I have to hold the victim within and acknowledge that victim in order to grasp my survivor within...because I am both. I could not be a survivor without having been a victim. It's about integrating both while recognizing we are part of a greater Universe, we are our ancestors and our children deserve to know that beautiful truth.

Healing through the truth not only affects you, but others, too. That is how it works. The opposite is true as well; not telling the truth is suffocating. It keeps you from growth, experiencing life and all that life has to offer—love, laughter. Today, I feel free from having to protect myself from getting hurt, I am free to love and to love myself, I can accept myself and rejoice in my own strengths and vulnerabilities, I can laugh fully and just BE without fear. It's almost like I am seeing the world with new eyes—with the eyes of my heart. And I can listen with my heart, knowing we are all interconnected, with ourselves, each other, the land, the animals, the Universe and our ancestors. What a gift.

At one point after coming forward publicly, I had a conversation with my brother. He said:

"I'm proud of you."

"I feel I can look up to you."

"It makes it okay for other people to talk about what's going on."

"It's about time."

"Hold your head high..."

"Keep smiling..."

He made me laugh when he said he amazes himself sometimes by what he says, and he was glad he made me laugh. My hope for you and all our Native people who have been impacted is that through collective healing, we can be the heroes our children deserve and so need. Healing is possible.

In closing, I want to share a quote by Grandma Rita Blumentstein. She says...

"We are free to be who we
are—

To create our own life

Out of the past and out of
the present.

We are our ancestors.

When we can heal ourselves,

We also heal our ancestors,

Our Grandmothers,

Our Grandfathers and

Our Children.

When we heal ourselves,
we heal

Mother Earth."

—Dr. Rita Pita Blumenstein

RESOURCES FOR SEXUAL ASSAULT AWARENESS MONTH

Throughout the year, there are incredible efforts by Tribal nations, Tribal domestic violence and victim services programs, advocates, rape crisis centers, agencies, campuses, states and advocacy organizations to bring sexual assault awareness to the forefront in support for victim-survivors of sexual violence. Connect online to any of the following resources to learn more about the impact of sexual assault in Indian Country and help advocate for change in your community.

DOWNLOAD NIWRC's fact sheet on "Sexual Violence Against Women and Children in Indian Country" with statistics and data on the prevalence of these crimes at bit.ly/3prgguo.

CUSTOMIZE our sample proclamation template for Sexual Assault Awareness Month, prepared to help tribal leaders and advocates to proclaim SAAM in their communities. Download and customize the template as needed at bit.ly/3t4RyIU.

EXPLORE publications addressing law and policy issues related to sexual assault in Indian Country by the Tribal Law and Policy Institute: bit.ly/2Mh4xQJ

SHARE the StrongHearts Native Helpline (1-844-762-8483) with victim-survivors and families impacted by sexual violence in your community. Advocates provide peer support and referrals to resources. Online chat is also available at strongheartshelpline.org.



Advocacy for Sexual Assault Survivors During COVID-19

A Movement Made of Knowledgeable, Creative Advocates Who Can Adapt Responses to Challenging Situations

By Nicole Matthews, *White Earth Band of Ojibwe*, Executive Director, Minnesota Indian Women's Sexual Assault Coalition

During the COVID-19 pandemic, sexual violence and exploitation continue to rise, behind doors that open less often, and in an online world that has permeated our everyday living more than ever before. Travel limitations, shelter in place orders, and virtual work or learning spaces are not even new to us. Housing and shelter challenges have required newly shared households, yet our time out-of-the-home has nearly disappeared. This can be a risk factor for additional violence.

Nearly a year into this pandemic, Tribal programs continue to re-prioritize resources, working with less, to do more, because the violence has not stopped. Sexual violence is happening in far more complex ways, and therefore, as Advocates, we are calling upon our most creative thinking.

The Minnesota Indian Women's Sexual Assault Coalition works with Tribal Advocates in Minnesota and across the country. The stories we hear highlight the complexities that survivors are facing, as well as the Advocates and Programs who support them. As a Tribal Coalition and Technical Assistance provider, we have shifted nearly all services to a virtual environment.

We moved our free, Native Focused, 40-hour Sexual

Assault Advocacy Training to a digital platform. Expanding access to this culturally meaningful curriculum has made it accessible to anyone interested in supporting Native survivors. Last October, 339 people registered. Our next offering will begin March 2, 2021. All are welcome! Find out more at www.miwsac.org.

Providing advocacy in a virtual world is difficult enough, but some are the sole Advocate in a large community with an increased need for services, or in a community

Nearly a year into this pandemic, Tribal programs continue to re-prioritize resources, working with less, to do more, because the violence has not stopped. Sexual violence is happening in far more complex ways.



with limited technological capacity. This has stretched people to their limits. Offering specific time and space set aside for Tribal Advocates to connect virtually through weekly calls at 10 a.m. has provided support for debriefing and creative problem solving when staff is short, on quarantine, or even furloughed.

On the national scale, our work on sex trafficking in both Tribal and Urban Indian communities continues to adapt to the new ways that trafficking is presenting as well as to the barriers that seem endless when connecting with survivors and with community partners.

At the intersection of sexual violence and sex trafficking is Missing and Murdered Indigenous Women & Relatives. As Executive Director of MIWSAC, I serve as the Vice Chair of Minnesota's MMIW Task Force. The Task Force report, released in December 2020, includes several mandates to address this important issue. Among these mandates is a call for a State MMIW Office, which the Governor has proposed in his recently released budget. This office would work with state agencies, Tribes, and partners to produce an annual dashboard and ensure that the work of the Task Force continues to move forward. The full Task Force report can be found at: bit.ly/2N8zKG7

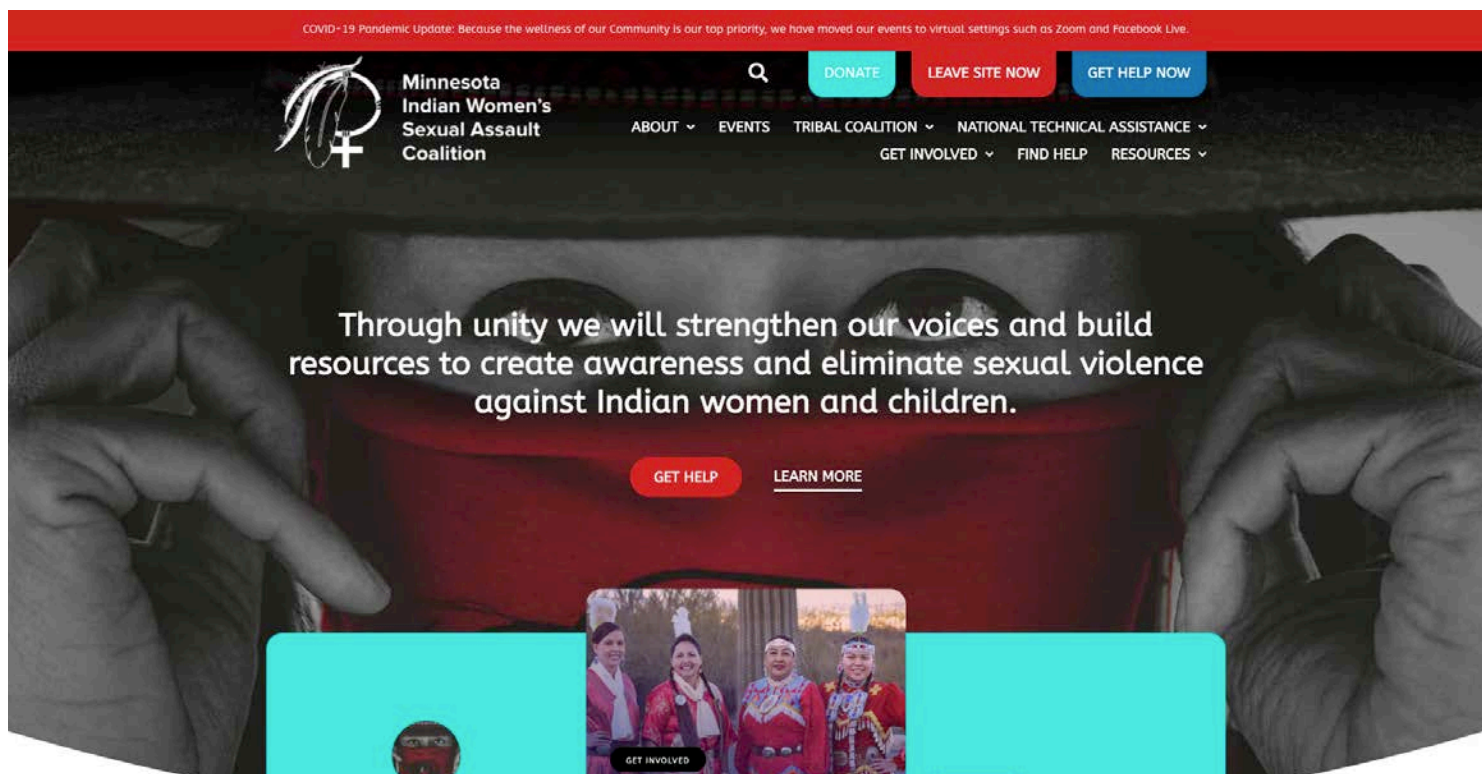
Navigating this difficult time requires connection, community, creativity, and collaboration. Thankfully, we are a movement made of creative Advocates who

know how to adapt and shift to respond to challenging situations. While we look forward to the day that we will all be together in person, we are grateful for the ways that we have been able to connect and the things that we have learned over this last year.

Pandemics are not new to us. Our resilience and spiritual practices will continue to guide us.



The banner features a light blue background with a white feathered arrow and a female symbol. The text reads: "Announcing! A New Year – A New Website! Minnesota Indian Women's Sexual Assault Coalition Ending Sexual Violence and Sex Trafficking in Minnesota, Indian Country, and Alaska www.miwsac.org". Below this, a woman with red face paint and a black t-shirt that says "got consent?" is shown. Text on the left says: "We are still here... It is time to stop holding the survivors of sexual violence accountable for the trauma and pain inflicted upon them. We need help from our community members to make a difference. Native women experience the highest rates of sexual violence of any population in the United States. Our community remains silent because of generational trauma and retaliation. We want to create a 'Circle of Support and Safety' for our women. GET INVOLVED".



The homepage has a red header with a COVID-19 update: "COVID-19 Pandemic Update: Because the wellness of our Community is our top priority, we have moved our events to virtual settings such as Zoom and Facebook Live." The navigation bar includes a search icon, "DONATE", "LEAVE SITE NOW", "GET HELP NOW", and a dropdown menu with "ABOUT", "EVENTS", "TRIBAL COALITION", "NATIONAL TECHNICAL ASSISTANCE", "GET INVOLVED", "FIND HELP", and "RESOURCES". The main content area features a large image of hands holding a red cloth with the text: "Through unity we will strengthen our voices and build resources to create awareness and eliminate sexual violence against Indian women and children." Below this are "GET HELP" and "LEARN MORE" buttons. At the bottom, there is a video player showing four women in traditional Indigenous attire, with a "GET INVOLVED" button below it.



From left, Geraldine Dubourt, Francis Hart, Marie Ogitchida, Mikayla Maxwell and Michelle Dauphinais Echols stand on the steps of the South Dakota Capitol in Pierre, S.D. on Monday, Feb. 24, 2020. Lawmakers killed a bill that would have given survivors of childhood sexual abuse a two-year window to sue organizations in which abuse occurred. (AP Photo/Stephen Groves)



Stand Against Injustice for Sexual Assault Survivors

A New Bill to Change the Statute of Limitations in South Dakota

By Michelle Dauphinais Echols, Esq., Turtle Mountain Band of Chippewa Indians, Attorney

In 2021, how different is the rule of law in the lives of Indigenous peoples in the United States?

The efforts of Native survivors and Indian nations have increased public awareness of how the United States used laws, policies, and the courts to prevent justice. The theft of Native land, removal of children, and criminalization of spirituality and language were done under the color of law—legislative acts, court rulings, and orders by government officials.

The struggles of nine sisters in South Dakota tell us we have a long way to go on the road to justice and safety.

Louise Charbonneau Aamot, Geraldine Charbonneau Dubort, Dr. Barbara Charbonneau Dahlen, Francine Charbonneau Soli, Joann Charbonneau Braget and three of their other sisters courageously stepped forward to tell their stories of the sexual abuse they suffered as young girls at St. Paul's Indian Mission Catholic boarding school. Louise Charbonneau Aamot and eight of her sisters are from the Turtle Mountain Band of Ojibwe in North Dakota. They were sent to boarding school over 524 miles away from their home in Marty, South Dakota.

The sisters have courageously stepped forward to tell their stories of the sexual abuse they suffered as young girls at St. Paul's Catholic boarding school. In 2021, they hope to change the law and help other survivors of such sexual abuse. Their story is that of thousands of American Indian children taken from their families as a result of United States' laws and sent hundreds of miles away to face cultural genocide and reeducation. They have been pushing for awareness and fighting for justice in South Dakota for almost two decades now.

The reality that in 2021, the sisters are prevented access to justice by the South Dakota lawmakers and the court is unconscionable.

In 2010, just days before the Charbonneau sisters were set to go to court, South Dakota lawmakers passed a last-minute bill to limit the state's child sexual abuse statute of limitations, taking away the ability of abuse victims older than 40 to pursue legal action against institutions that facilitated and even covered up child sexual abuse. The bill was enacted to deny victims of abuse like Louise Charbonneau Aamot and eight of her sisters justice under the law. In South Dakota where many Native people attended boarding school, this new law effectively blocked virtually all Native American



Survivors Geraldine Dubourt (left) and Francis Hart (right) stand on the steps of the South Dakota Capitol to bring awareness to the abuses by boarding school staff and church personnel in 2020. (AP Photo/Stephen Groves).

boarding school survivors from being heard in court.

The legal barrier created by the South Dakota lawmakers reflects the ongoing structural inequalities ingrained in a political system that uses legal authority to deny justice.

The molestation, rape, and torture of the nine sisters by priests, nuns, and church staff running St. Paul's demands justice. The repeated abuse they endured for years at the hands of sexual assailants—criminals—who were their teachers and caretakers, is horrific. One sister agonizingly tells of being raped by a priest, getting pregnant, and having a forced abortion performed by nuns who incinerated the baby.

"There were tunnels built under the school that the abusers used to have access to the children in the dormitories at night while everyone slept," said Michelle Dauphinais

**"I know now in my heart
that God is telling me
to protect the children
of South Dakota, to do
something so that this
doesn't happen again.
We need to stand up
and say, 'no more.'"**

**—Louise Charbonneau
Aamot**

Echols, an attorney and member of the Turtle Mountain Band of Chippewa Tribe who spent her early years at the school campus and is the author of the bill being presented to the South Dakota legislature.

Statute of Limitations—Three Years From the Time the Abuse Occurred

The nine sisters filed suit against their abusers, including the Native American boarding school and the church, which went up to the South Dakota Supreme Court in *Bernie v. Blue Cloud Abbey*. The court held that the statute of limitations for childhood sexual abuse did not apply in these cases—instead, a more restrictive statute of limitations applied, requiring the lawsuit to be filed within three years from the time the abuse occurred. A statute of limitations is like a legal stopwatch dictating when the time to file a lawsuit runs out. The court also said that the statute was not meant to apply to institutions like the church and diocese. That meant the nine sisters' claims were blocked from being heard in court.

South Dakota lawmakers didn't stop there. In addition to enacting the current statute of limitations of three years from the abuse, or three years from the time you discover

the abuse, no one aged 40 years or older can recover damages from anyone other than the person who did the actual sexual acts. This language stops all boarding school survivors of abuse from pursuing their claims.

"Common law never contemplated these types of claims against boarding schools run by the church until relatively recently," Dauphinais said. "The Native American boarding school narrative is unlike anything before or after it in history and it doesn't fit within traditional law principles, so the legislatures and courts have got to account for that in these statutes and cases."

New 2021 Bill, A Challenge to South Dakota Legislature

The proposed new state bill will eliminate the statute of limitations to allow survivors of childhood sexual abuse to bring suit at any time and to file suits against institutions that facilitated the abuse, like the schools.

"Abusers should not be protected just because of the passage of time," said Geraldine Charbonneau Dubourt, member of the Turtle Mountain Band of Chippewa Tribe, and one of the nine survivors. Molestation and rape of children is not something we, as a society, should tolerate. It has been an uphill fight. We really need the people of South Dakota to call their state representatives in support of the bill to get it passed."

For almost two decades, the Charbonneau sisters have struggled for justice and legal changes for survivors of childhood sexual abuse. The sisters need help in their efforts for justice—they need the national movement for the safety of Native women to support their efforts. Louise passed away on February 8, 2020, but her courageous words remain.

"I'm going to fight until my dying day. I'm going to fight so this doesn't happen again."—Louise Charbonneau Aamot

Support the Advocacy of 9littlegirls to Understand and Prevent Sexual Abuse

- For more information, go to **9littlegirls.com**, and subscribe to their emails.
- Volunteer your time on the 9littlegirls.com website.
- Share the story of the 9littlegirls with your friends, tell your family, and tell the media.
- Email or call the South Dakota legislators at www.sdlegislature.gov and let them know you support the 9littlegirls.
- Make a donation to 9littlegirls. To give, visit 9littlegirls.com/support-us.
- Follow 9littlegirls on Facebook for developments at fb.com/9littlegirls.



THE STRUGGLE OF THE NINE CHARBONNEAU SISTERS AGAINST SEXUAL ABUSE

1940s-1970

Students, including Louise Charbonneau Aamot and eight of her sisters, were sexually abused at St. Paul's Indian Mission Boarding School on the Yankton Sioux Reservation.¹

1958

Priests and staff members began sexually abusing Louise when she was in the third grade.

"The horrific pain that you suffer after someone does something like that to you, you wouldn't tell anybody. The shame of it is unbearable. You don't talk about those things with someone else, not even your friends at school, so certainly not your parents."³

St. Paul's was turned over to the Yankton Sioux Tribe and became Marty Indian School.

1975

Louise arrived at St. Paul's for the first time. She was seven years old and entering the first grade.²

1956

2004-2010

More than 100 former students of South Dakota's Catholic-run boarding schools filed civil lawsuits against the federal government, the Catholic Diocese of Sioux Falls, and different religious orders operating the schools. The Charbonneau sisters were among those who filed a lawsuit. Former students provided testimony of systematic rape, abuse, and even forced abortions.⁴ The Sioux Falls Diocese maintained it was not responsible for the sexual abuse that occurred at their schools.

The Charbonneau sisters were days away from going to court when South Dakota lawmakers passed a last-minute bill altering the state's statute of limitations, declaring that abuse victims older than 40 cannot pursue legal action against institutions responsible for their trauma. Due to this new statute, the sisters' lawsuit failed.⁵

2010

2015

Michelle Dauphinais Echols, cousin to the nine sisters, drafted an amendment to South Dakota's laws that would reopen the sisters' claim and help other Native survivors pursue their claims.⁷ The sisters present the bill to the legislature each year, and each year it is defeated.

Feb 24, 2020

Although Louise could not join them, her sisters made their annual trip to the South Dakota legislature with their daughters and granddaughters—a commitment to family, survival, and solidarity that honored Louise's memory. The bill to undo the statute of limitations restrictions was defeated by South Dakota lawmakers once again.¹⁰

Feb 8, 2020

Louise passed away suddenly, at 69 years old.

Every year, the Charbonneau sisters and their families scrape together what money they can to travel to the South Dakota Legislature and lobby for legal changes that would allow their case to move forward. Every year, they are unsuccessful.⁶

2010-2021

The 2021 legislative session has started. The Charbonneau sisters' legislation will be heard in February or March. Follow the 9littlegirls Facebook page or visit 9littlegirls.com.

Jan 2021

Michelle and the Charbonneau sisters created 9littlegirls, an advocacy group to bring awareness to child sexual abuse and pursue justice and healing.⁸

"Legislators understand everyone's need to move forward. The survivors need healing. They, and many others, have lost faith, not just in the Catholic Church, but in God, our Creator," said Dauphinais. "So, the church also needs healing. It is in moving forward together that reconciliation can occur. And overall faith may be able to be restored. There can be beauty from these ashes."⁹

2018

1 <https://bit.ly/3pdNYDs>

2 <https://bit.ly/3c5ytKf>

3 <https://bit.ly/3c5ytKf>

4 <https://bit.ly/39UU05H>

5 <https://bit.ly/3pdNYDs>

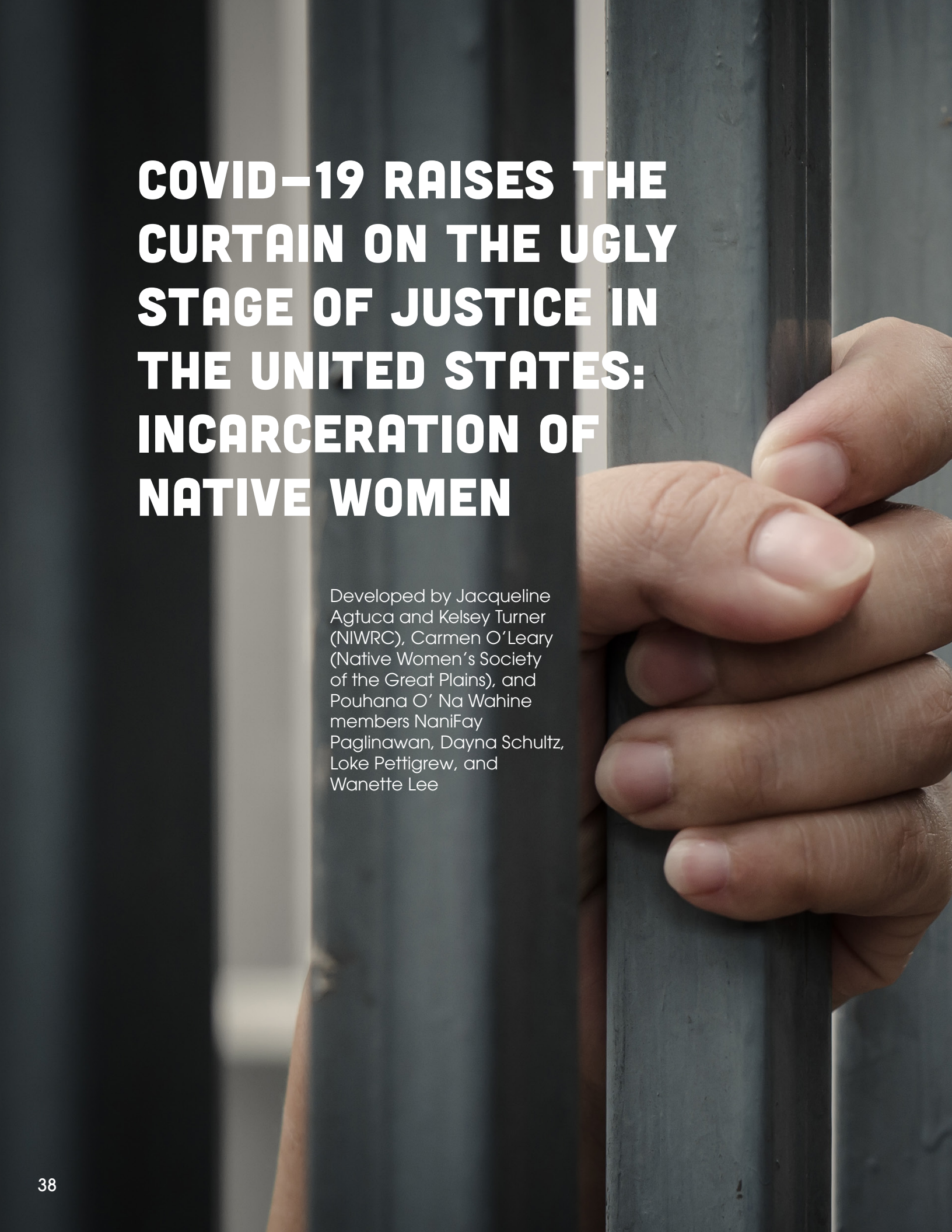
6 <https://bit.ly/3qKVVRc>

7 <https://bit.ly/3c5ytKf>

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9 <https://bit.ly/3c5ytKf>

10 <https://bit.ly/3c2363e>



COVID-19 RAISES THE CURTAIN ON THE UGLY STAGE OF JUSTICE IN THE UNITED STATES: INCARCERATION OF NATIVE WOMEN

Developed by Jacqueline Agtuca and Kelsey Turner (NIWRC), Carmen O'Leary (Native Women's Society of the Great Plains), and Pouhana O' Na Wahine members NaniFay Paglinawan, Dayna Schultz, Loke Pettigrew, and Wanette Lee

Andrea High Bear, a 30-year-old member of the Cheyenne River Sioux Tribe near Eagle Butte, South Dakota, died on April 28, 2020. She was the first woman in the United States to die of Coronavirus (COVID-19) while in federal prison custody. High Bear was convicted of a federal nonviolent drug offense and sentenced to 26 months in prison. Pregnant at the time of sentencing, she was sent to a federal prison in Texas, 900 miles away from her home in South Dakota during the COVID-19 pandemic—a death sentence.

Andrea High Bear's death from Coronavirus was avoidable. Why then did no one with the authority—judge or prosecutor—propose a more common-sense alternative for a high-risk, pregnant mother?

The COVID-19 Failed Response

As of December 2, 2020, the CDC reported 513 American Indian and Alaska Native women had died from COVID-19. The mortality rate among American Indians and Alaska Natives from COVID-19 is 1.8 times higher than for white people. This statistic is even higher for Native Hawaiians, who are experiencing some of the highest coronavirus rates of any racial or ethnic group in the U.S. In Los Angeles County alone, Native Hawaiians and Pacific Islanders have rates of infection up to five times that of white people.

To address the COVID-19 crisis, Congress must act to challenge the long-standing structural barriers to meet the healthcare needs of Indigenous peoples. The U.S. Civil Rights Commission reports that Native American healthcare is vastly underfunded and primed for catastrophe. The U.S., despite signing treaties with Indian nations promising healthcare services, spends nearly three times as much per person on non-Indian medical care than on health services for Indigenous people.

The COVID-19 crisis only complicates and increases the harsh realities of incarcerated Native women. Andrea High Bear was aware of the threat COVID-19 posed. In addition to her high-risk pregnancy, High Bear had a pre-existing medical condition that the CDC lists as a risk factor for developing severe virus symptoms. Before being sent 900 miles away to the Federal Medical Facility Carswell, she voiced her concern to the U.S. Marshals

about moving away from the doctors providing her with prenatal care. Yet they moved her anyway because FMC Carswell is the only federal medical prison for women in the U.S.

Andrea High Bear began showing symptoms of COVID-19 shortly after arriving at the prison. She gave birth to her daughter while on a ventilator on April 1. Three days after the birth of her baby, she was confirmed positive for COVID-19, and three and a half weeks later, she passed away. She never got the chance to meet or hold her daughter.

A Racialized Justice System

“The judge in her case had the complete discretion to suspend her sentence, given her pregnancy, or to order her to serve time at home; the prosecutor had the discretion to drop or lessen the charges; the Bureau of Prisons had the discretion to allow her to serve her sentence at home, for the sake of her health and her baby's. However, none of this happened. Instead, these system actors made the decision that punishment for a mother selling \$850 of drugs to support her family warranted risking her life and the life of her baby.”—Root and Rebound

Native American women are six times more likely to go to prison compared to their white counterparts. As in police shootings of Native women, the government paints a picture of criminals as violent, dangerous, depraved people who must be incarcerated. Bad choices, particularly for Indigenous women, are often interconnected with poverty, abuse, and government agencies. Many, like Andrea High Bear, committed a non-violent crime. Would their actions leading up to prison sentences have been different if poverty did not dictate how they lived, and, for so many incarcerated mothers, cared for their children?

Since 2015, the number of Native Americans incarcerated in federal prisons has increased by 27 percent. According to 2019 Prison Policy Initiative data in South Dakota, Natives make up roughly 50 percent of those imprisoned despite making up only 8.7 percent of South Dakota's population. Similarly, they constitute about 25 percent of incarcerated individuals in Montana (which has a 6% Native population) and North Dakota (which has a 5% Native population).

Unfair treatment towards Indigenous peoples by federal and state justice systems is not an isolated incident; it reflects a pattern endemic to the structure of a racialized justice system that was never intended to serve its colonized peoples—American Indians, Alaska Natives, or Native Hawaiians.

The vulnerability of Native women to violence, crime, and poverty is an extension of the conquest of their nations. Federal policing—whether the military under the Department of War, U.S. Marshals, Indian agents, or the Bureau of Indian Affairs—was authorized by Congress to enforce federal laws made to eradicate and later assimilate Native peoples. In 1883, Congress passed the Code of Indian Offenses, effectively criminalizing Indigenous ways of life—language, spirituality, marriage, parenting, and more. Native Hawaiians also faced the overthrow of their government and criminalization of their Indigenous spiritual and cultural ways of life.

“While Alaska Natives make up about 15% of the Alaska state population, Alaska Natives constitute 38% of those incarcerated. The highest rate of incarceration of any race in Alaska,” said Tami Truett Jerue, Alaska Native Women’s Resource Center. “Like Hawaii, the number of women incarcerated in Alaska increased dramatically over the past 40 years. Between 1996 and 2000 in Alaska, the total of incarcerated white females went up by 26%, but Native female inmates skyrocketed by 41%.”

The United States has 5% of the world’s population, but 25% of the world’s incarcerated people.

Native Hawaiian Women

Native Hawaiian women are disproportionately represented in Hawaii’s prison population. In Hawaii, 19.8% of women identify as Native Hawaiian or part Native Hawaiian, yet 44% of women incarcerated under the jurisdiction of the state are Native Hawaiian. A large portion of Hawaii’s prison population is sent to out-of-state facilities. Of this population, Native Hawaiians make up the highest percentage.

“Sense of place is vital to Native Hawaiians, and taking them out of their element, into a foreign place further cripples our mind, body and spirit, leaving permanent scars of oppression and colonization,” said Dr. Dayna Schultz, Pouhana O’ Na Wahine, Vice President (*next column*).



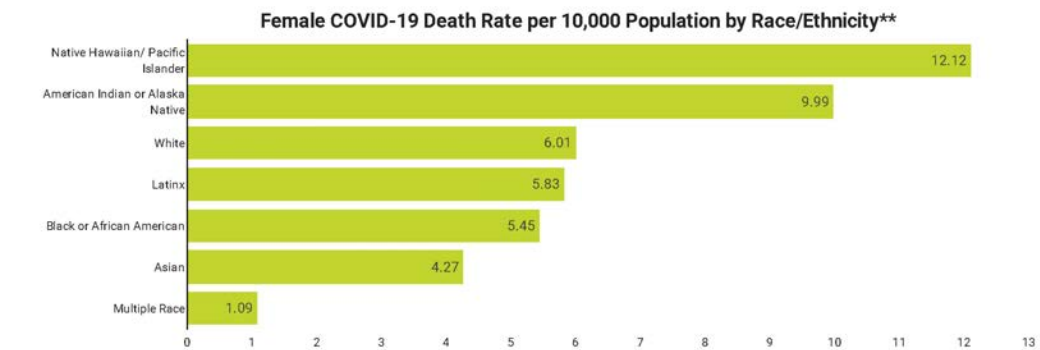
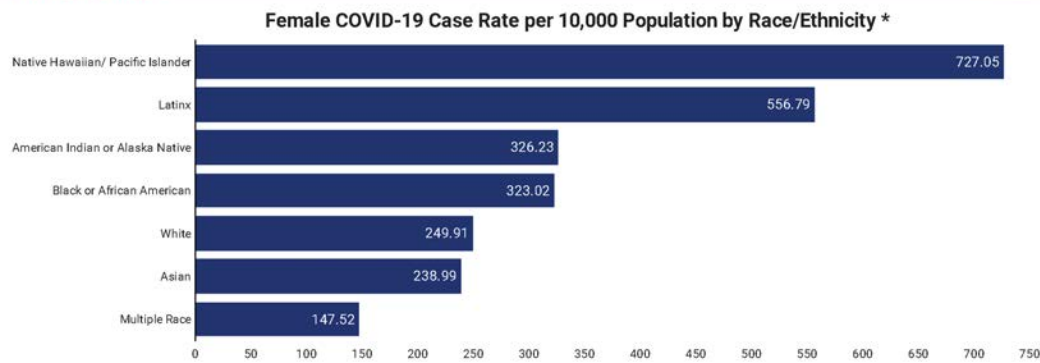
The reality that 48% of prisoners at a federal prison in Arizona, Saguaro Correctional Facility, are Native Hawaiians is shocking.

“Native Hawaiians use the term *keiki o ka aina* (children of the land) to describe the connection between the people, the *aina*, and *kupuna* (ancestor),” said Rose Loke Pettigrew, member of the Pouhana ‘O Na Wahine. “The *aina kupuna* is important to our spiritual being as it relates to our identity as *kanaka* (a native of Hawaii). The word *piko* is synonymous with umbilical cord. Separating a *kanaka* from the *aina kupuna* is like severing us from our *piko*—the point of connection between *aina kupuna* and *ohana* (family). *Aloha* (love), *aina*, cultural values, connections, and *ohana* is integral to the healing of Indigenous peoples, communities, for the present and future generations.”

Indigenous Women Need Services, Not Prisons

The U.S. justice system addresses substance use through incarceration, rather than treating it as a public health issue. The billions spent on building and maintaining incarceration facilities should be used for the long-term solutions of services and treatment in Indian Country. Compared to men, women are more likely to engage in drug and property crimes, as opposed to violent crimes. Because the War on Drugs in the 1970s increased the mandatory sentencing for drug crimes, the number of women in prisons has greatly increased over the past 50 years.

In South Dakota, the state where Andrea High Bear was arrested, Native populations are disproportionately arrested for drug offenses. Of the nearly 7,000 arrests for public intoxication reported to the FBI’s national



* 39.85% of cases have unknown Race/Ethnicity and are not shown
 ** 3.45% of deaths have unknown Race/Ethnicity and are not shown

Female COVID-19 Case Rate per 10,000 Population by Race/Ethnicity. / Data provided by the Riverside University Health System Covid-19 Response. Updated December 24, 2020.¹

database in 2019, all but 56 involved Natives.

“Though South Dakota’s Native reservations experience alcohol use disorder rates well above the national average, the federal Bureau of Indian Affairs has cut funding for substance use treatment and other health services in recent years,” The Appeal reported. This punitive response to drug offenses also contributes to the unnecessary breakup of families.

“The vast majority of women behind bars are mothers—by some estimates, as many as 80 percent,” reports Argus Leader, the daily newspaper of Sioux Falls, South Dakota. “And measures to slow the virus, including eliminating prison visitation and restricting access to phones, have cut off communication to their children and families on the outside.”

This strain on families during incarceration is even greater for Native American women. When Indigenous women are prosecuted in federal court for low-level drug crimes that occur on reservation land, they are often sent to prisons far away from their children and families.

Indigenous Justice Solutions Exist

Recognizing Indigenous-based solutions and allowing

tribal governments full authority to create safe communities offers an alternative to the federal and state prison industry. In the current prison system, prisoners are incarcerated to serve their time, not to make amends or redeem respect—ingredients essential to accountability and change.

“Pono (to make right) is a Hawaiian value that is a part of Ho’oponopono and is intrical in healing for the offender and victim. Including cultural methods of healing and reparation should be considered when working with Indigenous peoples, as it is not only the language they understand verbally, yet also the message and mana they comprehend internally,” said Schultz.

Traditional means of healing trauma and discord can create individual accountability to the person and community wronged. This requires prisoners to be kept as close as possible to their families and support systems, and to be given access to those aspects of their culture that keep them from endlessly recycling through the criminal justice system.

The federal and state systems of incarceration, removal, and isolation from community and loved ones are not long-term solutions to crime. Addressing crime within American Indian tribes, Alaska Native Villages, and

Native Hawaiian communities will come from within, not imposed control from outside federal or state government.

Justice and Imprisonment Are Not Equal

“The lack of services for Native women who are abused, or have survived abuse, leaves women to cope on their own,” said Carmen O’Leary, Executive Director, Native Women’s Society of the Great Plains (*below*). “Some women turn to illegal activities, such as theft, the sale of drugs, or prostitution, to survive or because of threats by an abuser.”



For nearly four decades the movement for victims of domestic violence and sexual assault have rallied behind abuser accountability through arrest, prosecution, and incarceration. This concept of justice for victims is woven into the Violence Against Women Act (VAWA) as the solution. In many cases, removal and isolation are absolutely necessary for the protection of the victim and future victims. But unfortunately, in most cases prisoners return home unchanged, often committing the same crimes against the same victim or new ones.

Prisons are now a business, and Indigenous peoples are its bread and butter—particularly women and children. The incarceration of Native children in South Dakota’s state prisons, for example, brings in about \$65 million in Federal funding to South Dakota each year. “This provides a financial incentive to continue removals from tribe and family,” notes the Lakota People’s Law Project. Many women in prison are victims of violence, including domestic violence, rape, sexual assault, and child abuse. According to the American Civil Liberties Union, 79%

of women in federal and state prisons reported physical abuse and over 60% reported sexual abuse at some time in their lives. Women in prison are three to four times more likely than male prisoners to have experienced abuse, whether as a child or adult.

The lack of services for survivors of abuse leaves women to cope in ways criminalized under the law. Activists call this criminalization of women’s survival strategies the “sexual-abuse-to-prison pipeline. Criminalizing survivors of domestic violence, sexual abuse, and trafficking for doing what they need to do to survive is not justice. The justice system must instead provide women access to services and treatment that will allow them to escape the abuse-to-prison pipeline once and for all.

As a social justice movement, it is time to acknowledge how little the government solution of federal and state prisons offers to Native women. It is also time to understand how dangerous the prison system is to everyday grandmothers, mothers, and daughters.

“The reality is so many women need help to survive everyday problems we face as Native peoples. Native women surviving abuse now also face a health crisis. The problems they had before COVID have only doubled,” O’Leary said.

Incarceration of Native Women

- Native American women are six times more likely to go to prison compared to their white counterparts.
- Native Hawaiians and other Pacific Islanders were the subject of 33% of the Honolulu Police Department’s use-of-force incidents in 2018, despite comprising only 10% of the population.
- In Alaska, between 1996 and 2000, the total of incarcerated white females went up by 26%, but Native female inmates skyrocketed by 41% in those four years.
- Prisons and jails quickly became COVID-19 hotspots in the U.S., where people behind bars cannot social distance and are not given the care or resources needed to combat the virus’ spread.



A Call to Action

Declare May 5, 2021, a National Day of Awareness for Missing and Murdered Native Women and Girls



In 2017, the Montana Congressional Delegation led the way for the passage of a Senate resolution declaring May 5th the National Day of Awareness for Missing and Murdered Native Women and Girls (MMIW) in response to the demands for justice following the disappearance and murder of Hanna Harris at the Northern Cheyenne Reservation in 2013.

Since May 5th, 2017, Native women continue to be murdered and go missing. In response, their families and communities across Indian Country, Alaska, and Hawaii are calling for justice and reforms to change the systemic barriers to the safety of Native women.

Turning our grief into action, we call upon Congress to address the foundational reforms required to address MMIW beyond individual cases. The crisis of MMIW is the culmination of a spectrum of violence perpetrated against Native women. It reflects the intersection of domestic violence, sexual assault, trafficking, and other crimes committed against Native women. These crimes occur due to a long history of government policies, programs, and laws that cause Native women to be vulnerable to such crimes.

The issues surrounding missing and murdered Native women must continue to be brought into the public's awareness to increase accountability of social, political, economic, and government systems and responses.

A National Day of Awareness for Missing and Murdered Native Women and Girls provides a process for public healing and accountability for this crisis, and honoring

those who have been abducted, gone missing, or been murdered. It is essential on the broadest level to acknowledge the historic and ongoing human suffering and death that U.S. colonization has ravaged upon Native women.

We call on all those concerned for the safety of Native women to organize at the local, tribal, state, national, and international levels to support the 2021 National Day of Awareness for Missing and Murdered Native Women and Girls calling for systemic change.

Join us to tell Congress **enough is enough**.

Lucy Simpson (Diné), Executive Director, National Indigenous Women's Resource Center

Juana Majel Dixon (Pauma Band of Luiseno Mission Indians) & Shannon Holsey (Stockbridge-Munsee Community Band of Mohican Indians), Co-Chairs, NCAI Task Force on Violence Against Women

Robert T. Coulter (Potawatomi), Executive Director, Indian Law Resource Center

Tami Truett Jerue (Anvik Tribe), Executive Director, Alaska Native Women's Resource Center

Rosemond Keanuenue Pettigrew (Native Hawaiian), President, Board of Directors, Pouhana O Na Wahine

Dawn Stover (Cherokee), Executive Director, Alliance of Tribal Coalitions to End Violence

Addressing Structural Inequalities Endangering Native Women

The Long Fight For Justice Continues

Developed by NIWRC Policy Team
Members Jacqueline Agtuca, Rose Quilt, and Paula Julian

Missing and Murdered Indigenous Women and Girls is a National Crisis within the United States.

Organizing efforts, from the grassroots to a national level, have brought this issue into the public eye. As social justice actions continue to increase across Indian tribes and Native communities, lawmakers and government departments are being educated and held accountable to make the changes needed.

In 2021, increased grassroots organizing and community action will continue to call for foundational changes to systemic inequalities that separate Native women and make them a population vulnerable to violence.

The increased attention and political will to make meaningful change on the issue of MMIW is long overdue.

Systemic Inequalities Placing Native Women in Harm's Way

As affirmed in the 1993 Apology to Native Hawaiians and

2009 Apology to Native Peoples,¹ the U.S. recognized that there have been years of official depredations, ill-conceived policies, and breaking of covenants by the Federal Government regarding Indian tribes and Native Hawaiians; and apologized for the many instances of violence, maltreatment, and neglect inflicted on Native Peoples. The release in 2018 of the U.S. Commission on Civil Rights Broken Promises Report also affirmed the need for the government to fulfill its trust responsibility with appropriate allocation of resources for tribal governments.²

This MMIWG crisis is in part what the U.S. apologized for—the lack of resources for tribes to provide justice and victim services; and the failure of local, state, and federal responses to these crimes.

The ongoing crisis of MMIWG is intertwined with the long history of colonization and the development of the United States as a country. Efforts at all levels of tribal, state, and federal government are required to begin making the changes needed. In addition, foundational changes are needed to address systemic barriers within the economic, social, and political sectors.

The changes required are at the foundational level requiring broad public support.

The Response of Congress to the MMIWG Crisis: Legislative Reforms, 2019-2020

The U.S. Congressional effort was launched in 2017 by the delegation from Montana after the murder of Hanna Harris on the Northern Cheyenne Reservation and other abductions and murders of Native women. The 2017 Senate Resolution calling for a National Day of Awareness marked the first Congressional recognition of MMIWG as a national issue. Every year since 2017, a resolution recognizing May 5th as a National Day of Awareness for Missing and Murdered Native Women and Girls has been passed in the Senate with increased support and awareness of the need to take action.³ These proclamations and social justice actions on May 5th have resulted in the increasing response from Congress and federal departments, as well as from states and localities.

In 2019, Congress introduced three bills in both the

1 <https://bit.ly/2LecLZB>

2 <https://bit.ly/3rfMRnt>

3 <https://bit.ly/3tvN4Ff>

Senate and House to recognize, study, and increase the coordination and response of law enforcement agencies to the MMIWG crisis. The Savanna's Act, Not Invisible Act, and Studying the Missing and Murdered Indian Crisis Act were introduced to address MMIW. The last bill providing a study by the Government Accountability Office (GAO) of the current government response to MMIW passed out of the House under the Violence Against Women Reauthorization Act (HR 1585). In 2019, none of these congressional efforts became law.

In October of 2020, Congress passed the Savanna's Act and Not Invisible Act. The passage of these two bills is a victory for tribes across the country. Congresswomen Deb Haaland (D-NM) and Sharice Davids (D-KS) on the House side and Senators Lisa Murkowski (R-AK) and Catherine Cortez Masto (D-NV) on the Senate side led the charge alongside tribal leaders and grassroots advocates.

Savanna's Act is named in honor of Savanna LaFontaine-Greywind, a 22-year old pregnant citizen of the Spirit Lake Nation in North Dakota who was viciously murdered in August 2017. The Act aims to improve MMIW data collection and access, and directs the Department of Justice to review, revise, and develop law enforcement and justice protocols to address missing and murdered Indigenous peoples.

The Not Invisible Act complements Savanna's Act, with its purpose to identify and combat violent crime against Indians or within Indian lands through the creation of an advisory committee on reducing violent crime against Native people. Comprised of tribal leaders, law enforcement, federal partners, service providers, and survivors, the advisory committee will make recommendations to the U.S. Department of Interior and Department of Justice on addressing violence against Native Americans and Alaska Natives.

While these two bills are a small step forward in beginning to address the impacts of centuries of colonization and historical and intergenerational trauma, we are grateful to survivor families, members of Congress, tribal leaders, Native organizations, and the many individuals who supported the Acts from the beginning and tenaciously monitored and advocated for them. The passage of these Acts are important steps in the right direction for our relatives seeking justice for their missing and murdered loved ones and for all our relatives who have experienced violence in their lives.



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

State Legislative Responses

Legislative reforms are also reflected in actions by city, county, state, and national legislative bodies. From the entire West Coast to the Great Plains, Southwest and Midwest, state lawmakers have acted to address the MMIWG crisis. Numerous states (AK, AZ, CA, NM, MN, MT, ND, NE, OR, SD, UT, WA) have introduced and passed legislation such as establishing an MMIW Task Force, proclamations recognizing the National Day of Awareness, and/or authorizing and funding a study, and more.

The NIWRC is now tracking legislative actions by state and federal governments to address the crisis of MMIW. In May 2019, NIWRC created a system to email updates of MMIW legislative activity consisting of a compilation

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

—Lucy Simpson, Executive Director, NIWRC

of state and federal MMIW legislative actions that is shared on our listserv. To sign up for the National Legislative Summary Update, visit bit.ly/2Hh1dzM.

Recognition and Support for Tribal Authority and Responses

The normalization of violence against Native women occurred over several hundred years as federal law and policies eroded the authority of tribal governments to protect women, sanctioning efforts by and interests of the military, religious institutions and corporations that resulted in violence against women. It happened as the fundamental right of Native women to safety as human beings was ignored and violated by the United States. These laws and policies over time placed Native women in an “unprotected” status. Laws shape public perception and change the cultural norm of what is unacceptable

or is a crime. Many of the laws that led to this crisis continue to exist today and must be changed.

The national movement has joined with national and congressional champions to propose legislative changes in two essential reauthorization bills of the Violence Against Women Act and the Family Violence Prevention and Services Act. We call on Congress to move quickly to pass these bills and place them before President Biden for his signature to become law.

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



MMIWG 2021

National Week of Action

Actions Calling for Justice!



Since 2017, actions on May 5th to honor missing and murdered Indigenous women and girls (MMIWG) at the local, regional, and national level continue to grow across the United States and internationally. These efforts are as varied as the Indian Nations and Indigenous communities where they are being organized. The silence, tolerance, and inaction in response to the crisis of MMIWG is being challenged by Native families, advocates, and Indian tribes.

In 2021, a full week of national events will call the nation and the world to action to honor missing and murdered Indigenous women and girls. We invite all those concerned to join these events, and we support your efforts to organize events during the National Week of Action and on May 5th, the National Day of Awareness.

This year can mark the year the government's "no action response" is changed to a "yes, crisis-mode response."

Challenging the Systemic Response to MMIWG

The tribal press conferences, community searches, and justice marches taking place across the continent reflect the emergence of a new standard—holding the government accountable for the criminals, government employees, and the public, who are allowed to prey on Native women and girls. These efforts are beginning to expose systemic barriers through the passage of legislation at the county, state, and federal levels to mandate the attention of governments in consultation with tribes on addressing the MMIWG crisis.

Challenging Social Tolerance of Violence Against Indigenous Women

Increased educational awareness actions are needed. Local collective organizing efforts have included conferences, community runs, and public art displays. Individuals' actions have produced songs, unforgettable images, videos, and films. The list of actions taking place in the movement is long; it is as varied as the people calling for justice across the nation.

While large organized actions are essential, individual actions provide a social statement regarding the depth of MMIW. These actions relay to the world the reality that MMIW touches all Indian Nations and the peoples of which they are composed. In making these personal statements, the loved one is honored, and we hope the family and community are supported.

Given the COVID-19 healthcare restrictions, a National Working Group on MMIWG is organizing national actions online and inviting all those concerned to join. We encourage all individuals and organizations to participate nationally in these events and organize additional actions at the regional and local levels.

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

2021 National Week of Action

Schedule of Events

Thursday, April 29, 2021

- **Launch of the National Week, Traditional Opening**, 12 p.m. MST
- **A National Briefing on the Crisis of MMIWG**, 1–2:30 p.m. MST, hosted by the NIWRC

Friday, April 30, 2021, 1 p.m. MST

- **The MMIW Crisis and the Importance of International Advocacy for Indigenous Women**, hosted by the International Law Resource Center

Monday, May 3, 2021, 12–1:30 p.m. MST

- **Nā Hānauna Ho'ōla (Healing Generations)**, hosted by the Pouhana O Na Wahine (Pillars of Women)

Tuesday, May 4, 2021, 11–12:30 p.m. AKT, 1 p.m. MST

- **Spotlight Alaska and the Crisis of MMIWG**, hosted by the Alaska Native Women's Resource Center

Wednesday, May 5, 2021

- **#MMIWGActionNow Twitter Storm**, 10–10:30 a.m. MST
- **#MMIWGActionNow Twitter Chat**, 12–1 p.m. MST
- **Webinar: Missing and Murdered Indigenous Women and Girls National Day of Action**, Uplifting the Voices of MMIW Families, 1–2:30 p.m. MST, hosted by the NIWRC
- **Kickoff of MMIWG Virtual 5k, 10k, Half Marathon**, hosted by Rising Hearts Coalition (May 5-9)

MMIWG Resources

- **SHARE** the MMIWG 'No More Stolen Sisters' poster (inserted in this magazine!) and share a photo of yourself wearing red and/or traditional attire with the poster using #MMIWGTakeAction, #NoMoreStolenSisters and #MMIWG. Download and share the poster: bit.ly/3jEh8cV
- **SIGN ON** to support May 5th as the National Day of Awareness for Missing & Murdered Indigenous Women & Girls: bit.ly/2N6huNr
- **SHARE** StrongHearts Native Helpline (1-844-7NATIVE, or online chat at strongheartshelpline.org). Help us get the word out to our relatives!

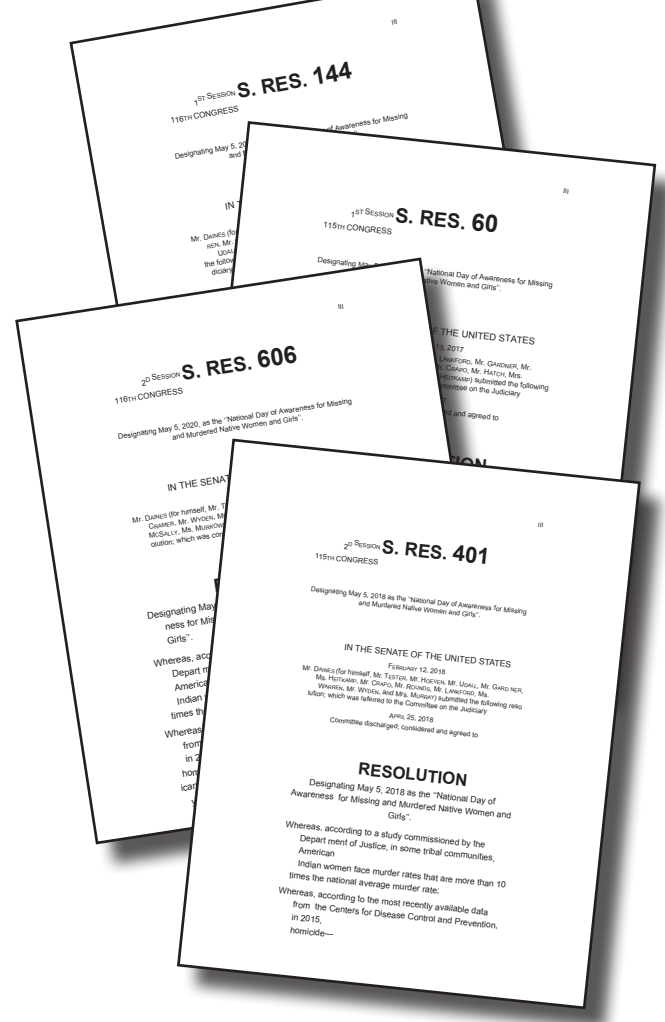
Stay Tuned

Subscribe to NIWRC's mailing list for more details on the National Week of Action and other MMIW events:

bit.ly/3cTXyic

Organize to Call on Congress to Pass Resolutions Recognizing May 5th, 2021, as the National Day of Awareness

Join the effort to support the passage of resolutions by the Senate and House recognizing a National Day of Awareness for Missing and Murdered Indigenous Women and Girls



Support for recognition and acknowledgement of the crisis of missing and murdered Indigenous women through a congressional proclamation of a National Day of Awareness is now one of the largest tribal grassroots organizing efforts in the United States.

The initial concept for the National Day was created as a result of the community organizing of Malinda Limberhand on the Northern Cheyenne Reservation in Lame Deer, Montana.

Hanna Harris, Malinda's daughter, was 21 years old when she went missing on July 4, 2013, in Lame Deer, Montana.

Due to the inadequate response of the justice system, Malinda faced numerous roadblocks in reporting Hanna's disappearance, conducting a search, holding the justice system accountable to prosecute her murderers, and obtaining services for Hanna's son. Malinda relied upon her family and friends in her efforts for justice for Hanna—including organizing community members to conduct the search for Hanna. As in so many cases of MMIW, Hanna's family and community organized a march in Lame Deer calling for justice for Hanna and

other unsolved murders of Native women.

The home office of NIWRC is located in Lame Deer, Montana, and, responding to Malinda's calls for justice, Senator Steve Daines and Senator Tester reached out to NIWRC for assistance in the passage of a Senate resolution proclaiming a national day of awareness for MMIW.


In response, NIWRC launched a national campaign to gather signatures of organizations to educate and urge senators to support the resolution. In response, 175 organizations signed on. This list was provided to Senator Daines and Senator Jon Tester, who referenced it during Senate floor time as strong support for passage of the resolution. On May 5, 2017, by unanimous consent the Senate passed S. Res. 60, designating May 5, 2017, as the "National Day of Awareness for Missing and Murdered Native Women and Girls." May 5th is when Hanna Harris was born.

Over the years, hundreds of organizations have signed on in support of the Senate resolutions. The list reflects a broad social justice movement of Indian nations and Indigenous organizations such as women's advocacy,

student, and health organizations. In 2018, more than 200 organizations signed on in support of S.Res.401 and in 2019, 130 organizations joined in support of S. Res.144. In 2020, due to the challenges and difficulties of the COVID-19 health crisis, a national campaign to gather organizational support for the Congressional resolution was not possible.

In 2021, NIWRC is partnering with a working group comprised of the NCAI VAW Task Force, Pouhana O Na Wahine, the Alaska Native Women's Resource Center, Alliance of Tribal Coalitions to End Violence, and the Indian Law Resource Center to call upon the Senate and House of Representatives to pass resolutions to honor Indigenous women by designating May 5, 2021 as a National Day of Awareness for Missing and Murdered Indigenous Women and Girls.

SIGN ON
Support May 5th as the
National Day of Awareness
for Missing & Murdered
Indigenous Women & Girls:
bit.ly/2N6huNr



Lifting the Voices of MMIW Family Members

Patricia Whitefoot, sister of 29-year-old Daisy Mae Heath (*Yakama Nation/Warm Springs Tribe*) who went missing in 1987

Shix patchway, inmima tiinma. Inknash wanikshash Twapat, kuu pashtinwitiy Patricia Whitefoot. Kwalaaninam ashanisha National Indigenous Women's Resource Center. (Good day, my friends and relatives across Indian Country. My Indian name is Twapat, (name of my great-great grandmother) and my English name is Patricia Whitefoot. My heart is happy on this day in fulfilling the vision of the National Indigenous Women's Resource Center in remembrance of our loved ones) I am a life-long resident of White Swan, WA, on the Yakama Indian Reservation in South Central Washington. As citizens of the Yakama Nation, our family has lived and continues our migratory way of life in the vast Columbia River basin of the Northwest. In following the traditional ways of ancestors, we are able to sustain our livelihood, where family roots are deeply embedded.

In early fall of 1987, our youngest sister, Daisy Mae Heath, age 29, (*Yakama Nation/Warm Springs Tribe*) was reported missing. Daisy was the youngest of six sisters, who was raised by our maternal grandparents, along with extended family. As a ranching family raised in Medicine Valley along the Cascade Mountains, we were nurtured in our Indigenous way of life. Daisy Mae and another younger sister, Beverly, who later passed away, lived with me and supported me in rearing my children and also helping with our many nieces and nephews.

As a lively young woman, it wasn't unusual for Daisy to leave for extended periods to spend time with friends or family on the Yakama and the Warm Springs Reservation



Patricia Whitefoot (Yakama Nation) / Photo courtesy of NIWRC.

in Oregon. Daisy would travel to the Columbia River bordering Washington and Oregon to visit and fish with family. Or she would travel to play basketball or softball in the Northwest, where she excelled in sports as an All-Star and MVP player. As an energetic and fiercely determined young woman, Daisy was able to fend for herself, if needed. On October 29, 1987, Daisy Mae was reported missing. She has been missing over 30 years. During this time, there were other women from our rural community of White Swan who were murdered or went missing.

As young children, we were also impacted by historical and intergenerational trauma, grief and loss of loved ones due to war or foster home placement, forced assimilation, bias in schools, and inadequate health care. Our grandmother as a young child had been forced to attend the Ft. Simcoe Military School near White Swan. Similarly, my sisters and I also attended the local Indian Mission boarding school, due to the poor health of our grandparents. In August 1986, our beloved grandmother passed on, and previously Daisy's infant daughter succumbed to Sudden Infant Death Syndrome. Years earlier, our mother passed away when we were children.

As legislation is considered at the state and federal level, it's imperative that our family voices are shared, heard and respected, particularly as it pertains to our families and loved ones who endure this crisis daily for years in silence. As families of missing and murdered women, we simply seek calm and peace, a sense of justice, and healing of our hearts.

Patricia Whitefoot, Sister of Daisy Mae Heath

Listen to Patricia Whitefoot's Women Are Sacred Talk on missing Native women: bit.ly/3a689yp

...

Sadie Warbelow, Granddaughter of Nancy Ellen Joe, who was murdered in 1974

Nancy Ellen Joe

The surface of your pain you have endured is a tale to tell. The way your face would light up when you talked about what you love. That is what people will forever remember. That is the face you show the ones you love.

The pain you'd hide from others is a deep ocean in which not a soul shall know the pain. Yet you smile as if yesterday's pain is something that is gone. The days go on, the years, the centuries. Yet, the generations after you will forever remember your strength. Your picture bears a smile, which will never fade.



—Sadie Warbelow, Granddaughter of Nancy Ellen Joe

...

Grace Bulltail, Aunt of 18-year-old Kaycera Stops Pretty Places who went missing and was murdered in August 2019

"She would have been 19 this year, and those responsible for ending her life must be brought to justice. Now eighteen months after her disappearance and murder, my hope and prayer are that our call for justice for Kaysera will shed a light on the injustices that our Native families face not just in Big Horn County, but all across the United States." —Grace Bulltail



Kaysera (left) and her sister Karisandra Stops Pretty Places (right). / Photo courtesy of Grace Bulltail.

The Guy Family, family of Laverda Sorrell (Diné), who has been missing since July 2002

Her smile and laughter
Her kindness and love
Her compassion and strength
are memories that will stay with us forever
Hopefully one day, the grief, the anger
and the "not knowing" will not.

—The Guy Family



Laverda and her three children: Dave, Nick, and Tiffany Sorrell. / Photo courtesy of the Guy Family.

...

Malinda Limberhand, Mother of 21-year-old Hanna Harris, who was murdered in 2013

I want to thank all of you for honoring missing and murdered Indigenous women. Together we are raising our voices to call for justice for our Native women and girls. We are saying to this state, country, and the world that the lives of Native women and girls are important.

Hanna went missing on July 4, 2013. Like in so many cases of missing Native women, the system was slow to respond. She was just 21 years old. Her future was stolen and her beautiful son denied his mother. We as her family, friends, and community had to conduct the search for Hanna. And this is what happens across Indian tribes when a Native woman or girl goes missing

or disappears. This failed response is not acceptable and must change.

This is not a new problem. It is an old problem. Traditionally, Native women were respected. Today, we face levels of violence greater than any other group of women. This violence touches every family. Every tribe has Native women who are missing or have been murdered.

Acceptance of violence against Indian women is not new. It goes back to the Indian wars and the boarding schools when violence was used by the government. It is an old problem that we continue to live with today. Bad people commit these horrible crimes against Native women, but it is the system that allows it to happen generation after generation. This needs to stop. The system must change.

As a mother, nothing will replace the loss of my daughter, but I know that by organizing for the National Day of Awareness, we can create changes that will help others. And Hanna and so many others will not be forgotten.

In 2021, we must continue to organize for the National Day of Awareness for Missing and Murdered Native Women and Girls on May 5, along with this year's week of community actions, to shed light on this horrible reality.

As a mother of a Native woman who became one of the missing and murdered, I am committed to organizing to make these changes happen. I do this for my daughter and all our missing and murdered Native women. Please join or organize and take action as part of the National Day of Awareness. And take pictures and post your actions on social media. Tell the world of these crimes!

—Malinda Limberhand, Mother of Hanna Harris
(below on right)



Rising Hearts Coalition
**VIRTUAL 5K,
10K & HALF
MARATHON
RUNNING FOR
JUSTICE**
May 5-9, 2021

Save the Date!
More information
coming soon



THE FEDERAL TRUST RESPONSIBILITY AND MMIW The Failure to Provide a Comprehensive Government Response

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

Native women deserve a basic right to human safety.

The United States government has a longstanding federal trust responsibility to assist Indian tribes concerning the health, safety and welfare of their citizens. As recognized by many international experts, violence against Indigenous women is a serious human rights violation—a violation so significant that it precludes their realization of all other human rights.¹ Yet, for hundreds of years, federal officials have flagrantly disregarded the federal trust responsibility entrusted to them concerning Indian tribes, leaving Native women unprotected and imperiled. As primary targets since colonization, Indigenous women have faced an ongoing spectrum of horrific violence ranging from domestic and dating violence to murder, trafficking, and rape. Confronted with the highest rates of violence in the Nation, tribal leaders have continued to decry the federal government’s inability to discharge their duties to uphold their sacred, solemn commitment to Indian people and safeguard the lives of Indian women.

“The murders and disappearance of women and girls in Alaska Native and American Indian communities are connected to the lack of protections from the state and federal government and the failure of the federal government to provide resources to establish a comprehensive response.”—Catherine Moses

The Federal Trust Responsibility and Indian Tribes

The federal Indian trust responsibility is a legally enforceable fiduciary obligation under which the United States “has charged itself with moral obligations of the

highest responsibility and trust” toward Indian tribes.²

Each federal department has a written policy articulating this responsibility. The Department of Health and Human Services recognizes the federal trust responsibility in this way:

Since the formation of the Union, the United States (U.S.) has recognized Indian Tribes as sovereign nations. A unique government-to-government relationship exists between Indian Tribes and the Federal Government. This relationship is grounded in the U.S. Constitution, numerous treaties, statutes, Federal case law, regulations and executive orders that establish and define a trust relationship with Indian Tribes. This relationship is derived from the political and legal relationship that Indian Tribes have with the Federal Government and is not based upon race.³

Further, the Bureau of Indian Affairs provides:

The federal Indian trust responsibility is... a legally enforceable fiduciary obligation on the part of the United States to protect tribal treaty rights, lands, assets, and resources, as well as a duty to carry out the mandates of federal law with respect to American Indian and Alaska Native tribes and villages. In several cases discussing the trust responsibility, the Supreme Court has used language suggesting that it entails legal duties, moral obligations, and the fulfillment of understandings and expectations that have arisen over the entire course of the relationship between the United States and the federally recognized tribes.⁴

2 *Seminole Nation v. United States*, 1942.

3 See U.S. Department of Health and Human Services Tribal Consultation Policy <https://bit.ly/3cMxbnY>

4 See U.S. Department of Interior at <https://on.doi.gov/3tyASUb>

1 E/2013/27- E/CN.6/2013/11 Para. 10



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.

Court decisions make clear that the entire federal government is blanketed by the trust responsibility, and that every federal agency, not just the Bureau of Indian Affairs, must fulfill the trust responsibility in implementing statutes.⁵

It is a duty, a solemn oath that the United States made with Indian Tribes during the era of treaty-making. It is a duty of protection that our Ancestors understood.

The Federal Trust Responsibility and the Safety of Indian Women

In support of the movement for change and built upon the blood, sweat, and tears of grassroots advocates and tribal leaders, Congress enacted several pieces of legislation signaling support to tribal self-determination and the safety of Native women.⁶ The VAWA 2005 reauthorization included a historic Safety for Indian Women Title, which recognized the unique legal relationship of the United States to Indian Tribes and Native women. Congress created Title IX "to strengthen the capacity of Indian tribes to exercise their sovereign authority to respond to violent crimes committed against women."⁷

5 See Parravano, 70 F.3d at 546 ("This trust responsibility extends not just to the Interior Department, but attaches to the federal government as a whole."); Pyramid Lake Paiute Tribe of Indians v. U.S. Dept. of Navy, 898 F.2d 1410, 1420 (9th Cir. 1990); Nance v. EPA, 645 F.2d 701, 711 (9th Cir. 1981); N.W. Sea Farms, 931 F. Supp. at 1519 ("This [trust] obligation has been interpreted to impose a fiduciary duty owed in conducting 'any Federal government action' which relates to Indian Tribes." (quoting Nance, 645 F.2d at 711)).

6 The Tribal Law and Order Act and the Reauthorization of the Violence Against Women Act 2000, 2005, 2013.

7 Agtuca, Jacqueline, "Safety for Native Women: VAWA and American

Moreover, in recognition of its trust obligation, VAWA Title IX, Section 901 provides that "the federal government has a trust responsibility to *assist* tribes in safeguarding the lives of Indian women"⁸ (emphasis added). And in the fight for the 2013 VAWA reauthorization, Congress legislated a partial *Oliphant* Fix. Under VAWA 2013, Congress recognized and affirmed the inherent sovereign authority of Indian tribes to prosecute non-Indians for dating and domestic violence and qualifying protection order violations committed on tribal lands.⁹ Although the full reach of tribal jurisdiction was limited by Congress—such as stalking, sexual assault by a stranger or acquaintance and sex trafficking—VAWA 2013 was a historic amendment affirming tribal sovereignty and reaffirming the federal government's commitment to addressing violence in tribal communities. VAWA 2013's limited reaffirmation of tribal criminal jurisdiction over non-Indians, known as Special Domestic Violence Criminal Jurisdiction (SDVCJ), "fundamentally changed the landscape of tribal criminal jurisdiction in the modern era."¹⁰

Tribal grassroots activism led the movement locally and nationally to not only raise awareness but to also legislate for change regarding the devastating rates of violence committed against Native women. Over the years, a series of studies revealed shocking rates of violence against Native women. A study by the National Institute of Justice under the USDOJ revealed alarming rates of violence,¹¹ with findings that show American Indian and Alaska Native women experience severe rates of lifetime violence, including:

- 56.1% who have experienced sexual violence;
- 55.5% who have experienced physical violence by an intimate partner;
- 48.4% who have experienced stalking; and
- 66.4% who have experienced psychological aggression by an intimate partner.¹²

Native women also experience homicide at higher rates than most of their counterparts. According to the Centers for Disease Control and Prevention (CDC), Native women are murdered at a rate of 4.3% per 100,000

Indian Tribes" pg. 15 (2015).

8 2005 VAWA § 901 Findings.

9 25 U.S.C. § 1304.

10 National Congress of American Indians, VAWA 2013's Special Domestic Violence Criminal Jurisdiction Five-Year Report (March 20, 2018).

11 Department Of Justice, Nat'l Inst. Of Justice, Violence Against American Indian And Alaska Native Women And Men: 2010 Findings From The National Intimate Partner And Sexual Violence Survey 26 (May 2016), <https://bit.ly/3pVHols>

12 *Id.*

Despite the federal government's trust responsibility to tribes, both Congress and the Supreme Court have eroded the jurisdictional authority of Indian Nations, infringing on the ability of tribal governments to fully protect their citizens, including Native women brutalized by domestic, dating and sexual violence, stalking, trafficking and murder.

population, while their white counterparts experience homicide at a rate of 1.5%.¹³ The CDC also confirmed long held beliefs by tribal domestic violence advocates: almost half of Native victims were murdered by an intimate partner.

Another study by Urban Indian Health Institute (UIHI) provides that, “no research has been done on rates of such violence among American Indian and Alaska Native women living in urban areas despite the fact that approximately 71% of American Indian and Alaska Natives live in urban areas.”¹⁴ As a result of the gaps in data, UIHI focused a study aimed at assessing the number and dynamics of cases of missing and murdered American Indian and Alaska Native women and girls in cities across the United States.¹⁵

Although these numbers do not tell the whole story, we can glean the effect of the devastatingly complex legal framework and various intersections that Native survivors of violence must confront. It is also in these numbers that we are able to fully grasp the failure of

13 Petrosky E, Blair JM, Betz CJ, Fowler KA, Jack SP, Lyons BH. Racial and Ethnic Differences in Homicides of Adult Women and the Role of Intimate Partner Violence — United States, 2003–2014. *MMWR Morb Mortal Wkly Rep* 2017; 66:741–746.

14 Lucchesi, Annita and Echo-Hawk, Abigail; Murdered and Missing Indigenous Women and Girls: A snapshot of data from 71 urban cities in the United States.

15 *Id.*

the federal government to completely fulfill its federal trust responsibility to tribes, families and and most importantly to Native women.

Challenges and Barriers for the Safety of Indian Women and the Federal Trust Responsibility

Despite the federal government's trust responsibility to tribes, both Congress and the Supreme Court have eroded the jurisdictional authority of Indian Nations, infringing on the ability of tribal governments to fully protect their citizens, including Native women brutalized by domestic, dating and sexual violence, stalking, trafficking and murder. Many Native women fear they, along with their children, will experience violence throughout their lifetime because of the longstanding barriers to recourse and justice that is their reality.

In addition to longstanding government sanctioned violence and a series of crippling tribal policies promoting paternalism, assimilation, relocation, termination and genocide of Indian people and Native women, there remains a set of laws and policies on the books, including but not limited to the Major Crimes Act, Public Law 280, the Indian Civil Rights Act, the Marshall trilogy¹⁶ and the *Oliphant* decision. These far-reaching legal barriers

16 *Worcester v. Georgia*, 31 U.S. (6 Pet.) 515 (1832); *Cherokee Nation v. Georgia*, 30 U.S. (5 Pet.) 1 (1831); *Johnson v. M’Intosh*, 21 U.S. (8 Wheat.) 543 (1823).

deeply entrenched in federal Indian law continue to endanger the lives of Native women.

The two main federal statutes governing federal criminal jurisdiction in Indian country are the General Crimes Act, 18 U.S.C. § 1152, and the Major Crimes Act, 18 U.S.C. § 1153. Section 1153 gives the federal government jurisdiction to prosecute certain enumerated offenses, such as murder, manslaughter, sexual abuse, aggravated assault, and child sexual abuse, when committed by Indians in Indian country.¹⁷ Section 1152 gives the federal government exclusive jurisdiction to prosecute most crimes committed by non-Indians against Indian victims in Indian country.¹⁸

Although armed with the jurisdiction to investigate and prosecute crimes committed against Native women, many, if not most U.S. Attorneys charged with doing so, failed to uphold their role in fulfilling this important responsibility. About 65 percent of criminal investigations opened by the FBI in reservations were referred for federal prosecution, according to a 2016 TLOA report.¹⁹ Of the 680 investigations that were closed without referral for prosecution, one of the most frequent reasons was due to insufficient evidence to determine whether a crime occurred.²⁰

“We are going missing, we are being murdered. We are not being taken seriously. I am here to stress to you we are important and we are loved and we are missed. We will no longer be the invisible people in the United States of America, we have worth.”—Kimberly Loring Heavy Runner²¹

When a Native Woman Goes Missing

When a Native woman disappears and goes missing, so much of the “response” is based on numerous questions and challenges including which law enforcement agency has jurisdiction to take an initial report, the response, the search, detainment, the investigation and ultimately

prosecution authority. The first 24 hours of any missing person case is a crucial time for law enforcement to organize and conduct an immediate search, but too often, questions of jurisdiction impede a timely law enforcement response. Unfortunately in most cases, the response of law enforcement is non-existent or wholly inappropriate. This can leave the responsibility of a search effort to the family members or tribal community.

The crisis of missing and murdered Indigenous women is a direct result of limitations placed on tribal authority to prosecute non-Natives for crimes committed on tribal land including the unconscionable resource disparities regarding public safety. The link to the de-evolution of federal Indian law and policy and failure of the federal trust responsibility cannot be denied. The current legal framework fails to respond to the disappearance and murder of Native women because that same framework was born during an era of termination of Indian tribes. Tribal leaders often speak of a “broken system,” but the truth is that the legal framework was not designed to protect Native women. Rather, it was built to fail them and further the continuation of paternalistic policies, colonization, and systemic genocide.

The sheer scale of the violence resulting in MMIW with the groundswell of survivor families, advocates and tribal leaders, and the abysmal failure by the government to adequately address it, partially explains why the MMIW issue has reached national attention and action. That is why tribal self determination and sovereignty must continue to be restored with adequate resources provided to implement tribally based solutions for the protection, safety and healing of their citizens and Native women, who stand as the heart of their nations.

17 U.S. Department of Justice: Indian Country Investigations and Prosecutions 2018 Report, <https://bit.ly/3pXGLI4>

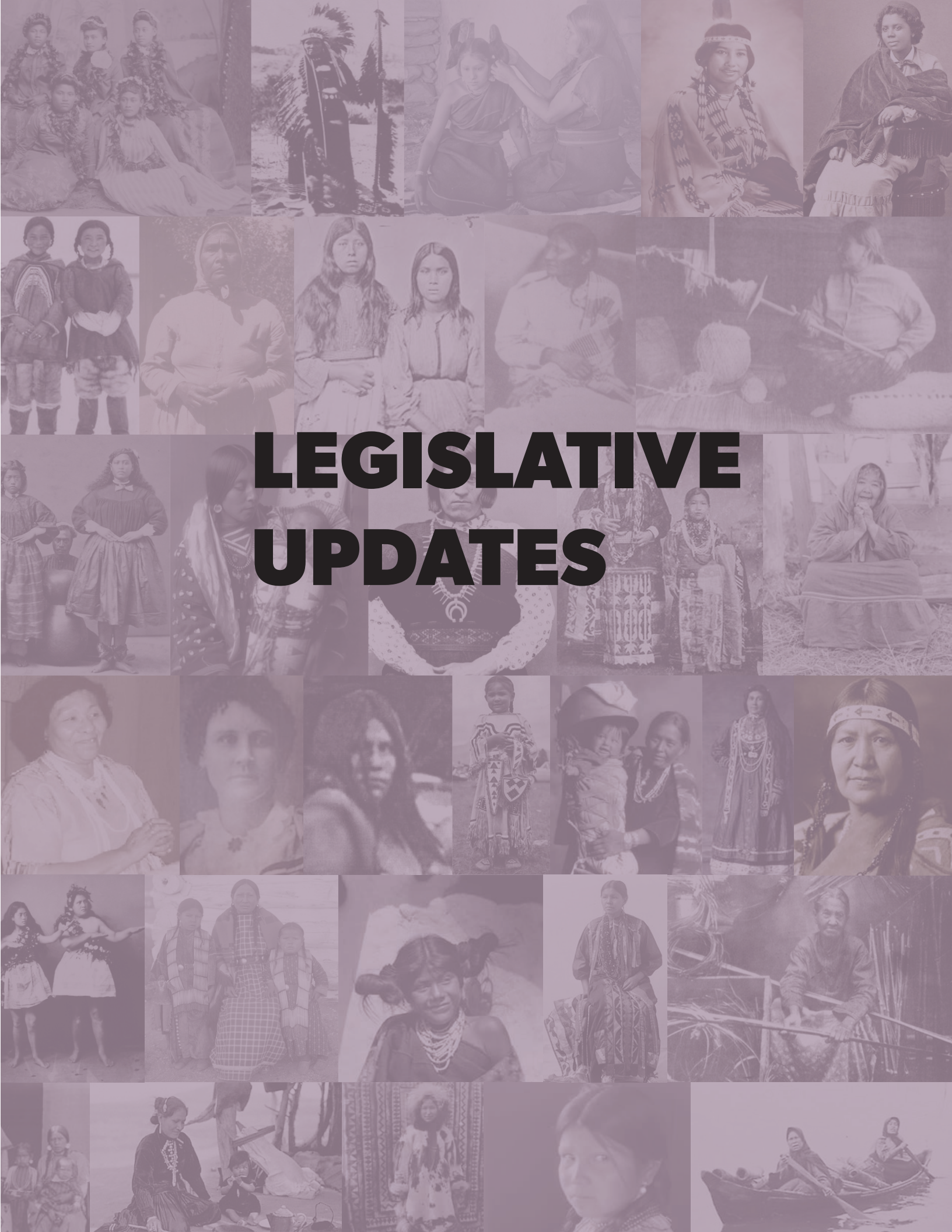
18 The exception to this exclusive jurisdiction is set forth in 25 U.S.C. 1304, which recognizes the inherent power of a participating tribe to exercise special domestic violence criminal jurisdiction.

19 U.S. Department of Justice: Indian Country Investigations and Prosecutions 2016 Report, pg. 10, <https://bit.ly/2YZOZUa>

20 *Id.* at 13.

21 Senate Committee on Indian Affairs. Oversight Hearing on Missing and Murdered: Confronting the Silent Crisis in Indian Country. Dec. 12, 2018. 115th Cong. Washington. 2018. (Testimony of Kimberly Loring Heavy Runner).





LEGISLATIVE UPDATES

Pending Legislation Impacting the Safety of Native Women

Legal reforms and increased
resources can remove barriers
to safety and justice



Image by Shutterstock.

Violence Against Women Act (VAWA)

Last reauthorized in 2013, the authorization for VAWA expired in 2018. On April 4, 2019, the House of Representatives passed a bipartisan VAWA Reauthorization bill (H.R. 1585), 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.

Bipartisan negotiations in the Senate unfortunately broke down and have resulted in two Senate bills to reauthorize VAWA.

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. For more information on these VAWA proposed tribal provisions, visit bit.ly/37458N3.

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 the stripping of sovereign immunity, which leaves Indian tribes vulnerable to lawsuits by defendants of tribal courts. Ultimately, this bill would eliminate the gains made in VAWA 2013 and infringe on the inherent authority of tribal nations to prosecute crimes committed against their citizens on tribal lands.

Family Violence Prevention and Service Act (FVPSA)

The Family Violence Prevention and Services Act 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 (*see story pg. 61*).

Bridging Agency Data Gaps and Ensuring Safety Act (BADGES Act)

Introduced in both the Senate (S.1853) and the House (H.R. 4289), the BADGES Act aims to improve law enforcement recruitment, Tribal access to federal criminal databases, and coordination between federal, state, tribal, and local law enforcement agencies.

Finding and Investigating Native Disappearance Act (FIND Act)

Introduced in the Senate, the Find Act (S.1893) aims to require the Comptroller General of the United States to conduct studies on ways to increase reporting of missing Indians and on the effects of methamphetamine and other illegal drug use on violent crime in Tribal communities, as well as for other purposes.

Tribal Reporting and Accountability to Congress Act (TRAC Act)

Introduced in the Senate, the 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.

Native Youth & Tribal Officer Protection Act (NYTOPA)

Introduced in both the Senate (S.290) and the House (H.R. 958), the 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 & justice officials.

Justice for Native Survivors Act

Introduced in the Senate, this bill (S.288) aims to reaffirm tribal criminal jurisdiction over some crimes committed by non-Indians, including sexual assault, stalking, and trafficking.

Securing Urgent Resources Vital to Indian Victim Empowerment (SURVIVE) Act

Introduced and passed out of the Senate Committee on Indian Affairs, the bipartisan SURVIVE Act (S.211) would direct that 5% 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 appropriation permanent.

Alaska Tribal Public Safety Empowerment Act

Introduced in the Senate, this bill (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.

Family Violence and Prevention Services Act 2021 Reauthorization

Native Women Need Increased Funding for Shelter and Supportive Services

By Paula Julian, Senior Policy Specialist, NIWRC

Authorization for the Family Violence Prevention and Services Act (FVPSA), which is the only federal grant program dedicated to domestic violence shelter and supportive services, expired in 2015.

Funding under FVPSA provides lifesaving support for shelters, state coalitions, training and technical assistance centers, children's services, emergency response hotlines, and prevention initiatives. It is the primary source of funding for these purposes for Indian tribes.

For over two years, a coalition of national organizations worked closely with congressional champions to draft an enhanced version of a bill to reauthorize FVPSA. This coalition includes a Tribal Workgroup including the National Indigenous Women's Resource Center, Alaska Native Women's Resource Center, National Congress of American Indians, StrongHearts Native Helpline, and the Alliance of Tribal Coalitions to End Violence (ATCEV). In 2019, Senators Bob Casey (D-PA) and Lisa Murkowski (R-AK) introduced S. 2259, and 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. S. 2259 and H.R. 5041 expand programs and make needed improvements so that more survivors have access to support and safety. These bills reflect the diverse needs of domestic violence victims, the priorities of Indian tribes, and the changes recommended by the national movement.

After months of negotiation, on December 12,

2019, the Senate Health, Education, Labor, and Pensions (HELP) Committee passed S. 2971, a package of legislation inclusive of portions of S. 2259.

“While S. 2971 as passed by the HELP Committee makes slight improvements, S. 2259 and H.R. 5041 provide a better pathway for providing Native victims with the advocacy services so desperately needed,” said Lucy Simpson, Executive Director, 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 victims to be served.”

According to a 2019 annual national survey of the National Network to End Domestic Violence, in just one day, domestic violence programs were unable to meet 11,336 requests from survivors, of which 68% were for housing and emergency shelter.

In addition, Congress amended FVPSA during the 2010 reauthorization to include a Native Hawaiian Resource Center on Domestic Violence to reduce disparities facing Native Hawaiians. The Office on Hawaiian Affairs issued a 2018 report that found Native Hawaiian women experience intimate partner violence (IPV) early in their lives—20.6% of Native Hawaiian women ages 18 to 29 years report experiencing IPV, compared with 13.3% of non-Hawaiian women. The most disparate rates occur among women aged 45-59 years, who experience IPV at rates 50% higher than non-Hawaiian women (12.6% vs. 21%).¹

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 Hawaii State Commission on the Status of Women and Arizona State University released three reports from 2018 to 2020 titled “Sex Trafficking in Hawaii,” which found that 64% of survivors identified as being part Native Hawaiian.

Now is the time for Congress to appropriate the urgently needed funding for a Native Hawaiian Resource Center. Such a center acknowledges the federal trust



Paula Julian is a Senior Policy Specialist for the National Indigenous Women's Resource Center. / Photo courtesy of Paula Julian.

responsibility to assist Native Hawaiians in safeguarding the lives of Native women who experience violence disproportionately. It will help to ensure that Native Hawaiian women have the opportunity to organize to address domestic and sexual violence.

Native survivors of domestic violence urgently need increased services, recognized by federal appropriators who increased appropriations from \$175 in fiscal year 2020 to \$182.5 million in fiscal year 2021, including an additional \$7 million to increase FVPSA's tribal set-aside. Our coalition welcomes the opportunity in the 117th Congress to work with our congressional champions to move FVPSA reauthorization forward with the enhancements, including fulfilling the federal trust responsibility and 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 the Senate and the House to introduce bills with the 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, ATCEV.

FVPSA tribal enhancements include the following:

¹ Office of Hawaiian Affairs. (2018). Haumea—Transforming the Health of Native Hawaiian Women and Empowering Wāhine Well-Being, <https://bit.ly/2OknYcf>

- Increasing the overall funding authorization level to address low per-program funding levels and provide access to funds for tribes and programs not currently funded.
- Strengthening the capacity of Indian Tribes to exercise their sovereign authority to more fully respond to domestic violence 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 permanent funding for the Alaska Native Women's Resource Center by amending the statute from "may" fund to "shall" fund.
- 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) in the last Congress, because it lacks increased support for survivors.

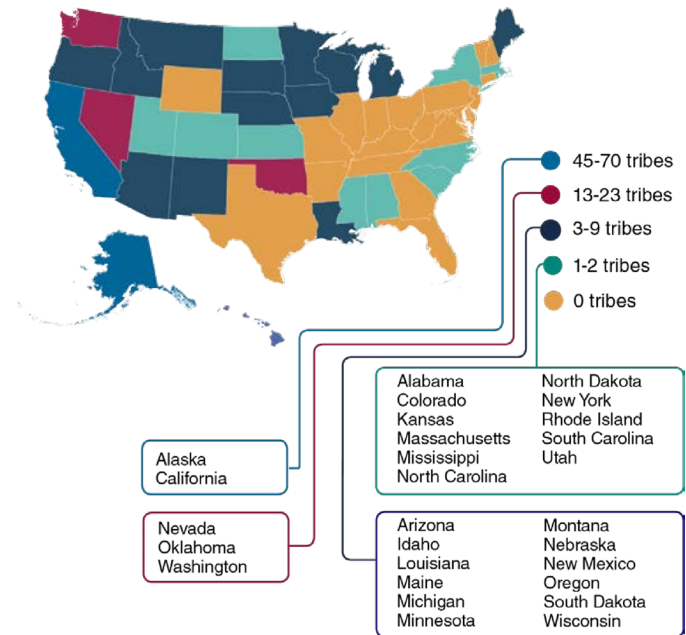
"Straight reauthorization falls short of our coalition's call for improvements to the law," said Lucy Simpson, NIWRC. "Given the impact of COVID-19 exacerbating the challenges facing victims, tribes, and tribal programs, the growing call of families and grassroots organizing against the injustice of 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 2021 Reauthorization Must Increase

While all federally recognized Indian tribes are eligible to apply for FVPSA funding, unfortunately the current funding level prevents funding all tribes. We applaud 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,

Number of Tribes Funded by States in 2017



tribal programs contract with hotels, utilize safe homes, and access non-Native shelters outside of their villages, communities, and reservations.”² Less than 60 tribal domestic violence shelters currently exist. FVPSA funding must increase to support additional Indian tribes to provide lifesaving shelter and services.

Forty-two years ago, in 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. In 1984, because of the groundswell of advocacy from survivors like Tillie and other advocates, FVPSA became federal law. Given the increased grassroots and governmental support to address the injustice of missing and murdered Indigenous women (MMIW), we are long overdue for these enhancements to ensure that women have the shelter and supportive services they need to prevent abductions and homicides.

In addition, a dedicated Native Hawaiian Resource Center on domestic violence could serve as the vehicle for Native Hawaiians to develop culturally relevant training and technical assistance to address domestic 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 Hawaiians and appropriate \$500,000 for a dedicated Native Hawaiian Resource Center on Domestic Violence.

² Tribal Domestic Violence Services FVPSA Fact Sheet, Family & Youth Services Bureau, Administration for Children and Families, 2018. <https://bit.ly/3pYNnpI>

SCOTUS UPDATE

Spotlight on *United States v. Cooley* in the U.S. Supreme Court

By Mary Kathryn Nagle (*Cherokee Nation*), Pipestem & Nagle Law, Counsel to NIWRC, and Andie Sweeden, (*Cherokee Nation*), Legal Intern with Pipestem & Nagle Law

Less than a year has passed since Tribal Nations and sovereignty advocates (or, as Oklahoma Attorney General Hunter refers to us, “Sovereignty Hobbyists”)¹ celebrated the historic win in *McGirt v. Oklahoma*. Now the fight to protect the Violence Against Women Act of 2013 (VAWA) has reached the United States Supreme Court once again. Throughout the COVID-19 pandemic, the National Indigenous Women’s Resource Center (NIWRC) and Pipestem & Nagle Law have remained vigilant in our commitment to the VAWA Sovereignty Initiative—a project focused on the defense of the constitutionality and functionality of all VAWA tribal provisions. *United States v. Cooley*, the next case of the NIWRC’s VAWA Sovereignty Initiative, has the potential to jeopardize the ability of Tribes to fully implement VAWA’s restored jurisdiction and, ultimately, jeopardizes the safety of hundreds of thousands of Native women and children living on tribal lands.

In *Cooley*, the Ninth Circuit concluded that tribal law enforcement may not detain a non-Indian suspect based on “reasonable suspicion” alone despite the fact that “reasonable suspicion” is the standard that applies when federal and state law enforcement effectuate what is known as a “Terry stop” nationwide. (*Terry v. Ohio* is a case where the Supreme Court found that an officer may conduct a limited in scope, warrantless search if he has a reasonable suspicion a crime has been committed. Terry stops typically involve law enforcement pulling over and searching a vehicle). If the Ninth Circuit’s decision is left in place, tribal law enforcement will only be able to detain a non-Indian suspected of committing a crime if and when it is “obvious” or “apparent” that the non-Indian is committing a crime. Because domestic

¹ <https://bit.ly/3a4IRQR>

violence is often a crime that is not “obvious” until it turns deadly, this standard is very dangerous.

The underlying facts of the case are pretty straightforward. Joshua Cooley and his young child were parked on the shoulder of U.S. Route 212, within the boundaries of the Crow Reservation in Montana. Importantly, U.S. Route 212 and the Crow Reservation are located in Big Horn County—a county infamous for the 32—and counting—missing or murdered Native American women or girls whose families have not seen justice. At around one in the morning, a Crow Police Department Officer noticed Cooley’s vehicle and stopped to ensure everything was okay, as the area had bad cell phone reception. When the Crow Police officer knocked on Cooley’s window, Cooley had bloodshot eyes and appeared to be agitated. As the officer continued questioning Cooley due to the inconsistency of his story and explanation for why he would be parked on the side of a highway at one in the morning, he noticed Cooley’s mood shift to one that indicated he may use force. Noticing firearms within Cooley’s reach and accompanied with his erratic behavior, the officer ordered him out of the vehicle. The officer escorted Cooley and his child to the patrol car and began to search the vehicle. Finding a pipe and bags of methamphetamine, the Crow tribal law officer called for federal backup. Cooley was ultimately charged by the United States Attorney in the District of Montana with possession with intent to distribute and possession of a firearm in furtherance of a drug trafficking crime.

Following his charges, Cooley moved to suppress the evidence obtained by the Crow police officer, arguing the officer was acting outside the scope of his jurisdiction as tribal law enforcement when he seized Cooley and

“The NIWRC’s VAWA Sovereignty Initiative provides an education that American law schools purposefully omit. We are educating the Supreme Court on the critical connection between sovereignty and safety for Native women.”

—Mary Kathryn Nagle, Cherokee Nation,
Pipestem & Nagle Law, Counsel to NIWRC



searched his car, in violation of the Indian Civil Rights Act. The District Court granted Cooley’s motion, finding that tribal law enforcement cannot detain a non-Indian on a state or federal right-of-way unless it is apparent at the time of the detention that the non-Indian has violated state or federal law.

The United States appealed, and on March 21, 2019, the Ninth Circuit Court of Appeals held that the Crow police officer was acting outside the scope of his jurisdiction when he seized Cooley and conducted a reasonable suspicion Terry stop because Cooley was a non-Indian traveling within reservation boundaries. The Ninth Circuit found that Tribal Nations are without the authority to effectuate a reasonable suspicion Terry stop on a non-Indian located on a public right-of-way, within a reservation until or unless tribal law enforcement witness an “obvious” or “apparent” violation of state or federal law.

Fortunately, on November 20, 2020, the United States Supreme Court granted the government’s petition for a writ of certiorari and will hear oral arguments for the case in the next term. The Court will consider whether the Ninth Circuit erred in finding that the Crow police officer lacked authority to seize and search Cooley. If upheld, the Ninth Circuit’s standard would eliminate the authority of tribal law enforcement to conduct a reasonable suspicion Terry stop on a non-Indian traveling within reservation borders, and replaces that authority with a framework that requires tribal law enforcement to ascertain whether the non-Indian is engaging in conduct that is “apparently” or “obviously” criminal—a standard no state or federal law officer ever has to meet. This ridiculous standard led the NWIRC to file an amicus brief informing the Supreme Court of the errors in the Ninth Circuit’s judgment. The brief notes that:

[U]nder this vague and ambiguous “obvious” or “apparent” standard, if a law enforcement officer is patrolling Fort Peck’s Reservation—where the Tribe has implemented VAWA’s SDVCJ—and he sees a Native woman with severe bruising on her face and extremities, does that make the situation sufficiently “apparent” or “obvious” to detain her non-Indian husband for questioning? Or must the officer wait until the Native woman suffers a more severe injury, such as a stab wound or broken leg, or a homicide, before the commission of the crime becomes sufficiently “obvious” to justify detainment or an investigation?²

² NIWRC Amicus Br., 11-12.



Andie Sweeden (Cherokee Nation), Legal Intern with Pipestem & Nagle Law. / Photo courtesy of Pipestem & Nagle Law.

Furthermore, the NIWRC’s brief demonstrates the disparate impacts the Ninth Circuit’s decision will have on Native women if the decision is allowed to stand.

For example, more than 95 percent of Native American and Alaska Native victims of sexual violence experience violence by a non-Indian perpetrator, while only 21 percent experience violence from a Native partner. The Ninth Circuit’s decision requiring law enforcement to determine if a non-Indian’s criminal conduct is “apparent” or “obvious” puts Native women in even greater danger.

The NWIRC’s brief is joined by 11 VAWA-implementing Tribes and 44 non-profit organizations who are committed to justice and safety for Native women and girls. Comprised of and informed by Native women, these tribal coalitions and victims’ rights organizations understand better than anyone what is necessary to protect our Native women and children across the country. No matter how the Supreme Court rules in Cooley, one thing is certain: we will continue to work hard to ensure the safety of Native women for generations to come.





Give to the VAWA Sovereignty Initiative



Help us increase protections for Native women
and defend tribal sovereignty.

Donate at niwrc.org/donate.

The National Baseline Study

A Study of Public Health, Wellness, and Safety Among American Indian and Alaska Native Women Living in Tribal Communities

By Ada Pecos Melton, *Pueblo of Jemez*,
NBS Project Director, American Indian
Development Associates, LLC

There have been decades of grassroots political and social action by American Indian (AI) and Alaska Native (AN) women to address violence in their tribal communities. Their concerns prompted tribal leaders and the U.S. Congress to act at a national level to address these matters. The Violence Against Women and Department of Justice Reauthorization Act of 2005 (VAWA 2005) directly resulted from these efforts.¹

The grassroots attention on violence highlighted the limited prevalence estimates available about the violence experienced by AI and AN women,² especially those living in tribal communities. While several studies have examined these issues, there has never been a national study conducted in tribal communities across the U.S. that collects reliable data and analysis that tribal communities and researchers believe reflect the problem's true scope.

The National Baseline Study (NBS) is one of many studies resulting from directives outlined in the reauthorization of VAWA 2005. The law authorizes the National Institute of Justice (NIJ), in consultation with the Office on Violence Against Women, to conduct analyses on violence against AI and AN women.³ The NBS is NIJ's capstone study on violence against Indigenous women. The overarching goal is to understand AI and AN women's experiences and opinions about health and safety issues in their communities, and their access to community support and services in tribal communities.⁴

The NBS uses culturally responsive and scientifically rigorous methods to learn the degree and the proportion of AI and AN women affected by crime, violence, and health and safety issues. It is the first nationally representative study of AI and AN women living in tribal communities. The NBS will inform



public policies and prevention strategies to decrease the incidence of AI and AN women's victimization while increasing their health, wellness, and safety.

NBS Study Partners

The NIJ directs and oversees all NBS research activities and works with two contractors to implement and execute all study tasks. The American Indian Development



(Top) Ada Pecos Melton, NBS Project Director; DeeJay Chino (bottom left) and Cheryl Shendo-Toya (bottom right), AIDA Field Operations Managers. (Photos courtesy of American Indian Development Associates, LLC.)

Associates, LLC (AIDA) is the National Baseline Study Research Contractor (NBSRC). The NBSRC staff recruit randomly selected tribes and households within those communities. They also oversee the recruitment of eligible AI and AN women to participate in the study. AIDA will hire and train local field staff and manage onsite data collection at each tribal research site. AIDA also works with tribal sites' research boards or committees to ensure that the research team follows all guidelines and tribally-specific research protocols. RTI International is the National Baseline Study Data Center Contractor. It oversees the management and processing of the NBS data collected and assists with computer training and field staff certification.

The study's most significant partners are the selected tribes, tribal households, and AI and AN women volunteering to participate. Tribal governments approve their tribe's study participation, authorize access to tribal lists used to develop household samples, recommend interview locations, identify local program support services, and provide feedback on the study findings and results. The participating households allow access to potential eligible adult AI or AN women to recruit as study participants. AI and AN women provide the data needed to help us understand their experiences, including their opinions about safety issues in their communities, their experiences with violence, the kinds of support available

to them, and their opinions about the justice system.

NBS Research Design

Study Approvals

The NBS design requires approval from several entities. The U.S. Office of Management and Budget (OMB) reviews federally-directed studies. The OMB reviews research designs, study protocols, sampling plans, data collection methods, and study instrumentation. The NIJ Human Subjects Protection Officer approves the NBS Privacy Certificates provided by AIDA and RTI. The certification protects tribes' and participants' privacy and confidentiality and limits use of the data collected for research purposes only. The study also requires institutional review board (IRB) approval from each contractor's IRB of record—the Southwest Tribal IRB for AIDA and the internal RTI IRB. NBS participating tribes also provide research approvals through tribal resolutions, executive orders, tribal IRBs, research review boards, or research permits.

Sampling Plans

NIJ developed the NBS sampling plan drawing upon all federally recognized, land-holding tribes and Alaska villages or communities. The Departments of Justice and Interior reviewed the sampling frame for accuracy. Information collected on each tribe includes total population, tribal population, number of adult females and males, number of children under 18 years old, area/acres, Bureau of Indian Affairs service area, Indian Health Service area, several different Census GEO field data, and jurisdiction type (e.g., PL 280, optional PL 280, non-PL 280).

During Phase 1 sampling, NIJ randomly selected the tribes to recruit for the study. Phase 2 sampling begins once a tribe has agreed to participate; the NBS research team works with the tribe to identify households. The team develops the household lists using tribal government-approved records (e.g., mailing, housing, or enrollment lists). If lists are not available, the team identifies and enumerates households using counting and map-based listing. The randomization process ensures all tribes and households have an equal chance of being selected. Once household selection occurs, the field team sets out to invite all eligible adult AI and AN women living in the household to participate in the study voluntarily.

Tribal Engagement

NIJ requires adherence to government-to-government principles. This high-level tribal participatory aspect involves the study team communicating directly with tribal leaders to explain the study and enlist their participation.

The team works with interested tribes to secure formal study approval. They also work with tribal points of contact and local stakeholders to develop participatory agreements that detail site-specific protocols, such as data transfer or information-sharing, to guide the study during recruitment and data collection.

Outreach and Awareness

Participating tribes receive information about the study and its progress during and after data collection at their site and when the entire NBS is complete. Selected households receive NBS information by mail from their tribe and from the NBS study team inviting their participation. Eligible adult women living in the household receive information materials about the NBS, including assurances of privacy and confidentiality. NIJ and the study team present information at local, regional, and national conferences and events to inform tribal communities and the public about the study.

Community participatory involvement includes work with tribal points of contact to prepare tailored site plans for onsite research activities. The site-specific plan identifies times when communities might not be available due to cultural or ceremonial events or seasonal subsistence activities, such as hunting, fishing, or gathering. Due to the sensitive nature and respect for tribal and cultural protocols, knowing about these activities and calendar dates is essential for the onsite study team.

Individual Participant Support

Before an interview begins, participants receive a thorough explanation of the study details and their rights as research participants using an approved Southwest Tribal IRB Informed Consent Form. Study participation is voluntary, and a participant can withdraw her consent at any time. Study participants receive compensation for their time and can request interpreter assistance. As needed, participants may receive childcare assistance for the time it takes them to take the survey. Participants also receive information about local and national resources for women.

NBS Administration

NBSRC field operations managers supervise and manage the site coordinators, field interviewers, and interpreters at each study site. The site coordinators manage field staff during onsite data collection, monitor data quality, track compensation, and oversee data transmission and administrative reporting. The field interviewers conduct outreach, recruit households and eligible participants for the study, arrange interpreter services as needed, conduct

interviews with study participants, transmit survey data, and maintain equipment. Interpreters provide translation assistance of words and phrases to study participants.

All surveys will occur at a public location, such as the local library, community center, or clinic. Field interviewers will use private rooms, such as an office or conference room, to conduct interviews. The NBS survey takes between 30 to 60 minutes to complete.

Dissemination of Findings and Recommendations

NIJ and the study team will present preliminary findings to participating tribes to obtain their input and feedback for the final report. The team will prepare reports for different audiences, such as tribal leaders, policymakers, administrators, practitioners, communities, and citizens. Dissemination materials include culturally relevant briefs, factsheets, infographics, articles, and in-person or web-based presentations.

Summary

Several NBS research components are underway, such as study approvals and the random selection of tribes. Also started are tribal engagement to recruit tribes and households and outreach and awareness with tribes. Final OMB approval will enable the implementation of onsite NBS administration at the tribal study sites. Data analysis and reporting of findings and recommendations will follow. NIJ will disseminate study reports to the tribes, Congress, and the public. Most importantly, the NBS gives voice to AI and AN women regarding experiences that require documentation and leads to changes in structural inequalities.

**More study information
and other recent reports
are available by visiting the
following links:**

- bit.ly/2O79IJJa
 - bit.ly/3pQjVCa
 - bit.ly/3jfUpDY
 - bit.ly/2YKrbnu
-



ALASKA UPDATE SEXUAL ASSAULT IN ALASKA REQUIRES IMMEDIATE ACTION

By Tami Truett Jerue, Executive Director, and Debra O'Gara, Policy Specialist,
Alaska Native Women's Resource Center

Homes along the lagoon in Kaktovik, Alaska. / Image by Shutterstock.

Sexual assault continues to escalate throughout this country and the hardest hit continue to be Indigenous women and girls. Results from the National Intimate Partner and Sexual Violence Survey, issued by the Center for Disease Control (CDC), states that 21% of women reported completed or attempted rape sometime in their lifetime. 43% of these report that the rape or attempted rape first occurred when they were between the ages of 11 and 17 and 38% between the ages of 18 and 24.¹ This survey concludes that 20.8 million women and girls reported a rape or attempted rape before their 25th birthday.

The National Institute of Justice reported that in 2020, "Alaska's rape incidence was well over twice the national rate." It is widely believed that incidents of domestic violence, rape, and other forms of sexual assault go unreported, especially among Alaska Native women. Therefore, the rate of sexual abuse is likely much higher than double the national rate.²

There are concrete reasons for these high rates as well as for the underreporting to law enforcement. In Alaska, justice has been hard to achieve for Alaska Natives, in both urban centers and rural villages. Why? The general answer is rural villages are isolated, often with no law enforcement. When there is local rural law enforcement, usually Village Public Safety Officers, there is minimal to no training provided on how to respond appropriately to sexual assault victims. The same occurs in cities and larger hub village communities.

In addition, there have been numerous reports exposing that many individual law enforcement officers have been arrested or convicted of domestic violence or have had domestic violence protection orders issued against them, often prior to being hired to work in Alaska.³ There is at least one incident, in Nome, where an officer was arrested for the abduction and murder of a young Alaska Native woman.⁴ Given these incidents by officers, although small in number compared to the total number of officers statewide, coupled with the disproportionality of arrests

¹ <https://bit.ly/3pdk2Ym>

² <https://bit.ly/3bV0ofV>

³ <https://bit.ly/2NevNzu>

⁴ <https://bit.ly/3o3iSgq>

and convictions and general discrimination throughout the State, it is understandable that there is a strongly held distrust of the State-operated law enforcement and justice system.

There are also tangible barriers to safety for Alaska Native families. There is no 911 system set up statewide. This emergency response system would assist with location of victims and speed up response time for help to arrive. Law enforcement has been slow to respond because they are not present in the village, it takes days to travel, there is a shortage of officers, or the sexual assault incident is not a priority. There have also been several situations, after law enforcement has responded, where investigations have been slow, not conducted, and/or no communication was made with the family or community.

All of these beliefs, stories, and conduct by law enforcement—whether true, partially true or not true at all—create a situation where victims of sexual assault and their families distrust local and state law enforcement. It is law enforcement that should be helping to increase public safety, but that is too often not the case. In addition, the state criminal justice system has not been available to assist with building up a sense of safety for Alaska Native citizens. It is important that Alaska's law enforcement agencies as well as the Alaska Department of Law and Court System understand the level of distrust amongst Alaska Native communities so that these vital public agencies can better engage with victims and families to address the high rates of abuse, assault, and murder of our Indigenous relatives.

In the last few years there have been numerous cases that expose these problems. In 2013, in the small community of Kake on Kupreanof Island, 13-year-old MacKenzie Howard was found beaten to death. Alaska State Troopers arrived a day later, and after a lengthy investigation, a suspect was detained. However, because the suspect was a minor, his identity and the resolution of the criminal case was kept secret, even from the family.

Four years later in 2017, also in Kake, Jade Williams was found dead after she had been to a party. Again, because there is no law enforcement in Kake, Troopers did not begin an investigation until the next day. In Jade's case, however, no arrests have been made, no one has been held accountable, and the family and community have been left with no closure.



AKNWRC Executive Director Tami Truett Jerue. / Photo courtesy of AKNWRC.

The town of Nome has been especially hard hit with unresolved and uninvestigated sexual assaults. In 2017, Clarice Hardy reported she was drugged and sexually assaulted. Though she did not remember anything due to the drugging, there was video, taken on her own phone by the assailant's girlfriend. Hardy, at the time, worked for the Nome Police Department as a dispatcher and was told by the Lieutenant that the assault would be investigated. After a frustrating year of waiting, no investigation and no arrest was made.⁵

Hardy's situation was not a unique or isolated case. Several Alaska Native women began to meet and compare stories and facts. They pieced together a pattern of non-response to reports of rape, assault or attempted rape, especially if the victim was Native or had been drinking.

⁵ <https://bit.ly/38YO78k>

"Together we can end the injustice of missing and murdered native women and girls."



MIKE WILLIAMS
- AKIAK NATIVE COMMUNITY, CHIEF

It is important that Alaska's law enforcement agencies as well as the Alaska Department of Law and Court System understand the level of distrust amongst Alaska Native communities so that these vital public agencies can better engage with victims and families to address the high rates of abuse, assault, and murder of our Indigenous relatives.

The failure to take seriously the issue of sexually-related or violent crimes is not isolated to just rural villages. In Anchorage, Justin Schneider violently attacked a woman, choked her to unconsciousness, and ejaculated on her face. The woman thought she was going to die, because Schneider told her he was going to kill her. The District Attorney did not charge sexual assault or attempted murder. The DA offered a plea deal of second degree assault and Schneider walked away. The DA, his bosses in the Department of Law, and the judge defended this outcome saying the law defining sexual assault did not fit the crime admitted to. Public outcry was swift and the judge was removed when he failed to prevail in a public retention ballot. The “loophole” relied on by the justice system was later closed; however, Schneider’s charge still remains troublesome.

Many sexual assaults go unreported because of the long-established expectation that no action or investigation will happen, or that even if an arrest is made, the DA’s office may decide not to pursue the case or the justice system may fail to hold the perpetrator accountable for the harm they caused. The result of all of these possible scenarios—violence—is given the green light. Sexual violence against Indigenous women is sanctioned, as it has been for the last 250 years.

It is crucial to recognize that there are multiple levels of

need and support for victim/survivor reform on all levels of the justice system. There has to be a consistent, reliable, and sustainable emergency response that is available for each and every Alaskan community, large and small, even those that are predominantly Native. There must be education about sexual assault and violence against Indigenous LGBTQ2S people across all Federal, State and Tribal agencies, not just law enforcement but all justice and human service systems. There has to be a coordinated effort to increase supportive services to victims of violence and methods to hold perpetrators accountable for their behavior.

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INTERNATIONAL UPDATE



*United Nations,
Palais des
Nations, Geneva.
/ Photo courtesy
of Indian Law
Resource Center.*

Raising Global Awareness of Violence Against Indigenous Women in the United States

By Jana L. Walker, *Cherokee, Loyal Shawnee, and Delaware*, and Christopher Foley, *Cherokee*, Senior Attorneys, Indian Law Resource Center

Besides advocacy at tribal, state, and federal levels, international human rights law provides Indigenous peoples and Indigenous women significant opportunities to raise global awareness of the epidemic of violence against Indigenous women in the United States. Advocacy at the international level within the United Nations and the Organization of American States strengthens grassroots efforts to secure strong national responses to restore safety to Indigenous women.

“Participation in international advocacy also helps Indigenous women and organizations in the United States to form allies around the world,” says Jana Walker, a Senior Attorney at the Indian Law Resource Center. “Such allies including Indigenous women, peoples, and organizations, and human rights bodies and experts can be very helpful in putting pressure on the United States to abide by its human rights obligations to Indigenous women and Indigenous peoples.”

Throughout the year, a number of recurring dates and meetings at the United Nations and the Organization of American States are particularly relevant to our work to end violence against Indigenous women. Although most in-person events have been moved to virtual

platforms due to the COVID-19 pandemic, the Indian Law Resource Center continues to look for ways we can use the United Nations and Organizations of American States as advocacy spaces to inform the public and the international community about the human rights dimensions of violence against Indigenous women in the United States. This update reports on recent and upcoming events.

International Day for the Elimination of Violence Against Women

Each year on November 25, the United Nations observes the International Day for the Elimination of Violence Against Women. To mark this date in 2020, UNESCO, the UN Educational, Scientific and Cultural Organization, asked the Indian Law Resource Center to participate in a high-level roundtable on “Engaging men and boys to address the root causes of violence against women.” Robert T. Coulter, Executive Director of the Center, spoke about the need for policy reforms to enable local, tribal governments to respond more effectively to gender-based violence, especially crimes committed by non-Indigenous men. Center Senior Attorney Christopher T. Foley addressed the need to

improve U.S. law to meet the human rights standards in this field and to make sure that Indigenous peoples can exercise their rights of self-government, their land rights, and their rights of self-determination.

“Ending violence against women must be a community project,” Foley said. “Changing federal law is essential, but we change federal law so that we can enable tribal governments and tribal communities to act. And that means everyone, including men and boys, must join together to create laws and standards that express our traditional cultural values that women are sacred and domestic violence is never acceptable.”

Domestic and International Indigenous Organizations to hold Parallel Event during the 65th Session of the UN Commission on the Status of Women

The Commission on the Status of Women (CSW) is the UN’s principal intergovernmental body that focuses exclusively on the promotion of gender equality and the empowerment of women globally. The CSW will meet in New York from March 15-26, 2021, to focus its work on the priority theme of women’s “full and effective participation and decision-making in public life, as well as the elimination of violence, for achieving gender equality and the empowerment of all women and girls.”

A critical element of the CSW’s work is the active participation of non-governmental organizations (NGOs) in its sessions, particularly through Parallel Events. This year, NGO participation will be virtual due to the pandemic. The CSW has approved a Parallel Event sponsored by the Alaska Native Women’s Resource Center; Indian Law Resource Center; National Congress of American Indians; National Indigenous Women’s Resource Center; the Native Women’s Society of the Great Plains; the Coordination of the Indigenous Organizations of the Brazilian Amazon (COIAB), the leading Indigenous rights organization working in the Brazilian Amazon which represents some 160 different Indigenous peoples; and the International Mayan League, an NGO that works with Mayan communities in Central America and the United States.

The program, “Violations of Indigenous Women’s Rights: Brazil, Guatemala, and the United States,” will feature a panel discussion with women from these organizations focusing on specific political and advocacy work their organizations are doing and how the long-term effort



(Top) 2013 UN Permanent Forum on Indigenous Issues, NYC.. Photo courtesy of Indian Law Resource Center. (Bottom) UN Permanent Forum on Indigenous Issues, Side Event 2019, Violence Against Indigenous Women in the United States: How Indigenous nations and women are leading the movement to end the epidemic of violence in Indian country and Alaska Native villages. (left to right) Terri Henry, Member of the Permanent Forum on Indigenous Issues; Tami Jerue, Executive Director, Alaska Native Women's Resource Center; Paula Julian, Senior Policy Analyst, National Indigenous Women's Resource Center. Photo courtesy of NIWRC.

to end gender-based violence helps to achieve gender equality and empowerment in the present. The Parallel Event is scheduled for March 22, 2021 at 1:00 p.m. Eastern. When available, details on how to attend this and other CSW Parallel Events will be posted at: bit.ly/3qyu7PN.

UN Permanent Forum on Indigenous Issues

The Permanent Forum is a high-level advisory body to the UN Economic and Social Council that meets for two weeks every year at UN Headquarters in New York. It has a mandate to deal with Indigenous issues related to seven key topics: economic and social development, culture, the environment, education, health, and human rights.

"In the context of addressing violence against Indigenous women in the United States, these seven components offer the opportunity to identify and address structural inequalities separating Native women from other

“Ending violence against women must be a community project. Changing federal law is essential, but we change federal law so that we can enable tribal governments and tribal communities to act. And that means everyone, including men and boys, must join together to create laws and standards that express our traditional cultural values that women are sacred and domestic violence is never acceptable.”

—Christopher T. Foley, Senior Attorney,
Indian Law Resource Center

women in the United States,” Walker said. “Systemic barriers are the foundation of the vulnerabilities that for generation-after-generation result in the suffering and death of American Indian, Alaska Native, and Native Hawaiian peoples.”

This year, the Permanent Forum will hold its 20th Session from April 19-30, 2021, under the theme “Peace, justice and strong institutions: the role of indigenous peoples in implementing Sustainable Development Goal 16.” The UN’s Sustainable Development Goal 16 aims to promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels. Details about this session will be available at bit.ly/2XT8ZY2.

International Advocacy for Missing and Murdered Indigenous Women

When an Indigenous woman in the United States goes missing or is murdered, it is a tragedy that we all grieve. It is a crime, and we must demand our federal, state and tribal justice systems to respond effectively. It is also a human rights violation, and we must go to the

appropriate international bodies to demand action from the United States.

Indigenous women’s human rights are expressly recognized in the UN Declaration on the Rights of Indigenous Peoples and in the American Declaration on the Rights of Indigenous Peoples. They include, but are not limited to, rights to gender equality and to live lives free of all forms of violence and discrimination. These rights are violated when crimes against Indigenous women are not investigated as carefully as crimes against men, nor prosecuted as zealously as crimes against non-Indigenous women. Our tribal nations have collective rights of self-determination and self-government, which include the right to maintain our own juridical systems. These rights are violated by United States law that strips our governments of the authority to protect Indigenous women, restricts tribal law enforcement investigative authority, and denies our courts the jurisdiction to enforce laws against all perpetrators regardless of their race or Indigenous status.

Advocacy to raise global awareness of violence against Indigenous women and missing and murdered Indigenous women (MMIW) in the United States has been an

ongoing effort for some time. For example, in 2011, the Inter-American Commission on Human Rights, an organ within the Organization of American States, granted its first-ever thematic hearing on the epidemic of violence against American Indian and Alaska Native women and the role of United States law in creating and sustaining this human rights crisis. The hearing was requested by the Indian Law Resource Center, the National Congress of American Indians Task Force on Violence Against Native Women, Clan Star, Inc., and the National Indigenous Women's Resource Center.

“At that time we dedicated the hearing to our missing and murdered Indigenous sisters throughout the Americas and the lost generations,” notes Walker, “and our recommendations to the Commission included support of U.S. legislation restoring the criminal authority of Indian nations to prosecute non-Native perpetrators of violence against Native women, inclusion of tribal specific provisions in sex trafficking legislation, and the development of a national protocol and reporting system for handling and monitoring missing Indigenous women cases.”

Since then, efforts have continued both in the OAS and the UN human rights systems. At the United Nations, the Commission on the Status of Women and the Permanent Forum on Indigenous Issues are both bodies with mandates to address these sorts of human rights violations. This year, the CSW will explicitly consider

how violence against women and girls is a barrier to achieving gender equality and empowerment.

The Commission has repeatedly commented on the specific issues facing Indigenous women. For example, in its 2013 Agreed Conclusions, the Commission noted that “violence against women and girls persists in every country” and is “a form of discrimination that seriously violates and impairs or nullifies the enjoyment by women and girls of all human rights and fundamental freedoms.” The Commission then went on to specifically recognize that “Indigenous women often suffer multiple forms of discrimination and poverty which increase their vulnerability to all forms of violence” and recommended that states “ensure women's and girls' unimpeded access to justice” and “just and effective remedies” and urged states to “end impunity by ensuring accountability and punishing perpetrators of the most serious crimes against women and girls.” By their very nature, MMIW cases raise exactly these issues.

“The impunity of perpetrators is assured when crimes are not even investigated,” notes Foley. “There are no just and effective remedies and no meaningful access to justice for victims if there is no prosecution, and our sisters are taken and murdered at such terribly high rates not by chance, but due to overlapping forms of discrimination—because they are Indigenous, because they are women, and because poverty makes them vulnerable.”

“The impunity of perpetrators is assured when crimes are not even investigated. There are no just and effective remedies and no meaningful access to justice for victims if there is no prosecution, and our sisters are taken and murdered at such terribly high rates not by chance, but due to overlapping forms of discrimination—because they are indigenous, because they are women, and because poverty makes them vulnerable.”

—Christopher T. Foley, Senior Attorney, Indian Law Resource Center

This year's theme opens up a space to talk to the United Nations about these horrific crimes and about the United States' failure to fully address these violations of human rights and Indigenous rights.

The Permanent Forum on Indigenous Issues' theme, “Peace, justice and strong institutions: the role of Indigenous peoples in implementing Sustainable Development Goal 16,” is also relevant to discussions about MMIW. The Sustainable Development Goals are part of what the UN calls the 2030 Agenda for Sustainable Development. The Agenda was adopted by all UN Member States in 2015, and is described as a “shared blueprint for peace and prosperity for people and the planet, now and into the future.” Goal 16 includes a series of targets, including to significantly reduce all forms of violence and related death rates; to end trafficking and all forms of violence against children; to promote the rule of law at the national and international levels and ensure equal access to justice



Bring Our Sisters Home.

States shall adopt, in conjunction with indigenous peoples, the necessary measures to prevent and eradicate all forms of violence and discrimination, particularly against indigenous women and children.

—The American Declaration on the Rights of Indigenous Peoples, Article VII

for all; to develop effective, accountable and transparent institutions at all levels; to ensure responsive, inclusive, participatory and representative decision-making at all levels.

The absence of an adequate response to MMIW cases is rooted in systemic, institutional failures. The criminal jurisdictional and law enforcement gaps in Indian country undermine the rule of law. Perpetrators face no accountability, Indigenous women are less protected than other women, and victims and families are left without meaningful access to justice. This happens in large part because government institutions and decision-making processes so often leave out Indigenous peoples and our tribal governments when they make policy decisions that affect Indigenous women's safety. When the Permanent Forum considers Goal 16 later this year, we will have another valuable space to speak out about these topics and to recommend what steps the United States should take to meet these targets.

The United Nations was established in 1945, and its

Charter states that the institution was founded, in part, to “reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women...” The United Nations was created to respond to issues just like MMIW—violations of human rights, violations of women's rights, government actions that deny the dignity and worth of every Indigenous woman. But institutions rarely act without pressure, so it is up to us to speak, to write, to advocate, to make sure that the UN lives up to its stated purpose.

UN Permanent Forum on Indigenous Issues

Stay tuned for future details on how to attend the UN Permanent Forum on Indigenous Issues here:

bit.ly/2XT8ZY2

UN Commission on the Status of Women A Joint Parallel Event on Violations of Indigenous Women's Rights in Brazil, Guatemala, and the United States

Save the Date! March 22, 2021, 1 p.m. EST

Indigenous women throughout the Americas lead grassroots movements to restore Indigenous protections and advance Indigenous women's rights. They work to improve and reform their governments' response to gender-based violence and to bring their countries' laws closer to international standards in the Beijing Declaration, the UN Declaration on the Rights of Indigenous Peoples, and other human rights instruments. Panelists will discuss the specific political and advocacy work they are doing in Brazil, Guatemala, and the U.S., and talk about how the long-term effort to end gender-based violence helps to achieve gender equality and empowerment in the present.

For more information on attending this event, visit **bit.ly/3qyu7PN**.

Cosponsors include:

Brazil:

Coordination of the Indigenous Organizations of the Brazilian Amazon (COIAB)

Guatemala:

International Mayan League (IML)

United States:

Alaska Native Women's Resource Center (AKNWRC)

Indian Law Resource Center (ILRC)

National Congress of American Indians (NCAI)

National Indigenous Women's Resource Center (NIWRC)

Native Women's Society of the Great Plains (NWSGP)





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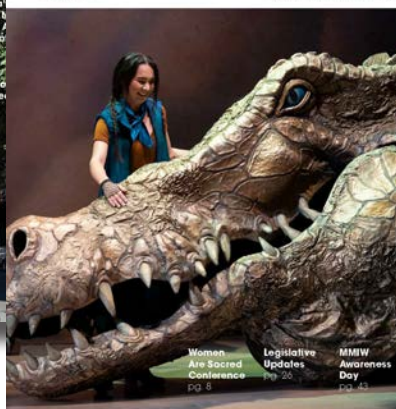


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**OF NATIVE
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WOMEN**

February 2021 | Volume 18 | Issue 1

"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**



National Indigenous Women's Resource Center

515 Lane Deer Ave, Lane Deer, MT 59043

1-855-649-7299 | (406) 477-3896

Website: www.niwrc.org

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