



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

February 2022 | Volume 19 | Issue 1



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and
Mother
Earth are
Sacred**
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Letter from the National Indigenous Women's Resource Center

Dear Friends,

We are pleased to share with you the February 2022 edition of *Restoration of Native Sovereignty and Safety for Native Women* magazine. With each passing year and issue of *Restoration*, we find ourselves grounded in the legacy of our grandmas, mothers, sisters, and aunts who came before us. Sisters who fought hard to have their voices heard, calling for sovereignty, safety, and justice for Indigenous women. This is the medicine and responsibility we carry forward through our organizing every day, year after year.

While it is impossible to ignore COVID-19 and its ever-changing variants, we are finding the strength to push onward and see the sunrise ahead. This year, we are working with legislators to secure the reauthorization of the Violence Against Women Act (VAWA). Now is the time for Congress to pass a VAWA bill that ends impunity for non-Indian perpetrators of sexual assault, child abuse, elder abuse, sex trafficking, stalking, and assault on Tribal law enforcement on Tribal lands. You can help support these important Tribal protections and more by visiting and signing up on our new Action Center at niwrc.quorum.us.

Along with VAWA, we are paying close attention to movement in and around Washington within the Biden Administration, the U.S. Supreme Court, and federal agencies in their efforts to address violence in Indian country. In this issue of *Restoration*, we provide analysis on such activities including the federal implementation plans for Savanna's Act; President Biden's Executive Order to address public safety, justice, and the crisis of missing and murdered Indigenous peoples; and a new case that has made its way to the Supreme Court—*United States v. Denezpi*, evaluating their real and potential impacts to the safety and sovereignty of Native women and Indigenous Nations. As always, we will continue to monitor these activities and others to ensure the voices of Indigenous survivors and their families are front and center.

Closer to home, we are pleased to share exciting news about the establishment of the Tribal Safe Housing Center within the NIWRC, as well as new staff who have joined our team as we continue our advocacy to end violence against Native women. We remain steadfast in our commitment to providing national leadership in the work to end violence against Native women by lifting the collective voices of Indigenous survivors, grassroots advocates, and Tribal Nations. Programmatic support is necessary to ensure advocates and Tribes can continually benefit from NIWRC's training and technical assistance, policy development, and educational resources and publications including *Restoration*—all of which are grounded in our traditional lifeways and beliefs. Please consider supporting our work at niwrc.org/donate.

Rising in strength and sending good medicine for the year ahead,



Ahéhee',

Lucy

Lucy Simpson, Esq.
Diné
Executive Director



Mvto,

Cherrah

Cherrah Giles
Muscogee Nation
Board Chairwoman



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

Restoration of Native Sovereignty and Safety for Native Women Magazine, 2003-2022

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

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

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INDIGENOUS**
WOMEN'S RESOURCE CENTER

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Minnesota Indian Women's Sexual Assault Coalition (MIWSAC) Executive Director, Nicole Matthews, spoke at TEDxMinneapolis. MIWSAC staff joined her in singing the Strong Woman song. / Photo courtesy of Sheri Ledin Photography, TEDxMinneapolis.

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Editor's Note



A few years ago, my then-editor called on me for a news round-up for the next issue of *Native Peoples* magazine. 'Make sure to include the latest on the Violence Against Women Act and Tribes,' she told me. 'What's happening now?'

As an independent journalist, I enjoyed the thrill of a new assignment, especially when it had anything to do with Native women: Native women artists, Native women leaders... and the safety of Native women and young girls. My ears would perk up anytime violence against Native women came up, especially after the horrific kidnapping and murder of 11-year-old Ashlyne Mike (Navajo). As an auntie myself, this always hit home.

Immediately, I set to work, scouring the web to learn who was on the front lines of the Violence Against Women Act (VAWA) and who might be willing to talk to me. In my research, I found a video of the signing of the Violence Against Women Reauthorization Act of 2013. There, standing next to then-President Barack Obama were two Native women, one in a teal shawl and another in a traditional white robe with the most beautiful, beaded medallion. For this article, I knew I had to hear what the women had to say.

After more research, I came across the National Indigenous Women's Resource Center (NIWRC). I reached out to the media contact listed on a press release and soon enough, I was interviewing Jacqueline "Jax" Agtuca and Terri Henry about the ins-and-

outs of the Tribal provisions provided through VAWA 2013. It included an amendment that restored Tribal criminal jurisdiction over non-Indians who commit domestic violence, dating violence, or certain violation of protection orders on Tribal lands, otherwise known as Special Domestic Violence Criminal Jurisdiction (SDVCJ).

Mid-way through my conversation with Jax and Terri, I realized that while my news round-up piece would be short and succinct, the issue at hand was much more complex. While the gains of VAWA 2013 and SDVCJ were historic, so much more was needed for real, meaningful change. I was hungry for that change.

Fast forward a few more years, and I am still learning from Jax—and from all the women here at the NIWRC and across the movement for safety of Native women. Now, as I write my first Editor's Note, that memory has sharpened into focus, is that much clearer, seemingly illuminating a path before me. Now as I take the baton of *Restoration*, I am humbled by thoughts of the grandmothers and aunties who came before me—the ones who are still teaching, speaking out, and who love with all their hearts: the stronghearted ones at the frontlines.

I see you.

I heard you.

With *Restoration*, I know I have a great responsibility and duty to help carry forward the legacy of what this magazine is and represents: *Restoration* is the vehicle

Now as I take the baton of *Restoration*, I am humbled by thoughts of the grandmothers and aunties who came before me—the ones who are still teaching, speaking out, and who love with all their hearts: the stronghearted ones at the frontlines.

for understanding the existing and emerging issues and barriers threatening the lives and safety of Indigenous women, providing a much-needed Indigenous analysis to make meaningful systemic reforms. *Restoration* will continue to support the movement for safety and sovereignty with its political lens to guide how we strategically move forward together in removing these barriers to Native women's safety. *Restoration* will keep a stronghold on our grandmothers' hopes that their daughters and granddaughters will once again be held up as sacred to thrive in a violence-free world.

While this is the hope we hold onto, the reality is more heartbreaking, as Indigenous women struggle for safety and justice daily in the face of violence that festers across all sectors of society. The erosion of original protections for Native women is a constant, present-day attack due to the lasting effects of historical and active colonization—think of the continual loss of and attacks on Indigenous

lands, cultures, and languages, not to mention the ever-present oppression and misogyny in our lives.

While *Restoration* will remain true to its political lens, we hope to expand our analysis and make room for societal issues that are ripe for change, including the visibility of missing and murdered Indigenous women in mainstream media and the overall representation and dehumanization of Native women and girls in larger society.

At the NIWRC, we are also re-grounding ourselves in the inherent connection between land and body, as both are sacred for Indigenous communities yet are under continual attack and exploitation by extractive industries and climate change impacts. These are only a few of the emerging issues we will explore further in the future ahead.

My path as an independent journalist and now with *Restoration* has come full circle, and it is an incredible honor to help steer the magazine forward. On behalf of everyone here at NIWRC, we could not be more thankful for our sister and auntie Jax—the 'beating heart' of *Restoration* over the years—for her immense leadership and mentorship for our entire team and the movement for safety of Native women. We are stronger because of her, and we are stronger when we uphold the strength of women in our communities. I look forward to serving *Restoration* for years to come.

Mallory Adamski

Diné, Tódich'ii'nii (Bitter Water) Clan, born for Tó'áhani (Near the Water) Clan

Editor, Restoration of Native Sovereignty and Safety for Native Women

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Safety for Native Women**

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Coming Soon: The Tribal Safe Housing Center

The National Indigenous Women's Resource Center Receives FVPSA Funding for the Tribal Safe Housing Center and Introduces New Housing Team

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

The National Workgroup on Safe Housing for American Indian and Alaska Native Survivors of Gender-Based Violence meets in Phoenix for the first time in June of 2019. / Photo courtesy of NIWRC.

After years of grassroots advocacy to raise awareness and provide support for American Indian, Alaska Native, and Native Hawaiian women impacted by the intersection of gender-based violence and housing instability, the National Indigenous Women's Resource Center (NIWRC) announces its latest project to establish a Tribal Safe Housing Center (The Center). The Center will work to ensure safety and belonging through Indigenous lifeways and dismantle systemic and endemic barriers that impact housing access for survivors. The Center will accomplish this by elevating culturally-rooted resources, practices and policies, and centering survivors with lived experience, for real social change. It will also work across the housing spectrum and will prioritize the housing needs of all our relatives, including youth, elders, Natives with disabilities, Two-spirit relatives and other intersectional identities.

The vision for the Center is "Safe Housing for All Our Relatives." The Housing team will do this work through centering Indigeneity, acknowledging our relationship to Earth Mother, building on each other's gifts, resisting oppression and erasure, and acting upon the prayers of

our ancestors to honor diversity and create belonging for us all.

"We are honored to receive the grant to carry forward the Tribal Safe Housing Center, as it was one of the key recommendations that came out of the National Workgroup on Safe Housing for American Indian and Alaska Native Survivors of Gender-Based Violence," said Lucy Simpson, Diné, Executive Director, NIWRC.

Caroline LaPorte (immediate Descendant of the Little River Band Of Ottawa Indians) will serve as the Director of the Tribal Safe Housing Center, Gwendolyn Packard (Ihanktonwan Dakota) will serve as the Senior Housing Specialist, and Denise Neal (Suquamish) is joining as the Program Assistant, having previously worked with the National American Indian Housing Council.

"It's a blessing to have Caroline LaPorte and Gwendolyn Packard to lead this project given their incredible efforts to advocate for Indigenous survivors' safe housing needs over the years," Simpson said. "They will share more information about the Tribal Safe Housing Center very soon."



Waboosh- Rabbit by artist Christine Stark

January 2020

National Workgroup on Safe Housing for American Indian and Alaska Native Survivors of Gender-Based Violence: Lessons Learned

Authored by: Caroline LaPorte, J.D.

Contributing Editor: Gwendolyn Packard



NATIONAL
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National Resource Center
on Domestic Violence

Find Housing Report in Our Resource Library

National Workgroup on Safe Housing for American Indian and Alaska Native Survivors of Gender-Based Violence: Lessons Learned: n8ve.net/Rped0

Stay Tuned for Housing Updates from NIWRC

Join our mailing list for the latest resources, events and opportunities from our Tribal Safe Housing Center: n8ve.net/SvKQv

In the coming year, the Center plans to conduct listening sessions and site visits with Tribal programs. The Housing team will also host webinars, provide technical assistance upon request, and will develop a comprehensive policy strategy and framework to ensure safe, affordable and accessible housing for all.

The Center will continue to host the integral National Workgroup on Safe Housing for American Indians and Alaska Native Survivors of Gender-Based Violence, which was established through key partnerships in 2019 and which published its first report in January 2020. The entirety of the workgroup is credited with creating this opportunity, and in that same vein, the Housing team is excited to continue working with existing partners, such as the Alaska Native Women's Resource Center, the National Resource Center on Domestic Violence, and StrongHearts Native Helpline, as well as adding new and valued voices to the existing space.

Because Indigenous people suffer domestic violence and sexual violence at exponentially higher rates than other groups, the need for a safe housing center

cannot be ignored. The need for safe housing—further exacerbated by COVID-19 and its variants—makes this Center crucial to protecting our Native relatives and responding to climate crisis impacts to housing that are directly experienced by survivors.¹ With 574 federally recognized Tribes in the United States, fewer than 60 Tribally-created or Native-centered domestic violence shelters exist.

A serious priority of the Center is to ensure that the work is built intentionally upon general principles and understandings of root causes and historical origins of the housing crisis across the housing spectrum. The Center believes that housing is a basic human right, one that is not conditional. Though we do this work in some respects by acknowledging the necessity of navigating existing western systems, the Center is committed to work that roots out colonialism, assimilation, and oppression.

¹ NY Times, June 2021, Dispossessed, Again: Climate Change Hits Native Americans Especially Hard. <https://n8ve.net/yiR43>.

Four New Staff Join NIWRC

Introducing Denise Neal, Kim Zahne, Liane Pippin, and Caroline LaPorte to the NIWRC Team

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

After beginning in 2010 with five staff members, the National Indigenous Women’s Resource Center (NIWRC) expands its team by welcoming four new staff members. Joining NIWRC is Denise Neal (Suquamish) as the Program Assistant, Kim Zahne (Tewa-Hopi) as the Technical Assistance and Training Specialist, Liane Pippin (Cherokee) as the Communications Specialist, and Caroline LaPorte (immediate descendant of the Little River Band Of Ottawa Indians) as the Director of the Tribal Safe Housing Center.

As the Program Assistant, Denise Neal provides administrative support to the Policy and Research Team and the Technical Assistance and Training team. She is a member of the Suquamish Tribe on the Port Madison Indian reservation and brings years of experience working with Tribal communities. Denise graduated with an Indigenous Education Master’s Degree from Arizona State University and previously attended Northwest Indian College, graduating with a Tribal Governance and Business Management Bachelor’s Degree in 2019.

“As I deepen my understanding of the historic and contemporary perspectives on the social, political and cultural issues in Tribal communities from all directions, and the more I understand about the impacts and challenges of colonization, impostor syndrome, injustice, abuse of human rights, and generational psychological trauma, the more I am committed to the need for change,” Neal said. “In my work, I hope to contribute to the preservation of the sacred values and traditions of Indigenous women for generations to come.”

Kim Zahne is Tewa-Hopi and our new Technical Assistance and Training Specialist. Prior to joining NIWRC, Zahne was the Director of Technical Assistance and Training for the Hopi Tewa Women’s Coalition to End Abuse (HTWCEA). She has nearly five years of experience in the development

and management of training and technical assistance initiatives with the coalition and over a decade working with and in Indigenous communities. She has a Bachelor of Science degree from Arizona State University in American Indian Studies with an emphasis in Federal Indian Law and Policy and American Indian History.

Liane Pippin joins NIWRC as the Communications Specialist to support the growth of NIWRC’s outreach, awareness campaigns, and visibility. Liane grew up in Broken Arrow, Oklahoma, and is a member of the Cherokee Nation. Before earning her degree in Communications and Media from CUNY School of Professional Studies, Liane studied Theater Performance at Santa Fe University of Art and Design, and worked for Ignited Minds, a nonprofit based in Santa Fe, New Mexico. Liane hopes to use her voice to lift others and bring strength to fellow Indigenous peoples.

“The past work of NIWRC inspires and humbles me, as does the incredible staff,” Pippin said. “Thank you all for making my time here immensely rich and rewarding.”

Caroline LaPorte (immediate descendant of the Little River Band Of Ottawa Indians) returns to NIWRC as the Director of the Tribal Safe Housing Center after previously serving as NIWRC’s Senior Native Affairs Policy Advisor. Caroline graduated from the University of Miami School of Law and is an Attorney and Judicial Advisor to the Tribal Court of the Seminole Tribe of Florida and is an Associate Judge for the Little River Band of Ottawa Indians. Caroline’s work focuses primarily on housing, human rights, children, firearms, and criminal justice focused within the gender-based violence framework. In her new role, Caroline is responsible for developing and managing NIWRC’s Indigenous safe housing initiatives in close coordination with Executive Director Lucy Simpson and other NIWRC divisions.

Pictured from top left to bottom right: Kim Zahne, Caroline LaPorte, Denise Neal, and Liane Pippin.

To read full biographies on all staff, visit niwrc.org/staff.



StrongHearts Native Helpline Introduces Its New Board of Directors

Board Members Will Work Together to Strengthen the Organization’s Mission



STRONGHEARTS
Native Helpline

1-844-7NATIVE | strongheartshelpline.org

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

Following StrongHearts Native Helpline’s historic launch as the first Native American and Alaska Native organization of its kind, StrongHearts is pleased to announce its board of directors.

As the first 24/7 national domestic violence, dating violence, and sexual violence helpline for Native Americans, StrongHearts board members will work together to strengthen the organization’s mission of restoring power to Native Americans impacted by intimate partner violence by weaving together a braid of safety, sovereignty and support. By offering culturally-appropriate peer support, crisis intervention and referrals to Native-centered services StrongHearts envisions a return to traditional lifeways where relatives are safe, violence is eradicated and sacredness is restored.

Caroline LaPorte, Chairperson ***Immediate Descendant Little River Band of Ottawa Indians***

Caroline LaPorte is a graduate of the University of Miami School of Law (cum laude) and is an Associate Judge for the Little River Band of Ottawa Indians. She is an attorney/Judicial Advisor for the Seminole Tribe of Florida Tribal Court and adjunct instructor at the University of Miami, where she teaches Native and Indigenous studies. Previously, LaPorte was the Senior Native Affairs Policy Advisor for the National Indigenous Women’s Resource Center (NIWRC) in D.C., and now returns to NIWRC as the first Director of its Tribal Safe Housing Center. Her work focuses on housing, human rights, children, firearms and criminal justice all within the gender-based violence framework. She serves on the



(Left) CC Hovie, StrongHearts Communications Manager. (Right) Lori Jump, StrongHearts Director. / Photos courtesy of StrongHearts Native Helpline.

American Bar Association Victim’s Rights Task Force, co-chairs the Victim’s Committee for the Criminal Justice Section of the ABA, is a member of the Lenape Center’s Missing and Murdered Indigenous Women Task Force and helped start the National Working Group on Safe Housing for American Indians and Alaska Natives. LaPorte was named a Henry Bandier Fellow and was the Natasha Pettigrew Memorial Award Winner for her time as a fellow in the Children and Youth Law Clinic at the University of Miami School of Law.

Lenny Hayes, Vice Chairperson ***Sisseton Wahpeton-Oyate***

Lenny Hayes, MA, is the owner and operator of Tate Topa Consulting, LLC and is currently in private practice specializing in Marriage Family Therapy. He has extensive training in mental and chemical health issues that impact the Two-Spirit/Native LGBTQ and Native community. Hayes has traveled nationally and locally training and presenting on the issues that impact both the Two-Spirit/

MEET STRONGHEARTS' NEW BOARD



**Caroline Laporte, Chairperson
Immediate Descendant Little
River Band of Ottawa Indians**

Native LGBTQ individual and community. These issues include the impact of historical and intergenerational trauma on this population, violence of all forms, child welfare issues, and the impact of sexual violence on men and boys which is a topic that is rarely discussed.

Hayes is the former Missing and Murdered Two-Spirit Project Assistant for Sovereign Bodies Institute. He is a 2020 graduate of the Human Trafficking Leadership Academy Cohort 5. He was selected to be a 2018 recipient of the Bonnie Heavy Runner Advocacy Award at the 16th National Indian Nations Conference “Justice for Victims.” Additionally, Hayes was a nominee for the 2021 NIWRC Women Are Sacred Tillie Black Bear Award.

“We know that domestic, dating and sexual violence impacts all our communities. In my personal and professional experience, I work to serve the Two-Spirit/Native LGBTQ Community which is often a forgotten or underserved community. I strive to bring inclusiveness, acceptance, understanding, awareness, and healing for all Two-Spirit/Native LGBTQ people across Indian Country.”

Tami Truett Jerue, Treasurer Anvik Tribe

Tamra (Tami) Truett Jerue currently lives in Fairbanks after moving from Anvik, Alaska, a small Deg Hi'tan Athabascan community on the Yukon River. Currently, Jerue serves as the Executive Director of the Alaska Native Women's Resource Center (AKNWRC). She



StrongHearts board members will work together to strengthen the organization's mission of restoring power to Native Americans impacted by intimate partner violence by weaving together a braid of safety, sovereignty and support.

–Ericca “CC” Hovie, Sault Ste. Marie Tribe of Chippewa Indians, Communications Manager, StrongHearts



is the mother of four children and grandmother of five grandchildren. She has worked in the field of domestic violence and sexual assault and intersecting issues for the last 40-plus years in various capacities.

Her education includes a Bachelor's Degree in Social Work, Community Psychology and Secondary Education. She has been involved with many non-profit boards over the years and has worked most of her professional life in rural Tribal Alaska in many fields such as Therapist, Sexual Assault Counselor, Teacher, Tribal Administrator, Indian Child Welfare Act Social Worker and Trainer.



**Lenny Hayes, Vice Chairperson
Sisseton Wahpeton-Oyate**



**Tami Truett Jerue, Treasurer
Anvik Tribe**



**Gwendolyn Packard, Secretary
Ihanktonwan Dakota**

“Many family and friends who have experienced domestic and sexual violence have kept me passionate in helping facilitate change at a community level, within systems and families to help survivors live a violence-free life.”

**Gwendolyn Packard, Secretary
Ihanktonwan Dakota**

Gwendolyn Packard, Senior Housing Specialist, NIWRC, has worked for many years in Indian country, both at the national and Tribal level. She has served as editor for six national Indian publications. In 1990 she was instrumental in founding the National Organization on Fetal Alcohol Syndrome (NOFAS). Packard served as Executive Director for Morning Star House, an advocacy program that works with off-reservation Native women and children who are victims of domestic and sexual violence. She also served as Executive Director of the New Mexico Suicide Prevention Coalition and is founder and Co-Chair of Rain Cloud, the off-reservation behavioral health collaborative in Albuquerque, New Mexico. She is a survivor of domestic violence, a writer, a grassroots organizer and a community activist. She has three children and one granddog.

“I am committed to social change in working to address social and economic justice issues that affect the health and well-being of Indian people.”

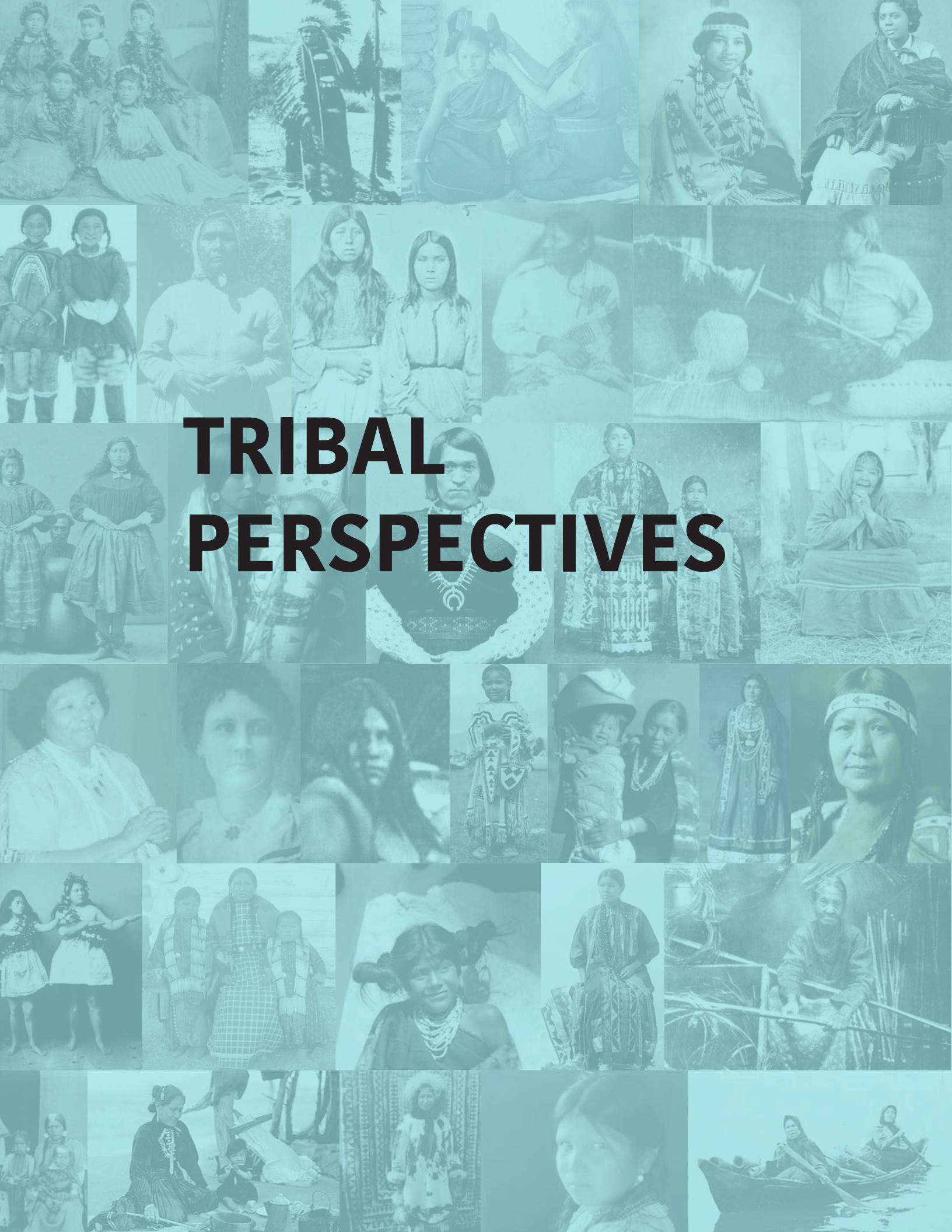
Leaders in the Field



STRONGHEARTS
Native Helpline

**Seeking Nominations for Leaders
in the Field of Domestic Violence**

In recognition of Native American leadership in the field of domestic, dating and sexual violence, StrongHearts Native Helpline is seeking candidates for our series featuring individuals making a difference in Indian Country. If you would like to be featured or want to nominate someone to be featured, please send an email to **media@strongheartshelpline.org**.



TRIBAL PERSPECTIVES

APRIL IS SEXUAL ASSAULT AWARENESS MONTH

Help Organize to End Violence Against Women and the Land



By Mallory Adamski, *Diné*, Editor for *Restoration Magazine*; and Jacqueline “Jax” Agtuca, *Cherokee and Filipina*, Content Editor for *Restoration Magazine*

Each year in April and throughout the year, grassroots organizations and advocates rise to raise awareness of sexual assault and its impacts on victim-survivors, particularly as part of Sexual Assault Awareness Month. Also referred to as SAAM, Sexual Assault Awareness Month is an annual campaign to raise awareness about sexual assault and educate communities and individuals on how to prevent sexual violence. Tribal and community-based programs and organizations, state and federal government agencies, rape crisis centers, businesses, campuses, and community members plan events and activities to highlight sexual violence as a public health, human rights, and social justice issue and reinforce the need for prevention efforts.

Sexual assault is a serious crime and widespread problem across the United States and Indian Country, where more than half of Native American women experience sexual violence at some point in their lifetime. It is important to

note that while sexual violence impacts all genders, ages, and demographics, it disproportionately affects Native women who already face unique challenges and barriers to accessing support services, medical care, and justice.

The lasting impact of sexual violence is particularly painful given its ripple effects across our families and communities. For many of us, it is not uncommon for us to know a close relative or friend who has been victimized by sexual abuse or violence, a fear we know as “*not if but when*” our loved ones will be sexually violated.

Land-Body Connection

Important to the larger societal conversation around sexual violence is the Indigenous perspective linking the urgent need to address violence not only against Native women but also against the land. Violence toward the land—think extractive resource industries like fracking, oil pipelines, and mining—and the high rates of sexual violence aimed at the bodies of Indigenous women are undoubtedly interwoven. For Indigenous communities, it is impossible to ignore the interconnection between the exploitation of land and Indigenous bodies by non-Native perpetrators and entities.

Culturally, we view any attack on the land—our Mother Earth—as an attack on the lives and bodies of Indigenous women. Like the land, women ground, support, and sustain our families and our communities, so naturally the instinct to protect the land and her female spirit is ingrained in us as Indigenous people.

This intersection is acutely visible in and near Tribal communities, given the rise in oil and gas workers stationed in temporary housing—often referred to as “man camps,” which has led to increased reports of sexual violence and sex trafficking crimes in Indigenous communities. Areas of note include the Fort Berthold reservation in North Dakota due to the Bakken oil boom, and in Bemidji, Minnesota in relation to crimes reported adjacent to the Enbridge Line 3 project.¹ Further, the historical exploitation of Indian lands and people informs current social and economic conditions that contribute to increased sex trafficking of Native women and children.²

Nationally, the most recent figures find more than half—more specifically, more than one in every two—Indigenous women in the United States have faced sexual violence (56.1 percent), according to the National Institute of Justice.³ This same study also found most Native females (97 percent) were victimized at the hands of at least one interracial individual (ex. non-Native individual).⁴

Similarly, we cannot ignore the burden of the climate change threat, which directly impacts Mother Earth and Indigenous women. As stated in the United Nations (UN) Human Rights Council Resolution 48/13 “The human right to a clean, healthy and sustainable environment,” the consequences of climate change “fall most heavily on those already in vulnerable situations, including women and Indigenous peoples.”⁵

According to the UN, these consequences can include when Indigenous people are forcefully displaced

or relocated against their will or suffer distress or disconnection to their traditional subsistence lifeways (ex. hunting, fishing, gathering). The impact of climate change-related environmental disasters like extreme flooding or storms, wildfires, and severe drought caused by extreme heat, and erosion can directly threaten the safety and well-being of Indigenous women, as these crises force Indigenous people from their homelands, which can exacerbate gender-based violence and the disruption of their social, cultural, and traditional lifeways of protection and stability.

Growing a Historical Movement

In addition to the united calls for justice by Indigenous grassroots advocates against sexual violence, there are national efforts continually underway to help communities and Tribes organize for Sexual Assault Awareness Month. Each year, the National Sexual Violence Resource Center (NSVRC) launches an annual SAAM theme and updates resources and materials for the national campaign efforts with assistance from anti-sexual assault organizations throughout the United States. You can find updated SAAM information as it becomes available through the NSVRC online at nsvrc.org/saam.

Historically, women around the world began organizing protests against violence beginning in the late 1970s in England with Take Back the Night marches. These women-only protests emerged in direct response to the violence that 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. Over time, sexual assault awareness activities expanded 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. Over time, October became the focus of domestic violence awareness activities.

Sexual assault advocates looked for a separate time to spotlight sexual assault issues. In the late 1980s, the National Coalition Against Sexual Assault (NCASA) informally polled state sexual assault coalitions to

1 Vice News, “At Least 4 Oil Pipeline Workers Linked to Sex Trafficking in Minnesota.” <https://n8ve.net/dPFXm>.

2 Kathleen Finn, Erica Gajda, Thomas Perin, and Carla Fredericks, Responsible Resource Development and Prevention of Sex Trafficking: Safeguarding Native Women and Children on the Fort Berthold Reservation, 40 Harv. J.L. & Gender 1 (2017), available at <https://scholar.law.colorado.edu/articles/629>.

3 André B. Rosay, “Violence Against American Indian and Alaska Native Women and Men,” June 1, 2016, [nij.ojp.gov: https://n8ve.net/vGwVa](https://n8ve.net/vGwVa).

4 *Id.*

5 48th session of the Human Rights Council: Resolutions, decisions and President’s statements. “The human right to a clean, healthy and sustainable environment.” Adopted as orally revised by a recorded vote (43 to 0, with 4 abstentions), 43rd meeting, 8 October 2021: <https://n8ve.net/EqIb3>.

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 April on a regular basis, promoting an idea for a nationally recognized month for sexual violence awareness activities.

From 2000-2001, the Resource Sharing Project (RSP) and the NSVRC 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 was first observed nationally in April 2001.

Protections for Women and the Land

For victim-survivors of sexual violence, we know what has happened cannot be undone or truly forgotten. As advocates, our role is to support their journeys one step at a time with much-needed support so that they can determine and find their own sense of healing, and feel safe in their communities once again. We can also work together to lift survivors' voices and organize for better accountability and justice for these crimes.

Throughout the year and in April in particular for Sexual Assault Awareness Month, NIWRC lifts the incredible efforts by Tribes and advocates to honor survivors of sexual violence and bring sexual assault awareness and prevention to the forefront. As part of these efforts, consider some of these recommendations for supporting victim-survivors of sexual violence as part of your advocacy:

- Learn more about what sexual assault is and access culturally-based awareness materials on NIWRC's Sexual Violence Awareness page: niwrc.org/sexual-violence-awareness
- Find statistics about the impact of sexual violence in Indian Country. View NIWRC fact sheet: n8ve.net/BmEoX
- Read the report, Sexual Victimization in Indian Country: Barriers and Resources for Native Women Seeking Help: n8ve.net/POr50
- Explore Indigenous land-body connection by reading "Land Threats: Women and Mother Earth are Sacred" beginning on pg. 20.

There are several more resources available in NIWRC's Resource Library to help you learn more about this critical issue and how you can help advocate for change. You can

find some of these resources in our SAAM Resource Box below. Together we can help Native survivors reclaim their bodies, their lives, and safety in their communities, so all of our relatives are safe, all the time, and in all circumstances.

SAAM RESOURCES

WATCH

- ▶ **Webinar - Creating a Circle of Safety** featuring the work of the Ogitchidakwe Council: n8ve.net/zkCpS
- ▶ **Webinar - Sexual Violence Against Elders:** n8ve.net/YwqKC

LISTEN

- ▶ ***Speaking Our Truth, Podcast for Change:*** niwrc.org/podcast
 - ▶ **Ep. 15 - Sexual Assault Advocacy** featuring StrongHearts Native Helpline
 - ▶ **Ep. 16 - Sexual Assault Issues in Alaska**

CUSTOMIZE

- ▶ **Proclamation Template - Sexual Assault Awareness Month:** n8ve.net/I4p6b

CONTACT

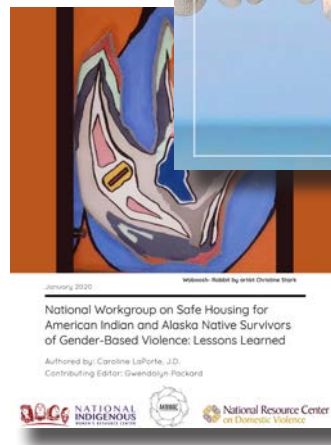
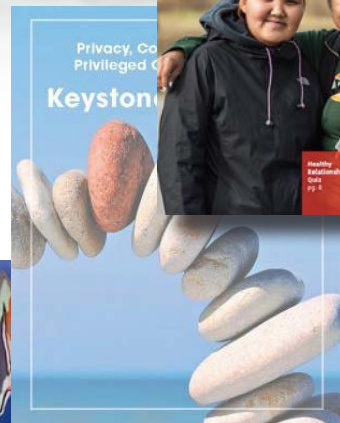
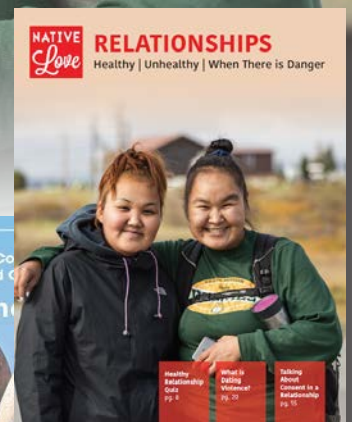
- ▶ **StrongHearts Native Helpline** 1-844-7NATIVE (762-8483), a 24/7 domestic violence, dating violence, and sexual violence helpline for Native Americans. strongheartshelpline.org



NOW IN STOCK

Order Culturally-Based Resources from the NIWRC Store

- New! Youth Magazine – Healthy, Unhealthy, When There is Danger
- Booklet - Privacy, Confidentiality and Privileged Communications: Keystones to Safety
- Report - Safe Housing for Native Survivors of Gender-Based Violence



Celebrating 20 Years of Work by the Minnesota Indian Women's Sexual Assault Coalition

Organizing to End Sexual Violence Against Native People



MMIW March in Minneapolis, 2017. MIWSAC's MMIR efforts have included marches, art exhibits, and legislative change through the Minnesota MMIW Task Force. / Photos courtesy of MIWSAC.

By Nicole Matthews, *White Earth Band of Ojibwe*, Executive Director, MIWSAC, and Paula S. Julian, Senior Policy Specialist, *Filipina*, NIWRC

Organizing since 2001, the Minnesota Indian Women's Sexual Assault Coalition (MIWSAC) celebrates its 20 year anniversary this year. MIWSAC is a culturally-based, nonprofit, statewide Tribal coalition and national technical assistance provider training and organizing in Tribal communities specifically around the topic of sexual violence, sex trafficking, and emergent and historical intersections.

MIWSAC started with a group of Native women exhausted by the invisibility and silence surrounding the high rates of sexual violence Native women and children were experiencing. What began with a single

staff member, Nicole Matthews, Executive Director/ Mindimooyeh/Kunsi (White Earth Band of Ojibwe); and a group of committed women as Coalition membership, MIWSAC has grown to a staff of 13, with 40 programs and over 100 individual members who inform every aspect of the work of MIWSAC.

MIWSAC's vision is "Creating Safety and Justice for Native Women Through the Teachings of Our Grandmothers." To embody this, our founding mothers and grandmothers ensured a return to our Indigenous practices of governance and daily operations by renaming our Board of Directors as the Circle Keepers. The Circle Keepers and staff continue to uphold our ancestral decision-making practices of hearing every voice, and honoring the gifts that each person brings to the work. We look forward to continuing to lead with Tribes, Tribal organizations, sister coalitions and our many allies and partners.



MIWSAC's vision is "Creating Safety and Justice for Native Women Through the Teachings of Our Grandmothers."

MIWSAC's Executive Director, Nicole Matthews, spoke at TEDxMinneapolis. MIWSAC staff joined her in singing the Strong Woman song. / Photo courtesy of Sheri Ledin Photography, TEDxMinneapolis.

Some of our key accomplishments, milestones, and contributions to changing the cultural norms imposed on tribal nations and Native peoples reflected in the disproportionate rates of sexual and domestic violence include the following:

- 2007: The first Annual Statewide Conference with a Pow-wow to honor Survivors
- 2008: Red, purple, and teal Solidarity Shawls to raise awareness about sexual violence and Missing and Murdered Indigenous Relatives (MMIR)
- 2009: The Barrette Project: Living Platform to anonymously share survivor stories
- 2010 invitation by the Office on Violence Against Women to MIWSAC to provide technical assistance and training to Tribes receiving funds under the Tribal Sexual Assault Services Program (TSASP). The Program has grown from less than 20 Tribes funded to now 39 Tribes funded to enhance their ability to respond to sexual violence.
- 2011: Garden of Truth: The Prostitution and Trafficking of Native Women in Minnesota Report, which continues to remain relevant today.
- 2012: "Keeping Native Children Safe" resource manual on the intersection of child sexual assault and custody and visitation issues.
- 2013: Native Girls Camps began to include concurrent Native Boys Camps
- 2014: Native Focused 40-Hour Sexual Assault Advocacy Curriculum created, with nearly 1500 participates to date
- 2015: Making Space to Rise: Native Men & Boys Preventing Sexual Violence Video and Discussion Guide
- 2016: LGBTQ Two Spirit Advisory Group and Resources developed
- 2017: Funding expands to include state and foundation work
- 2018: The beginning of a series of 3 Indigenous Men's Summits, attended by over 400 Native men and youth in northern Minnesota
- 2020: Display of 3000 red dresses on the Minnesota state capitol lawn that provided the political will for state legislators to create an MMIW Task Force and the first state MMIR Office
- 2021: Native Hip Hop artist, Miko Blaze, wrote Protect Them, with a music video to stand in solidarity with BIPOC folks who experience similar violence

MIWSAC also serves as a national technical assistance provider for the following additional programs and projects:

- Project Beacon (Urban Indian programs serving victims of sex trafficking);
- Sex Trafficking in Indian country and Alaska;
- Elevate | Uplift; and
- Recently awarded to operate the National Tribal Sexual Assault Clearinghouse

MIWSAC provides all training, technical assistance and digital and printed resources free of charge. Please visit miwsac.org.

As MIWSAC continues our work to address and end all forms of sexual violence, we know the intersections that our work has with many other movements, including disability rights, anti-carceral movement, and anti-racism work. Those intersections are intrinsically linked to the future of our movement.

MIWSAC is developing a report addressing Sex Trafficking of Native LGBTQ and Two-Spirit Relatives. MIWSAC is also working in solidarity with our Black sisters from A Long Walk Home, which is a national art organization based in Chicago that empowers young people to end violence against girls and women.

This project centers on using art and community to address the intersections between anti-Blackness, anti-Indigeneity, and complex identities. This Minneapolis-focused project will be expanded and lessons learned incorporated throughout all of our work. MIWSAC is also doing internal work on anti-racism and anti-Blackness in collaboration with Shared Time Wisely, Inc.

In addition to the focused anti-racism and anti-oppression work, MIWSAC is organizing to address the systemic barriers facing Indigenous women on and off Tribal lands and under concurrent federal and state jurisdiction who remain disproportionately vulnerable to sexual violence. Developing our voice on state and national public policy as well as supporting new leaders within our Tribal Coalition are important to MIWSAC's future.

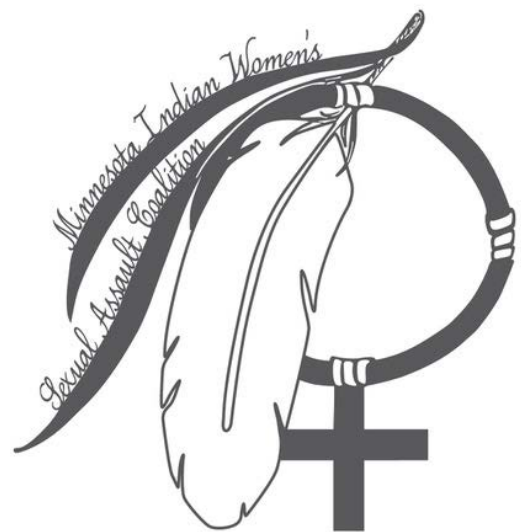


LEARN MORE ABOUT MIWSAC

Connect with the Minnesota Indian Women's Sexual Assault Coalition and access all resources: [**miwsac.org**](http://miwsac.org)

Follow MIWSAC on Social Media:

- Facebook: [**fb.com/MIWSAC**](https://www.facebook.com/MIWSAC)
- Instagram: [**miwsac**](https://www.instagram.com/miwsac)
- Twitter: [**@miwsac**](https://twitter.com/miwsac)





LAND THREATS

Women and Mother Earth are Sacred

By Zinaida Carroll, Managing Editor of
Restoration, NIWRC

Indigenous peoples across the world have continuously been at the forefront of resistance to extractive industries, which place corporate interests above the well-being of our planet and the life it sustains. In the United States, extractive industries have displaced, destroyed, and irreversibly damaged sacred land for centuries, and continue to do so. This destruction marks the clear continuation of colonization, as Indigenous peoples across the world are forced out of their ancestral lands,

and face cultural genocide and violence as an effect of extractive industries.

“Not only do extractive industries have a negative impact on the environment—the air, land, water, cultural practices—that Tribes depend on, they also negatively impact Native women and girls by subjecting them to increased levels of violence.”—Kerri Colfer, Tlingit, Senior Native Affairs Advisor, NIWRC.

In many Indigenous perspectives, waterways, Mother Earth, and women are all viewed as life-givers and are

“Not only do extractive industries have a negative impact on the environment—the air, land, water, cultural practices—that Tribes depend on, they also negatively impact Native women and girls by subjecting them to increased levels of violence.”

—Kerri Colfer, Tlingit, Senior Native Affairs Advisor, NIWRC

therefore interrelated. Indigenous peoples across various communities and cultures recognize the connection between women and land—and hold both as sacred. Colonization, however, is built upon the violent belief that land and bodies are resources—something to own and consume. This philosophy allowed government-sanctioned violence against Indigenous communities, where the dehumanization, rape, and murder of Indigenous women were permitted as an extension of colonization. Colonizers imposed patriarchal systems upon Indigenous communities and eroded Indigenous systems of governance that hold women and Mother Earth as sacred.

This erosion of sovereignty has led to the loss of Indigenous life-ways, customs, and laws that safeguard Indigenous women and the environment from acts of violence. While Indigenous people recognize that the land and women are connected, and therefore any act of violence against the land is an act of violence against Tribal communities, there is a clear and documented connection between extractive industries and violence against Indigenous women.¹

As corporations construct pipelines and mines for profit, often within or bordering Tribal lands, they develop “man camps” or temporary settlements of transient workers proximate to these extractive projects. These “man camps” cultivate a culture of misogyny, drug abuse, and racism.² This culture is bolstered and made deadly by the anonymity of these workers—who are mostly non-Indigenous, white males—within Indigenous communities, and the social, political, and judicial structures that demonstrate to these transient workers that they can commit crimes within Native Nations with

relative impunity. This lethal mixture of sociopolitical factors facilitates the rise in trafficking, murder, sexual assault, and other violent crimes against Indigenous women surrounding these extractive developments.³

Reclaiming Indigenous matrilineal beliefs and restoring sovereignty to Native Nations and Indigenous people across the world is therefore central to protecting Indigenous women and holding extractive industries accountable. Indigenous resistance to the destruction of Mother Earth comes in innumerable forms, most of which go unnoticed by mainstream media. More recently, there has been more recognition of the crucial role Indigenous people undertake and continue to hold in the environmental movement. However, these movements must be lifted, heard, and understood on a much larger scale to combat the further destruction of our planet.

This article highlights five Indigenous-led movements fighting to defend land and women against extractive industries across Turtle Island and includes links to learn more and take action. The movements noted here are only a fraction of those happening.



A map highlighting more extractive industry resistance is provided in the online version of this article at **niwrc.org/land-threats**. If you have additional land threats or more information, please fill out this form: **n8ve.net/icblq**

1 See, for example, Amnesty International’s Out of Sight, Out of Mind: <https://n8ve.net/dzCQ4>, or the National Inquiry into MMIWG (Canada) Final Report: <https://n8ve.net/vBbk3>.

2 <https://n8ve.net/uIQ9T>.

3 “Drilling Down: An Examination of the Boom-Crime Relationship in Resource-Based Boom Counties” Western Criminology Review 15(1):3-17 (<http://wcr.sonoma.edu/v15n1/Ruddell.pdf>).



Wood-Tikchik State Park in Bristol Bay, Alaska. / Photo courtesy of Ryan Peterson.

The United Tribes of Bristol Bay (UTBB) | Pebble Mine | Alaska

In 2001, a Canadian company, Northern Dynasty, acquired state leases to begin constructing the Pebble Mine—a deposit with copper-, gold-, and molybdenum-bearing minerals—located on Yup'ik, Dena'ina, and Alutiiq lands, known as Bristol Bay, in southwestern Alaska. Bristol Bay contains 40,000 square miles of wild tundra, pristine streams, wetlands, rivers, lakes, and headwaters that have provided sustenance to Alaska Natives for centuries.⁴

Most notably, the Pebble Mine is located just 100 miles away from headwaters of two major rivers that flow into Bristol Bay, the Kvichak and Nushagak, which are essential for the well-being of Bristol Bay's salmon population, a central part of the cultural practices and physical health of the 31 federally recognized Tribes in the region.⁵

Alaska Natives immediately began opposing this mine. In 2007, the Alaska Native Village Corporations formed Nunamta Alukestai, the first regional opposition to the Pebble Mine. In 2013, the United Tribes of Bristol Bay, a consortium of 15 Tribes, representing over 80% of the region's population, formed. Since its inception, UTBB has been working alongside fishing and environmental

partners to maintain resistance to the construction of the mine and push the Environmental Protection Agency (EPA) to take action.

In 2014, an EPA Assessment that confirmed the environmental impacts the Pebble Mine would have on the pristine waterways of Bristol Bay⁶ sparked a yearslong lawsuit filed by Northern Dynasty. In 2017, the case was settled, its scientific findings confirmed, and ultimately in 2020, the Army Corps of Engineers denied the company's permit.⁷

United Tribes of Bristol Bay and its partners released a “Call to Protect Bristol Bay” in December 2020, which calls on the EPA to enact 404(c) Clean Water Act (CWA) and establish a National Fisheries area to provide long-lasting federal protection and permanently ban toxic mine waste from irreversibly contaminating Bristol Bay. The EPA has yet to decide whether to enact the 404(c) CWA and pushed its timeline to May 31, 2022.⁸



Learn more: utbb.org

Take action: Join the UTBB in calling on the EPA to finalize permanent protections for Bristol Bay: utbb.org/public-comment

⁴ <https://n8ve.net/vkLst>.

⁵ <https://n8ve.net/32FWd>.

⁶ <https://n8ve.net/r7Y7i>.

⁷ A Brief History of Pebble Mine — United Tribes of Bristol Bay <https://n8ve.net/DPzfs>.

⁸ EPA Announces Next Steps in Process to Protect Bristol Bay Watershed Under Clean Water Act Authority | US EPA <https://n8ve.net/0wpCu>.



Indigenous peoples across various communities and cultures recognize the connection between women and land—and hold both as sacred.

Daranda Hinkey, Fort McDermitt Paiute Shoshone Tribe, organizer of the People of Red Mountain. Photo courtesy of Carolyn Cole / Los Angeles Times.

Fort McDermitt Paiute and Shoshone Tribes | Thacker Pass, Peehee Mu’huh | Nevada

Twenty-five miles south of the Fort McDermitt Reservation in northern Nevada is a desert landscape filled with old-growth sagebrush and chokecherries called Peehee Mu’huh or “rotten moon” in Paiute and federally recognized as “Thacker Pass.” For Daranda Hinkey (pictured above), one of the founding members of Atsa Koodakuh why Nuwu (People of Red Mountain), this land is made sacred by the bones of her ancestors who rest beneath the soil.⁹ Currently, this sacred land is in the process of being turned into the United States’ largest lithium mine by Lithium Nevada Corporation.

In late 2019, and into 2020, the Bureau of Land Management (BLM) went through the process of permitting, and formally approved the mine in January 2021. People of Red Mountain, led by Hinkey, gathered at Thacker Pass to collect traditional medicine, conduct ceremonies, and protest the mine. In July 2021, the People of Red Mountain and Reno-Sparks Indian Colony filed a federal lawsuit arguing that BLM ignored crucial environmental impacts and did not adequately consult Tribes, therefore violating the National Historic Preservation Act. In December 2021, the Tribes added

⁹ Native opposition to Nevada lithium mine grows | Grist <https://n8ve.net/bM5b8>.

more claims to the suit after more evidence was unearthed through a Freedom of Information Act that BLM ignored Tribal leaders’ concerns regarding the cultural significance of Thacker Pass.¹⁰



Learn more: peopleofredmountain.com

Take action: Pressure lawmakers to protect Thacker Pass: protectthackerpass.org/build-pressure/

Lone Pine Paiute-Shoshone and Timbisha Shoshone Tribes | Conglomerate Mesa | California

Conglomerate Mesa is nestled between the Timbisha Shoshone and Paiute Shoshone traditional homelands, on the edge of what is commonly known as Death Valley National Park. Tribes in the area walked this land for centuries: gathering pinyon nuts, hunting mule deer, burying their ancestors, and performing ceremonies.¹¹ K2 Gold, a Canadian company, is seeking a permit from the BLM to create an open-pit cyanide gold mine on these sacred lands.

¹⁰ New Legal Claims Filed Against Thacker Pass Lithium Mine | Protect Thacker Pass <https://n8ve.net/76iVF>.

¹¹ Public Comment Period opens for controversial mining project on California desert tribal lands - Indian Country Today <https://n8ve.net/MDQV2>.

Both the Lone Pine Paiute-Shoshone Tribe and the Timbisha Shoshone Tribe formally expressed their opposition to this project, and called on the government to reform the 1872 mining law, which many argue, places the interests of extractive industries over social, cultural, and environmental concerns.¹² The Tribes joined a coalition of organizations opposing the mine called the Conglomerate Mesa Coalition, and the BLM is still in the process of reviewing public comments and producing an environmental assessment.



Learn more:

Visit protectconglomeratemesa.com or join the mailing list for updates: at n8ve.net/iph78

Take action: Sign the petition at n8ve.net/Gppcy

Apache Stronghold | Oak Flat, Chi'chil Biłdagoteel | Arizona


Chi'chil Biłdagoteel, now known as Oak Flat, part of the Tonto National Forest in Arizona, is a center of identity and culture for over 10 Tribes in Arizona.¹³ It is a place of sacred connection between the physical world and Creator, where many ceremonies must take place, such as the Sunrise Ceremony, Holy Ground ceremonies, and sweat lodge ceremonies.¹⁴ (Read more in the June 2021 issue of *Restoration* at n8ve.net/mhYVN)

In March 2021, the U.S. federal government rescinded a final environmental impact statement that would have paved the final road for the transfer of 2,000 acres of federal land, including Oak Flat, to Resolution Copper to create a 950-foot-deep sinkhole to mine for copper.¹⁵

The Apache Stronghold filed a lawsuit and an emergency injunction to block the land swap, citing violations of the 1852 Treaty of Santa Fe and violations of their freedom of religion. The case was heard in the ninth circuit Court of Appeals on October 22, 2021, (*Apache Stronghold v. United States of America*).¹⁶ The Judges have yet to issue a decision.¹⁷ If the court sides with the

U.S. Forest Service and confirms the land transfer of Oak Flat, Apache Stronghold could take their case to the U.S. Supreme Court.

In May 2021, a House committee approved Save Oak Flat, a bill that would stop the land transfer. However, it has since stalled in Congress. In December 2021, a group of San Carlos Apache elders and students organized at U.S. Sen. Mark Kelly's office in Phoenix, urging him to push forward lasting protections for Oak Flat.¹⁸



Learn more: Follow updates from Apache Stronghold at apache-stronghold.org

Take action: Urge Senators to save Oak Flat: n8ve.net/Y1VY9

Bay Mills Indian Community | Straits of Mackinac, Great Lakes | Michigan

The Anishinaabe people of the Bay Mills Indian Community recognize the Straits of Mackinac, where Lake Huron and Lake Erie converge, as the center of creation. Since time immemorial, the lifeways of the Anishinaabe people have been tied to the Great Lakes and the Straits of Mackinac. Traditional fishing knowledge is passed from generation to generation, and fish are used in traditional naming and other ceremonies.¹⁹ The Straits are not only culturally interconnected with the Tribe, but the water provides sustenance and economic survival to Bay Mills Tribal members through its vital fish population.²⁰

Enbridge's Line 5 currently runs crude oil through the Straits of Mackinac—a project approved by the State of Michigan in the 1950s that violates treaty rights. According to President Whitney Gravelle of the Bay Mills Executive Council, the pipeline “poses a serious threat to our treaty rights, our cultural and religious interests in the Great Lakes, our economy, and the health and welfare of our tribal citizens.”²¹ It is also important to note that Enbridge workers have been linked to sex trafficking along the Line 3 route in Minnesota.²²

12 Testimony of Kathy Bancroft | Walking Water <https://n8ve.net/zgQ-sW>, or <https://n8ve.net/ZVHug>.

13 <https://n8ve.net/jHYQL>.

14 *Ibid.*

15 <https://n8ve.net/CAOKI>.

16 *Apache Stronghold v. United States - Becket* <https://n8ve.net/Ib3qO>.

17 <https://n8ve.net/onESC>.

18 Apache Stronghold delivers message to Sen. Mark Kelly: Save Oak Flat <https://n8ve.net/fR170>.

19 President Whitney B. Gravelle's Direct Testimony <https://n8ve.net/L7eGC>.

20 Native American Rights Fund <https://n8ve.net/gQdJa>.

21 President Whitney B. Gravelle's Direct Testimony <https://n8ve.net/L7eGC>.

22 Sexual violence along pipeline route follows Indigenous women's warnings | Minnesota | The Guardian <https://n8ve.net/8uDbZ>.

In 2020, Bay Mills Indian Community teamed up with the Native American Rights Fund (NARF) and Earthjustice to file a suit against the Michigan Public Service Commission (MPSC) in opposition to Enbridge’s proposal to rebuild a new massive tunnel, becoming the first Tribe to contest a proceeding before the Commission. This process is ongoing.²³

In May 2021, The Tribe voted to banish the Enbridge Line 5 pipeline from the Reservation to protect Tribal citizens, the water, and all the life it sustains from the risk of an oil spill. Around the same time, Michigan

Gov. Gretchen Whitmer issued a shutdown order to stop operating the Line 5 pipeline. Enbridge continues to operate Line 5 illegally.²⁴



Learn more: Stay updated and learn more about Bay Mills Indian Community’s case n8ve.net/vDMff
Take action: Visit NARF’s page to stay updated on any calls to action led by the Bay Mills Indian community at narf.org/bay-mills-line5-pipeline

23 Experts Sound Alarm On Line 5 Oil Pipeline Tunnel Climate Impacts - Native American Rights Fund <https://n8ve.net/ljQNe>.

24 Sexual violence along pipeline route follows Indigenous women’s warnings | Minnesota | The Guardian <https://n8ve.net/8uDbZ>.

“

[Line 5] poses a serious threat to our treaty rights, our cultural and religious interests in the Great Lakes, our economy, and the health and welfare of our tribal citizens.

–Whitney Gravelle, President, Bay Mills Executive Council

”



2018 protest against the proposed Line 5 pipeline tunnel under the Great Lakes. / Photo courtesy of Whitney Gravelle.



**MISSING AND
MURDERED
INDIGENOUS
WOMEN**

A CALL TO ACTION



Organizing the 2022 National Week of Action for Missing and Murdered Indigenous Women

In response to the family's actions and demands for justice following the disappearance and murder of Hanna Harris at the Northern Cheyenne Reservation in 2013, the Montana Congressional Delegation led the work to pass the first Senate resolution declaring May 5th as the National Day of Awareness for Missing and Murdered Native Women (MMIW) in 2017.

Despite this declaration on May 5th, 2017, Native women continue to be murdered at alarming rates. In response, Native families and Indigenous communities across Indian country, Alaska, and Hawaii are calling for justice and reforms to dismantle the systemic barriers impacting the safety of Native women and to increase support for protections as defined by Indigenous voices, languages, and teachings. These Indigenous calls for justice and reforms date as far back as first contact by Western governments and are reflected in Indigenous acts of resistance and self-defense throughout history.

Nearly 46 million people worldwide heard the grassroots calls for justice during the National Week of Action for Missing and Murdered Indigenous Women, April 29-May 5, 2021. Such an organized groundswell is an important factor in creating the political will to effect social changes that Indigenous women urgently need.

Turning our grief into action, we call upon congressional, state, local, and international policymakers 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 disproportionately against Indigenous women—it reflects the intersection of domestic violence, sexual assault, trafficking, and many other crimes. These crimes occur due to a long history of government policies, programs, and laws that create conditions that leave Indigenous women more vulnerable to such crimes than other women.

Join our united call to action and help grow the groundswell of our grassroots movement to hold all systems and sectors of our societies accountable!

We urge the United States, state, and local governments to reaffirm and support Indigenous protective systems as outlined by our national partner collective in our *6-Point Action Plan to Reform Current Systemic Barriers and Restore Safety of Indigenous Women*.

The crisis of violence against Indigenous women and missing and murdered Indigenous women must continue to be brought into the public's awareness to increase the accountability of social, political, economic, and government systems and responses. We call on the mainstream and local media to avoid harm and be culturally sensitive and transparent when building relationships with families impacted by MMIW. Indigenous women and girls deserve to have their humanity preserved when their stories are told in the media, and their families must be treated with the utmost respect and compassion. Missing and murdered Indigenous women and their families deserve justice.

A National Week of Action for Missing and Murdered Native Women and Girls provides a process for public healing and accountability for this crisis and honors those who have gone missing or been murdered. It is essential on the broadest level to acknowledge the historic and ongoing, current human suffering and death that global colonization has brought to Indigenous women. Violence against Indigenous women is preventable.

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 2022 National Week of Action culminating in a National Day of Awareness for Missing and Murdered Indigenous Women on May 5, 2022. Systemic changes are needed across all systems and sectors of societies—including the public (governmental), private (business/corporations), nonprofit, educational, health care, and mainstream media sectors.

We must tell policymakers at the federal, state, local, and international levels and communities around the world that enough is enough. As Tillie Black Bear (Sicangu), grandmother of our movement for safety, said:

"I remember as a little girl laying on top of a slope as a sentry watching for agents to warn our parents and the elders doing ceremony. Our spirituality was made illegal, outlawed."

The movement for the safety of Native women emerged in the 1970s as American Indian and Alaska Native sisters acted to help each other seek safety. The movement continues to develop as American Indian and Alaska Native Tribes and Native Hawaiians join together to resist violence perpetrated against women.

Join our united call to action and help grow the groundswell of our grassroots movement to hold all systems and sectors of our societies accountable!

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

Juana Majel-Dixon (Pauma-Yuima Band of Luiseno Mission Indians) & Shannon Holsey (Stockbridge-Munsee Community Band of Mohican Indians), Co-Chairs, National Congress of American Indians 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 Nā Wahine

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

Lori Jump (Sault Ste. Marie Tribe of Chippewa Indians), Director, StrongHearts Native Helpline

6-Point Action Plan to Reform Current Systemic Barriers and Restore Safety of Indigenous Women

By the National Indigenous Women's Resource Center, Indian Law Resource Center, Pouhana 'O Nā Wahine, Alaska Native Women's Resource Center, StrongHearts Native Helpline, and the Alliance of Tribal Coalitions to End Violence

Traditionally, like the land, Indigenous women were respected and held sacred within their Indigenous Nations. Colonization eroded this status and dehumanized Indigenous women, destroying original protections within their communities. The current spectrum of violence against Indigenous women is intertwined with systemic barriers embedded within the U.S. federal government. These barriers developed as the U.S. seized the homelands and natural resources of Indigenous peoples, forcibly removed and relocated Indigenous people, and created living conditions where women are vulnerable to violence. To fully address the current crisis of violence against Indigenous women, these systemic barriers must be removed and the sacred status of women restored. To that end, we urge the U.S. government to reaffirm and support Indigenous protective systems by:

- Restoring the full authority of American Indian and Alaska Native Nations to protect Indigenous women, including through the support of the Violence Against Women Act (VAWA) 2021's expansion of Special Domestic Violence Criminal Jurisdiction for Indian Nations.
- Recognizing and respecting Indigenous responses of Native Hawaiian communities and organizations to protect Indigenous women, including through the support of a Native Hawaiian Resource Center on Domestic Violence.
- Ensuring adequate resources for advocacy and services for Indigenous women, including by support of Family Violence Prevention and Services Improvement Act of 2021 (FVPSA) Tribal funding increases and establishment of a permanent, dedicated funding stream for Tribes in the Victims of Crime Act (VOCA).
- Removing the systemic barriers facing families of missing and murdered Indigenous women (MMIW) including by supporting implementation of Savanna's Act and Not Invisible Act and the development and adoption of additional MMIW legislation in consultation with Alaska Native and American Indian Nations and Native Hawaiians.
- Implementing a thorough federal response to MMIW by requiring every federal department to develop action plans with meaningful consultation with American Indian Nations, Alaska Native Nations, and Native Hawaiians to address MMIW.
- Recognizing that both land and Indigenous women are sacred and connected, and that both require legislative and policy actions to protect them from extractive industries and corporate interests, such as the passage of the *Save Oak Flat*, HR 1884/S.915.





2022 NATIONAL WEEK OF ACTION

Schedule of Events

Friday, April 29, 2022

▷ 12 p.m. MDT | Launch of the National Week, Traditional Opening

▷ 1–2 p.m. MDT | A National Briefing on the Crisis of MMIW, hosted by the NIWRC

The current systemic response to violence against Native women is inadequate and the rate at which we are losing our women is devastating to our Tribal communities and to the Nation as a whole. Insufficient resources and lack of clarity on jurisdictional responsibilities have exacerbated efforts to locate those who are missing. The federal Indian legal framework is complex and creates many barriers for victims and Tribes working to protect their citizens. Moreover, resources are scarce and culturally appropriate services are practically non-existent. Please join us as we listen to victim-survivors and family members, victim service providers, Tribal judges, and members of Congress discuss national policy issues and recommendations in support of Tribal Nations to enhance safety for Native women.

Monday, May 2, 2022

▷ 1–2:30 p.m. MDT | Voices Rising: Uplifting Native Hawaiian Women Survivors and Victims Missing or Murdered (Nā leo mana: Paepae ‘ia

Nā Wahine Maoli Nā mea ola o ka ‘ino weliweli kūloko ‘ohana pau pū me nā luapo’i nalowale a i ‘ole make)

This webinar will give a voice to survivors, fallen victims, and their ohana as Missing and Murdered Native Hawaiian Women remains a form of violence and oppression that was introduced and implemented by foreigners or non-Native Hawaiians to control and silence Native Hawaiian women. Furthermore, we will share how prostitution and sex trafficking negatively impacts the Hawaiian community by sexualizing cultural practices and viewing women as property, which is not a belief held by Native Hawaiians.

Tuesday, May 3, 2022

▷ 1–2:30 p.m. MDT | Spotlight Alaska and the Crisis of MMIWG

A panel discussion led by Michelle Demmert on work being done to combat the current crisis of trafficking and MMIWG in Alaska. The panel will highlight AKNWRC’s partnerships with organizations and the collective work they do together utilizing each other’s strengths. We will look at AKNWRC’s Missing and Murdered Indigenous Women: An Action Plan for Alaska Native Communities. The spotlight will also look at state and federal law and policy that affect the crisis of MMIW and innovative work happening in Alaska.

▶ **Wednesday, May 4, 2022**

▷ **11 a.m.-12:30 p.m. MDT | Using International Law to Respond to VAIW and the MMIWG Crisis**

The MMIWG crisis in America is not just the result of the failures of our criminal justice system, it is a result of systemic violations of Indigenous women's human rights. The presentation will review the international legal framework applicable to MMIWG and other forms of violence committed against Indigenous women. We will look closely at the two key human rights instruments that are specific to Indigenous peoples—the UN and American Declarations on the Rights of Indigenous Peoples. Both Declarations create minimum legal standards and obligations that countries must observe in their dealings with Indigenous peoples. The rights affirmed in these Declarations include the right of self-determination, rights to lands and resources, and the right of Indigenous women and children to be protected against violence. We will also discuss how recent actions by the UN Human Rights Council recognizing the human right to a clean, healthy, and sustainable environment can impact our work in this field. Finally, the session will share information about the work Native women, Tribes, and organizations have done using the international and regional human rights systems to advance Indigenous women's rights and offer information about how you can get involved in these efforts.

▷ **Running for Justice, May 5-8: A National Virtual Run hosted by Rising Hearts**

▶ **Thursday, May 5, 2022**

▷ **10-10:30 a.m. MDT | #MMIWActionNow Twitter Storm**

▷ **12-1 p.m. MDT | #MMIWActionNow Twitter Chat**

▷ **1-2:30 p.m. MDT | Webinar: MMIW National Day of Action: Uplifting the Voices of MMIW Surviving Families**

In some Tribal communities, American Indian women face murder rates more than 10 times the national average. In responding to this national crisis, we recognize systemic barriers that exacerbate efforts to locate missing victims for families, communities, and Tribal Nations. Over the last decade, awareness of MMIW as a national issue has increased, but more must be done to stop disappearances and save lives.

By learning from the experiences of surviving family members of MMIW, the movement can work to achieve the reforms needed to safeguard the lives of Indigenous women and strengthen the authority of Indian Nations to protect their citizens.

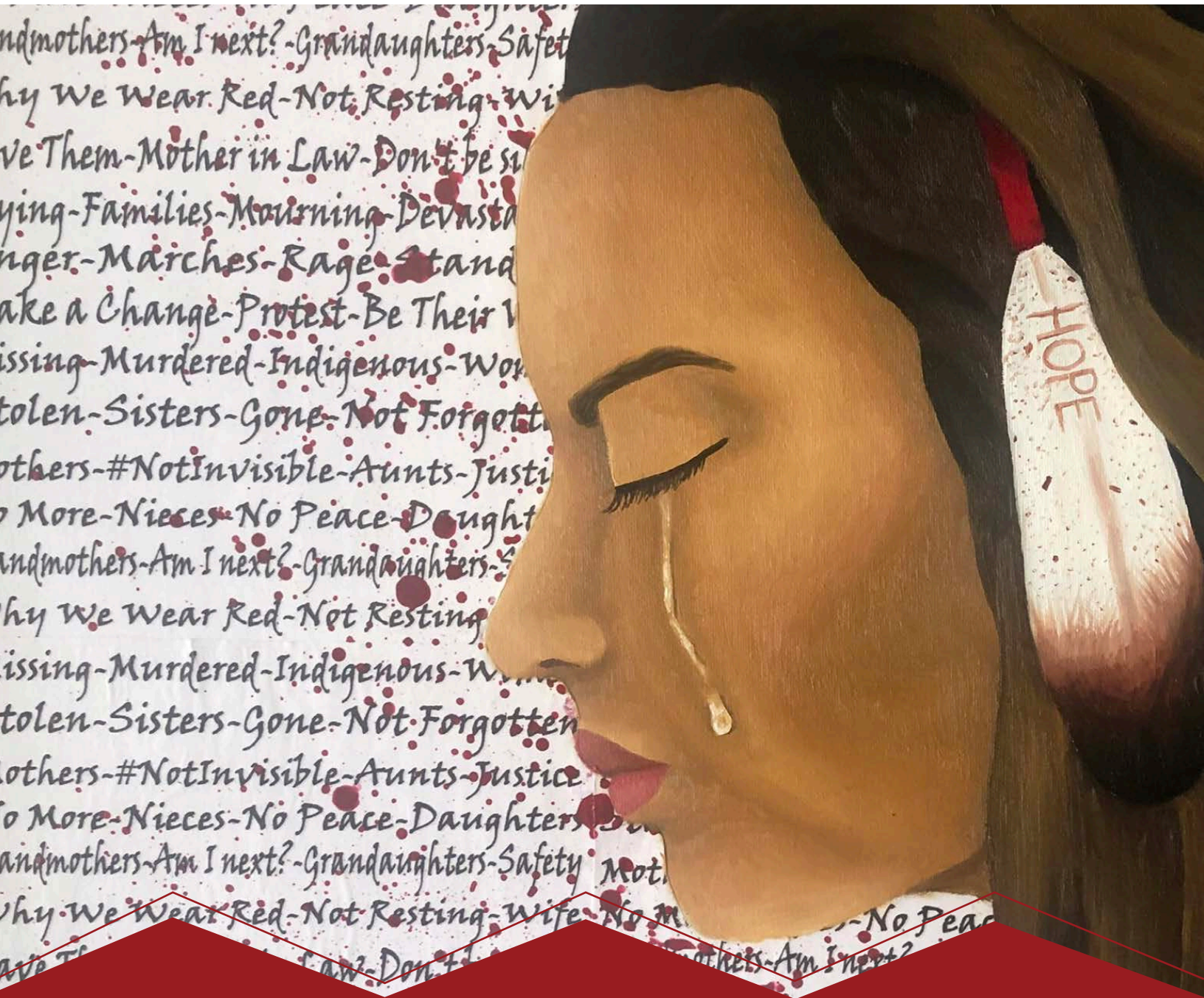
STAY TUNED

Subscribe to NIWRC's mailing list for updates on the National Week of Action events:
n8ve.net/0nCGW



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

January 2022 | Volume 18 | Issue 4



Explore the *Restoration* Special Edition on MMIW:
[niwrc.org / restoration](http://niwrc.org/restoration)

Restoration Special Edition on Missing and Murdered Indigenous Women Now Available

Continue Organizing for May 2022 National Actions

With the generous non-federal financial support of The Vadon Foundation, NIWRC is pleased to announce the publication of a *Restoration* Special Edition on Missing and Murdered Indigenous Women. The Special Edition provides an uncensored analysis of the systemic barriers Indigenous women face, lifting the voices of family members of MMIW, and sharing the organizing actions taking place across the country calling for justice for MMIW.

Building upon over a decade of collaborative efforts, during the last year NIWRC staff facilitated the formation of two distinct national working collectives: a National Partners Work Group on Missing and Murdered Indigenous Women made up of six long-standing national sister organizations working to address violence against Indigenous women, and a Family Advisory Group of family members impacted by MMIW to continually inform our advocacy.

“The NIWRC and National Partners developed a 6-Point Action Plan to Reform Current Systemic Barriers and Restore Safety of Indigenous Women, including Native Hawaiian Women as the Indigenous People of the Hawaiian Islands,” said Rose Quilt, Yakama, Director of Policy and Research, NIWRC. “Each of the six points offers a strategic foundational direction to address violence against Indigenous women.”

Collectively, we organized the 2021 National Week of Action for Missing and Murdered Indigenous Women culminating in the May 5th National Day of Awareness for MMIW. The May 2021 national actions reached more than 45.9 million people worldwide. It spotlighted the crisis of MMIW to raise awareness and hold the United States accountable for failing to change the laws and policies that endanger the lives of Indigenous women and peoples.

This national organizing was based on a shared Indigenous worldview to explain the spectrum of violence and crisis of MMIW, not as the result of single separate acts, but a continuum of violence condoned by the United States through systemic legal and policy barriers directed at the destruction of Indian Nations since contact. This Indigenous worldview also provides a source of inspiration and a collective knowledge that the shared cultural beliefs of respect and spirituality can restore and strengthen the sacred status held by women within their Nations.

The changes taking place in this country to address the crisis of MMIW are the result of grassroots organizing efforts by the families, advocates, communities, and the Indian Nations of MMIW. In this Special Edition of *Restoration*, we highlight joint efforts to honor MMIW and call for justice for Indigenous women to share examples of organizing actions we hope will spread across all communities during the 2022 National Week of Action, culminating into the National Day of Awareness for MMIW on May 5th.



“We hope the *Restoration* Special Edition on Missing and Murdered Indigenous Women provides the support and lessons for communities to organize for the foundational changes needed to restore safety in the lives of Indigenous women.”

—Lucy Simpson, Diné, Executive Director, NIWRC





President Biden Signs Executive Order Federal Departments to Take Action to Address the Crisis of Missing and Murdered

Developed by NIWRC Policy Team Members Rose Quilt, Director of Policy and Research; Paula Julian, Senior Policy Specialist; Kerri Colfer, Senior Native Affairs Advisor; and Amy Sparck, Policy Specialist

On November 15, 2021, President Biden signed the “Executive Order on Improving Public Safety and Criminal Justice for Native Americans and Addressing the Crisis of Missing or Murdered Indigenous Peoples.”¹

The Executive Order (EO) directs numerous federal departments to take action based on the priorities identified. It is consistent with the strong grassroots calls for justice for missing and murdered Indigenous women (MMIW) and the reform of outdated federal Indian laws and policies that diminish sovereignty and self-determination of Indian Nations. The acts of violence against Indigenous women recognized as the crisis of MMIW while perpetrated by individuals, are the result of systemic barriers resulting in the spectrum of violence perpetrated against Indigenous women.

On November 15, 2021, President Biden signed Executive Order 14053 which is aimed at improving public safety and criminal justice for Native Americans and addressing the issues of missing or murdered Indigenous people. (Photo credit: Operation Lady Justice, DOJ.)

“President Biden’s leadership and directive to federal departments is essential and establishes the issue of MMIP, specifically MMIWG, as a priority for the Administration,” said Lucy Simpson, Diné, Executive Director, NIWRC. “It is consistent with the responsibilities of the federal government to support the sovereignty of Indian Tribes.”

The EO sets forth directives to the Departments of Justice, Interior, Homeland Security, and Health and Human Services to create a strategy to improve public safety and justice for Native Americans, and increase their response to the crisis of missing and murdered Indigenous Peoples and specifically Indigenous women.

“This builds on the work we did together on reauthorizing the Violence Against Women Act in 2013,” said President Biden. “We are going to reauthorize that again, we’re going to expand the jurisdiction to include other offenses, like sex trafficking, sexual assault, and child abuses.”

¹ <https://n8ve.net/gIXPn>.

“Implementing a thorough federal response to MMIW by requiring every federal department to develop action plans with meaningful consultation with American Indian Nations, Alaska Native Nations, and Native Hawaiians to address MMIW.”

—Point 5 of the 6-Point Action Plan to Reform Current Systemic Barriers and Restore Safety of Indigenous Women

First Lady Jill Biden and four Cabinet Members—Interior Secretary Deb Haaland, Health and Human Services Secretary Xavier Becerra, Attorney General Merrick Garland, and Department of Homeland Security Alejandro Mayorkas—stood next to Biden as he signed the EO.

Recognition of May 5 as a National Day of Awareness Honoring MMIW

The U.S. Congressional effort by the delegation from Montana was launched in 2017 after the murder of Hanna Harris on the Northern Cheyenne Reservation and other abductions, missing cases, and murders of Native women. The 2017 Senate Resolution calling for a National Day of Awareness marked the first Congressional recognition of MMIW as a national issue.

Every year since 2017, a resolution recognizing May 5th as a National Day of Awareness for Missing and Murdered Native Women and Girls has passed in the Senate with increased support and awareness of the need to take action.² These proclamations and social justice actions on May 5th have resulted in the increasing response from Congress, the White House, and federal departments, as well as from states and localities.

“NIWRC’s *Restoration* MMIW Special Edition is a 110-page publication aimed at supporting social justice actions by the national movement around missing and murdered Indigenous women this May and beyond,” said Mallory Adamski, Diné, Editor of *Restoration*

² <https://bit.ly/3tvN4Ff>.

Magazine. “This Special Edition shares the lessons and perspectives of families of MMIW and our six national partners. Based on the President’s Executive Order, we hope President Biden will provide leadership to every federal department to join our efforts to honor MMIW on May 5th, 2022.”

“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 2017 Senate Proclamation

Meaningful actions must be rooted in the full recognition that MMIW is preventable and must start with removing systemic barriers to local, Tribal authority to immediately respond, and federal and state assistance.

Full Implementation of Savanna’s Act and Not Invisible Act

In 2020, Congress passed the Savanna’s Act and Not Invisible Act to address the Missing and Murdered Indigenous Women and Girls (MMIWG) crisis.

The passage of both Savanna’s Act and Not Invisible Act reflects the role that Tribal grassroots advocacy plays in effecting social change and critical legal reform. Unfortunately, the recent report from the Government Accountability Office noted both the Departments of Justice and Interior have failed to meet the statutory deadlines set under the new laws.

The Savanna's Act is named in honor of Savanna LaFontaine-Greywind, a 22-year-old citizen of the Spirit Lake Nation in North Dakota who was pregnant at the time she 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 the Savanna's Act with its purpose to identify and combat violent crime against Indians and within Indian lands through the creation of an advisory committee on reducing violent crime against Native people. Composed of Tribal leaders, law enforcement, federal partners, service providers, and survivors, the advisory committee will make recommendations to the U.S. Departments of Interior and Justice on increasing the response to violence against American Indians and Alaska Natives.

“The November 15, Executive Order is consistent with both Savanna's Act and the Not Invisible Act,” said Rose Quilt, Yakama, Director of Policy and Research, NIWRC. “The crisis of MMIW requires immediate action and we hope the EO will set the tone of urgency that is needed to respond to the spectrum of violence against Indigenous women.”

Specific Requirements Responsive to MMIW

It is important to understand the connection between domestic, dating, sexual violence, stalking, trafficking and the high incidence of missing and murdered Indigenous women in the United States. It is the ongoing dehumanization of Indigenous women since contact that has eroded the original sacred status and protections that not only safeguarded our lives as women, but also our rights and well-being to live as Indigenous women within our respective Indian Nations.

The high rates of violence against Indigenous peoples can generally be attributed to the historical and ongoing colonization, the violence perpetrated specifically as a pattern against Indigenous women is undeniable. In the efforts of the federal departments to respond, recognizing the need for specific Tribal based services for Indigenous women is essential. High on the list of services for Indigenous women are domestic violence shelters and safe housing and emergency shelter, rape crisis and ongoing services for sexual assault victims, and services for trafficking victims particularly teen

In the efforts of the federal departments to respond, recognizing the need for specific Tribal based services for Indigenous women is essential. High on the list of services for Indigenous women are domestic violence shelters and safe housing and emergency shelter, rape crisis and ongoing services for sexual assault victims, and services for trafficking victims particularly teen girls.

girls. Indigenous women need a range of culturally based services developed by and for Indigenous women.

“We applaud the President's leadership to create foundational reforms to federal policies on violence against Indigenous Women and Peoples,” Simpson said. “True change is possible if the will exists to do what is necessary. The recent U.S. Civil Rights Report thoroughly documents the underlying systemic failures and roadblocks to restoring safety for Indigenous women. Through the passage of the Violence Against Women Act, the Family Violence Prevention and Services Act, and other federal legislation, the legal roadblocks can be removed and the protections and lifesaving services provided.”



Government Accountability Office Releases MMIW Report

“Missing or Murdered Indigenous Women: New Efforts Are Underway but Opportunities Exist to Improve the Federal Response”

Developed by NIWRC Policy Team Members Rose Quilt, Director of Policy and Research; Paula Julian, Senior Policy Specialist; Kerri Colfer, Senior Native Affairs Advisor; and Amy Sparck, Policy Specialist

The reality that no federal agency can answer the question of how many Indigenous women are missing or have been murdered was again confirmed by the recent October 2021 GAO Report.

“The total number of missing or murdered AI/AN women is unknown, because federal databases do not contain comprehensive national data, including comprehensive data from tribal, state and local law enforcement entities.” (GAO-22-104045, Missing and Murdered Indigenous Women, page 17.)

In 2019, 17 Senators and Representatives asked the government’s top watchdog to conduct a review of how federal, state, and Tribal agencies respond to missing and murdered Indigenous women (MMIW) cases. The request was a result of the oversight hearings held by both the Senate Indian Affairs Committee and the House Subcommittee for Indigenous Peoples to examine the federal response to the MMIW crisis.

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

¹ <https://n8ve.net/UyyZC>



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

The new GAO report provides and confirms many of the concerns of Tribal leaders, the families of MMIW, Tribal stakeholders including law enforcement, and others. The findings and recommendations of the 63-page report are concerning in that it highlights the failure of the Department of Justice (DOJ) and Department of Interior (DOI) to meet statutorily created deadlines enacted to respond to the crisis of MMIW. Significant portions of the report are provided below and the full report is available at: n8ve.net/Vygom.

What GAO Found

The total number of missing or murdered Indigenous women—referred to as American Indian and Alaska Native (AI/AN) women in this report—is unknown because, for several reasons, federal databases do not contain comprehensive national data on all AI/AN women reported missing. For example, federal law requires federal, state, and local law enforcement agencies—but not Tribal law enforcement agencies—



As Members of the Indian Affairs Committee and the Indigenous Peoples Subcommittee and Senators and Representatives representing the majority of federally recognized Tribes, we must do all we can to fully understand the extent of, and implement meaningful solutions to, the MMIW crisis.

–Letter Sent to the GAO by Legislators



to report missing children under the age of 21, but not those over 21. In addition, instances of missing AI/AN women may be underreported due to mistrust of law enforcement and other reasons.

Implementation of data-related requirements in two laws, enacted in October 2020, present opportunities to increase and improve data on the number of missing or murdered Indians, including AI/AN women. For example, Savanna's Act requires Tribal consultations on how to improve Tribal data relevance and access to databases. The DOJ has taken some steps to analyze data in federal databases related to cases of missing or murdered AI/AN women, including publishing more detailed single-year statistics in 2020 on missing persons by race, gender, and age. However, data analyses efforts are in the early stages, and DOJ does not have a plan to continue these efforts past November 2021. Developing such a plan could provide DOJ and other stakeholders with information to better understand the nature of the missing or murdered AI/AN crisis and identify emerging trends.

Relevant DOJ and DOI law enforcement agencies that investigate cases of missing or murdered Indian women in Indian country have engaged in other efforts to address the crisis, but they have not implemented certain requirements to increase intergovernmental coordination and data collection in the two 2020 laws, which remain unfulfilled past their statutory deadlines. For example,

the Not Invisible Act of 2019 requires the Secretary of the Interior, in coordination with the Attorney General, to appoint members to a Joint Commission on Reducing Violence Against Indians by February 7, 2021, but as of October 15, 2021, no members have been appointed, and a draft plan to meet this requirement does not include milestones for all interim steps. Developing plans to meet this and other unfulfilled statutory requirements would provide more assurance that DOJ and DOI will meet their legal responsibilities, and support Tribal partners in reducing violent crime.

Why GAO Did This Study

According to researchers, AI/AN women in the U.S. experience higher rates of violence than most other women, and Tribal and federal officials have stated that this incidence of violence constitutes a crisis. Various federal officials and Tribal stakeholders have raised concerns about challenges with cross-jurisdictional cooperation and a lack of comprehensive national data on cases.

GAO was asked to review the federal response to the missing or murdered AI/AN women crisis. This report examines the extent to which (1) the number of missing or murdered AI/AN women in the U.S. is known and (2) DOJ and DOI have taken steps to address the crisis. GAO reviewed available data on missing persons and violent deaths, relevant reports, and agency documentation, including agency policies and procedures. Using agency



Senator Murkowski and Patricia Alexander discuss concerns regarding the crisis of MMIW in Alaska. December 12, 2018.

data—which were determined to be reliable for location selection—and qualitative factors, GAO selected seven locations to interview federal, state, local, and Tribal law enforcement officials; Tribal officials; and nongovernmental victim service providers on the federal response to the crisis.

Recommendations

GAO is making four recommendations, including that DOJ develop a plan for how it will accomplish ongoing analyses of missing or murdered AI/AN women data and that DOJ and DOI both develop plans to implement the requirements in Savanna's Act and the Not Invisible Act of 2019 that remain unfulfilled past their statutory deadlines. Both agencies concurred with the recommendations.

Four GAO Recommendations

Department of Justice

The Attorney General should develop a plan—including key steps, who will achieve them, and by when—for accomplishing ongoing analyses of data in existing federal databases and future data that may be gathered to identify relevant trends in cases of missing or murdered American Indian and Alaska Native women and areas of concern.

Department of Justice

The Attorney General should develop a plan, including milestone dates, to develop and implement a dissemination strategy to educate the public about the National Missing and Unidentified Persons System (NamUS).

Department of Justice

The Attorney General should develop a plan, including milestone dates, to conduct specific outreach to Indian Tribes, Tribal organizations, and urban Indian organizations regarding the ability to publicly enter information regarding missing persons through NamUs or other non-law enforcement sensitive portals.

Department of the Interior

The Secretary of the Interior, in coordination with the Attorney General, should finalize its draft plan establishing and appointing all members to the Joint Commission on Reducing Violent Crime Against Indians, as required by the Not Invisible Act of 2019, and include milestone dates for all steps in the process.

ABOUT THE U.S. GOVERNMENT ACCOUNTABILITY OFFICE

The Government Accountability Office is the audit, evaluation, and investigative arm of Congress. It exists to support Congress in meeting its constitutional responsibilities and to help improve the performance and accountability of the federal government for the American people. GAO examines the use of public funds; evaluates federal programs and policies; and provides analyses, recommendations, and other assistance to help Congress make informed oversight, policy, and funding decisions. [gao.gov](https://www.gao.gov)

For more information on GAO-22-104045, contact Gretta L. Goodwin at GoodwinG@gao.gov or Anna Maria Ortiz at OrtizA@gao.gov.



LEGISLATIVE UPDATE

2022 Legislative Update

Reforms and Increased Resources to Remove Barriers to Safety and Justice for Native Women

By Kerri Colfer, *Tlingit*, Senior Native Affairs Advisor, NIWRC

As Congress returns to work in the new year, we expect to see movement on several bills relating to safety for Native women, including an introduction of a bipartisan Violence Against Women Act (VAWA) Senate reauthorization bill in January.

In addition to the legislative updates we provide in *Restoration Magazine*, you can also sign up on our email listserv to receive monthly legislative updates, as well as action alerts for major legislative actions to mobilize grassroots advocates.

Violence Against Women Act (VAWA)

On March 17, the House voted to pass the bipartisan Violence Against Women Reauthorization Act (VAWA) of 2021 (H.R. 1620).¹ The bill, which expired in 2018, was reintroduced on March 8 by Representatives Sheila Jackson Lee (D-TX), Brian Fitzpatrick (R-PA), and Jerrold Nadler (D-NY). Similar to the VAWA reauthorization bill that passed the House in April 2019 (H.R. 1585)² and the Senate companion bill introduced by Senator Dianne Feinstein (D-CA) in November 2019 (S.2843)³, this bill would build on the progress of the 2013 VAWA reauthorization by reaffirming the inherent sovereign authority of Tribal Nations to hold non-Indian perpetrators accountable in cases involving child abuse, sexual assault, stalking, and trafficking. The bill, which was developed in partnership with national and Tribal

advocacy organizations, also includes critical resources for Tribes to implement VAWA.

On December 8, the United States Senate Committee on Indian Affairs held an oversight hearing, “Restoring Justice: Addressing Violence in Native Communities through VAWA Title IX Special Jurisdiction.”

On December 16, Senators Dianne Feinstein (D-CA), Joni Ernst (R-IA), Dick Durbin (D-IL), and Lisa Murkowski (R-AK) released a joint statement⁴ and spoke on the senate floor about reauthorizing the Violence Against Women Act. The senators plan to introduce a bipartisan bill in January 2022, which, among other things, would expand special Tribal criminal jurisdiction to include non-Native perpetrators of stalking, sex trafficking, sexual violence, crimes against children, obstruction of justice, and assault against Tribal law enforcement officers. The bill also creates a pilot program for Alaska, which will enable a limited number of Tribes in the state to exercise special Tribal criminal jurisdiction.

Family Violence Prevention and Services Improvement Act of 2021 (FVPSA)

On October 26, 2021, the United States House of Representatives voted 228 to 200 to pass the bipartisan Family Violence Prevention and Services Improvement

1 <https://n8ve.net/XjDjd>.

2 <https://n8ve.net/xubcv>.

3 <https://n8ve.net/liCoD>.

4 <https://n8ve.net/Ayp75>.

WATCH OVERSIGHT HEARING ON VAWA TITLE IX

You can watch the recording of the Senate Committee on Indian Affairs Oversight Hearing “Restoring Justice: Addressing Violence in Native Communities through VAWA Title IX Special Jurisdiction” online at n8ve.net/uVbR6.

Act (FVPSA) of 2021 (H.R. 2119).⁵ The bill, which was introduced on March 23, 2021 by Representatives Lucy McBath (D-GA-06), Gwen Moore (D-WI-04), Don Young (R-AK-At Large), and John Katko (R-NY-24), would provide critical funding for shelter and supportive services for victims of domestic violence, including those in Indian Country.

On July 21, the Senate Committee on Health, Education, Labor, and Pensions marked up S. 1275.⁶ The bill advanced out of Committee by voice vote.

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

The FVPSA would expand grant programs and make many needed improvements so that more survivors have access to support and safety, including:

- Adjustment of the funding distribution formula to increase the amount that Tribes receive from 10% to 12.5%;
- Dedicated authorization for Tribal coalitions to provide culturally appropriate technical assistance to Tribes;
- Dedicated authorization for a national Indian domestic violence hotline; and
- Dedicated authorizations for an Alaska Tribal Resource Center on Domestic Violence to reduce disparities facing Native victims.

Native Youth and Tribal Officer Protection Act (NYTOPA)

On December 8, 2021, Senator Ben Ray Lujan (D-NM) introduced the Native Youth and Tribal Officer Protection Act (NYTOPA) (S.3337),⁷ which would expand Tribal authority under the Violence Against Women Reauthorization Act of 2013 to allow Tribes to prosecute non-Native perpetrators of violence against children or law enforcement in domestic violence cases. Representative Tom O’Halloran (D-AZ) introduced NTOPA (H.R. 2740)⁸ in the House in April 2021.

Justice for Native Survivors of Sexual Violence Act

On December 7, 2021, Senator Tina Smith (D-MN) introduced the Justice for Native Survivors of Sexual Violence Act (S. 3328).⁹ The bill would expand Tribal authority under the Violence Against Women Reauthorization Act of 2013 by enabling Tribes to exercise criminal jurisdiction in cases of sexual violence, sex trafficking, stalking, and obstruction of justice committed against Tribal members by non-Native offenders.

⁷ <https://n8ve.net/dntra>.

⁸ <https://n8ve.net/lSvkJ>.

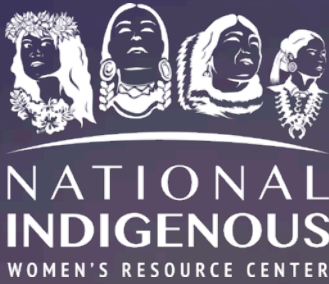
⁹ <https://n8ve.net/7ctAo>.

*Kerri Colfer,
Tlingit, NIWRC
Senior Native
Affairs Advisor.
/ Photo courtesy
of Kerri Colfer.*



⁵ <https://n8ve.net/2zQcK>.

⁶ <https://n8ve.net/08Bgs>.



Take Action Organize with NIWRC

Help protect Indigenous women with NIWRC's Action Center

Take Action

Contact your Senators: Reauthorize VAWA
The Senate must pass a Violence Against Women Act (VAWA) that respects and affirms the inherent sovereignty of Indian tribal governments to exercise criminal jurisdiction over non-Indian perpetrators of domestic and sexual violence. [Write](#)

Write Congress: Reauthorize FVPSA
The Family Violence Prevention and Services Act (FVPSA) provides critical support for shelters, coalitions, training and technical assistance centers, child-welfare services, emergency response hotlines, and prevention activities. [Write](#)

Join the Movement

[Sign up with Facebook](#)

Or Register Below

Fill in your information below to send letters to your members of Congress, urging them to support legislation that protects Native women and communities.

First Name	Last Name
<input type="text"/>	<input type="text"/>
Email	Phone Number
<input type="text"/>	<input type="text"/>

Thank you for joining our campaign. By providing your mobile phone number you consent to receive recurring text messages from our organization. Message & Data Rates May Apply. Text HELP for info. Text STOP to opt-out. No purchase necessary.

[Sign Up](#)

- Tell legislators to support protections for Native women
- Act now for VAWA reauthorization
- Show your support on social media

Sign up quickly and easily at
niwrc.quorum.us

POUHANA 'O NĀ WAHINE 2022 Organizing to Grow Mana

Nā Leo Mana: The Safety of Native Hawaiian Women Requires Recognition of and Resources to Support Their Indigenous Way of Life Based on Respect



By Rosemond Pettigrew, *Native Hawaiian*,
Pouhana 'O Nā Wahine

Ten years after the Violence Against Women Act (VAWA) became law in 1995, survivors, Indian Tribes, and Tribal advocates worked with federal lawmakers to draft and add a new title—Title IX. Safety for Indian Women. It passed in 2005 with the purpose of addressing the federal government's trust responsibility and unique government-to-government relationship with federally recognized Indian Tribes to safeguard the lives of American Indian women.

Native Hawaiians are not an Indian Tribe. We are the Indigenous people of the Hawaiian Islands with a unique legal relationship to the United States that overthrew our government. In the context of VAWA, we recognize the United States has a specific responsibility to assist our people in safeguarding the lives of Native Hawaiian women. The question is how will it fulfill this responsibility.

There is no agreement among Native Hawaiians in response to the federal government's offer of federal recognition of one Native Hawaiian government which interacts on a government-to-government basis with the U.S. What is commonly recognized on the other hand, is the continued importance of the United States recognizing and fulfilling its responsibilities to Native Hawaiian people.

Indigenous Native Hawaiian Based Solutions to Restore Safety

The Pouhana 'O Nā Wahine is calling for support of a Native Hawaiian Resource Center to increase awareness of the disproportionate violence committed against Native Hawaiian women and the urgent need for Indigenous solutions to understanding and ending such violence. Like other Indigenous peoples, Native Hawaiian culture is based on respect for all things—the land, waters, family, and clearly women.

Given the unique trust responsibility of the federal government to Native Hawaiians, we believe it is essential to amend VAWA to include a Native Hawaiian title. This title should specifically meet the unique needs of Native Hawaiians distinct from Indian Tribes and apart from culturally specific communities. While Native Hawaiians should continue to be included in culturally specific programming, their unique history, legal and political relationship with the federal government, and Indigenous worldview must be honored. This requires a separate title specifically for Native Hawaiians as the Indigenous people of the Hawaiian Islands.

The process of healing is part of the Native Hawaiian concept of ho'oponopono, which means to make things right. The abuse has been carrying on through at least four generations. You need to regain who you are and where you come from to heal. Connecting and accepting who you are and where you came from is important for healing because you're not only healing your present self, but you're healing your past self. You're healing

your kupuna who have suffered as a result of just being Indigenous or Native Hawaiian. So you have to go back to who you are, where you came from, identify your family, and address it.

In this way, the Pouhana ‘O Nā Wahine are healing more than just the trauma of current-day survivors—we are healing the pain that Native Hawaiians have endured since the 1800s when colonization began. This healing process is uniquely Hawaiian, addressing domestic and sexual violence in a way that empowers survivors to reclaim their identities through Native Hawaiian culture and values.

The sisters of the Pouhana ‘O Nā Wahine understand that for Native Hawaiian women, true healing can only occur when a woman’s identity—her family, land, ancestors, culture, and history—is fully embraced as part of herself. When you connect to your family, or your ohana, and you start to know who you are and what your place is as an Indigenous woman, then you can see that this is who I am, and this is who I’m proud to be.

Much more work, including Reconciliation, must happen among Native Hawaiians to heal from the trauma of the U.S.’s Overthrow in 1893 of our queen and government. We have worked closely with our sister organizations, including the National Indigenous Women’s Resource Center (NIWRC), the Alaska Native Women’s Resource Center (AKNWRC), and the Indian Law Resource Center to understand our commonalities as Indigenous peoples, as well as our distinctions. We look forward to working with lawmakers to identify how best to address the needs of Native Hawaiian women and all victims of domestic and sexual violence.

Our grassroots organizing is an Indigenous approach allowing local problem solving (ho‘oponopono). These discussions in Native Hawaiian communities can develop a road map in response to domestic and sexual violence and how best to increase the safety of Native Hawaiian women.

Removal of Systemic Barriers Require Action

Traditionally, Indigenous women were respected and held sacred within their nations. Colonization eroded this status and dehumanized Indigenous women, destroying original protections within our nations. The current spectrum of violence against Indigenous women is intertwined with systemic barriers embedded within the U.S. federal government.

“The barriers confronting Native Hawaiian women are specific to our historical experience as colonized people that developed as the Hawaiian islands and natural resources were forcibly taken creating living conditions where Hawaiian women are vulnerable to violence.”

—Rosemond Pettigrew, Pouhana
‘O Nā Wahine

The barriers confronting Native Hawaiian women are specific to our historical experience as colonized people that developed as the Hawaiian islands and natural resources were forcibly taken creating living conditions where Hawaiian women are vulnerable to violence. To fully address the current crisis of violence against Native Hawaiian women, these systemic barriers must be removed. To that end, we urge the U.S. government to reaffirm and support Indigenous protective systems, specifically **recognizing and respecting Indigenous responses of Native Hawaiian communities and organizations to protect Indigenous women.**

“The National Indigenous Women’s Resource Center supports the Pouhana ‘O Nā Wahine in advocating for the recognition of the right of Native Hawaiian women to be free of violence and the threat of violence in their daily lives.”—Lucy Simpson, Dine, Executive Director, NIWRC.

The Pouhana ‘O Nā Wahine

The Pouhana ‘O Nā Wahine translated to Pillars of Women is a group of long-time Native Hawaiian advocates from across Hawaii who have been working with the NIWRC since 2013 to identify how best to coordinate activities to address the needs of Native Hawaiians that experience domestic violence. Our collective selected pouhana because the pouhana is the central wood pole used in traditional Native Hawaiian homes, and without the pouhana, the house falls apart, and wahine, like pouhana, are the strength of the family.



The Pouhana ‘O Nā Wahine is dedicated to helping our people address domestic violence and related injustices through restoring their Native way of life rooted in their cultural beliefs, values, practices, and ceremonies and securing resources towards this end. The Pouhana’s mission is to provide technical assistance and training, partner at the community, statewide, and national levels, and develop policies and cultural resources to stop, prevent, and eliminate domestic violence and help victims and their family members increase their safety. While domestic violence programs function in Hawaii, none are led and managed by Native Hawaiians or rooted in developing Native Hawaiian solutions.

Understanding Colonization and Violence Against Native Hawaiian Women

Native Hawaiians have governed ourselves as an Indigenous nation long before the formation of the United States. The 1993 Apology to Native Hawaiians¹ recognized:

“..the long-range economic and social changes in Hawaii over the nineteenth and early twentieth centuries have been devastating to the population and to the health and well-being of the Hawaiian people.”



These devastating changes are reflected in the many disparities we experience as Native Hawaiians, particularly violence against Native women and related injustices – domestic, dating, and sexual violence, stalking, abductions, homicides (MMIW), and sex trafficking. “...Native Hawaiian women appear to experience IPV early in their lives, as 20.6% of Native Hawaiian women ages 18 to 29 years old report experiencing IPV, compared with 13.3% of non-Hawaiian women of the same age range.”²

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* and among the findings is that 64% of survivors identified as being part Native Hawaiian. In fact, the first trafficking case was documented in 1825³ that resulted in a *kapu* (chiefly

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

2 Office of Hawaiian Affairs (2018). Haumea-Transforming the Health of Native Hawaiian Women and Empowering Wahine Well-Being. Honolulu, HI: Office of Hawaiian Affairs.

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

(Top) NaniFay Paglinawan, Pouhana ‘O Na Wahine. / Photo courtesy of NaniFay Paglinawan. (Bottom) Loke Pettigrew, Pouhana ‘O Na Wahine. / Photo courtesy of Loke Pettigrew.

oral pronouncements) on prostitution that forbade Native women from traveling to foreign whaling ships and could be seen as Native Hawaiian chiefs protecting their women from the demands of foreign ship captains for Native women to provide sex during their whaling voyages.

The U.S. government entered into five treaties with the Kingdom of Hawaii as referenced in the Apology Bill from 1826 through 1887, and has consistently recognized its legal relationship with the Native Hawaiian community with more than 150 federal laws, including creating special programs and services for the Native Hawaiian community. Examples include the Hawaiian Homes Commission Act, Native Hawaiian Health Care Improvement Act, and Native Hawaiian Education Act. There has also been a legal relationship as evidenced by state laws respecting Native Hawaiians. As written in the state Constitution Article 12, Section 7, reaffirming that the state “shall protect all rights, customarily and traditionally exercised...by...descendants of native Hawaiians who inhabited the Hawaiian Islands prior to 1778.”

In Senate discussions leading to the passage of the 1993 Native Hawaiian Apology Bill, the late Senator Inouye stated, “..we cannot change history. We are not here to change history. But we can acknowledge responsibility.”

The U.S. can acknowledge and exercise this federal responsibility by allocating dedicated resources to support the Native Hawaiian Domestic Violence Resource Center and working with us to develop a Native Hawaiian title in the Violence Against Women Act.

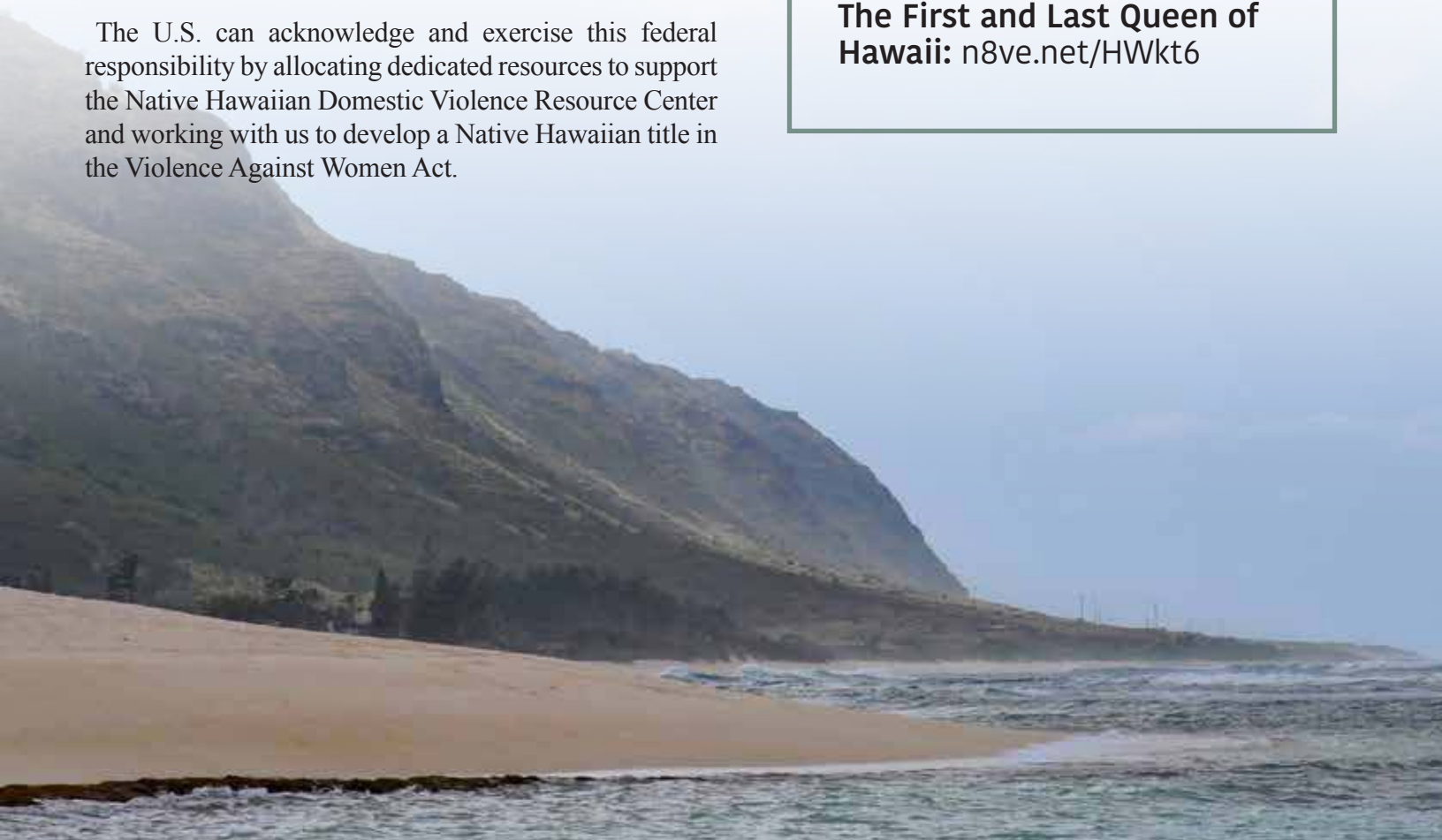
LEARN MORE

Download Wahine Health Report by The Office of Hawaiian Affairs:
n8ve.net/mUvl3

View Sex Trafficking In Hawai'i, The Stories of Survivors, January 2019, Arizona State University Office of Sex Trafficking Intervention and The Hawai'i State Commission on the Status of Women: n8ve.net/9Rln0

Learn More about Asian Pacific Institute on Gender-Based Violence:
n8ve.net/liGhd

Watch PBS Documentary: The First and Last Queen of Hawaii: n8ve.net/HWkt6





SAVANNA'S ACT

Will Tribes in Alaska and Other Public Law 280 States Benefit?

By Michelle Jaghaal.aat Demmert, *Ch'áak* from the *Kaax'oos.hittan* of the *Man's foot* clan of the *Eagle moiety*, and a citizen of the *Central Council Tlingit* and *Haida Indian Tribes of Alaska*, Law & Policy Director, AKNWRC

Savanna's Act, passed October 2020, is designed to improve the response to missing and murdered Indigenous women (MMIW) by federal, state, Tribal, and local law enforcement agencies. While this legislation begins to recognize the disproportionate rate of violence against American Indian and Alaska Native (AI/AN) women, and on the surface, you would think all agencies—federal, Tribal, and states—would get behind these requirements. Sadly, in Alaska, “the Last Frontier” justice is slow, and too often there is no justice and accountability for those who commit violence against AI/AN women.

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

Within this MMIW crisis, Alaska is considered one of the most violent states, with Anchorage as one of the most violent cities.¹ Alaska has the highest number of missing Indigenous persons. As of August 2021, out of the 743 missing AI/AN people in the National Missing and Unidentified Persons System (NamUs), 292 of those

people were from Alaska. Why has the state of Alaska not worked with Alaska Tribes to address this injustice? How will Savanna's Act change Alaska's approach? These are questions that those of us who work with survivors, their families, and Tribal communities grapple with to ensure we are not giving false expectations with new programs and laws.

While Alaska Tribes and other Tribes located in PL 280 states often lack the necessary resources, the development of Tribal plans may be the way for Tribes to take advantage of this important law. Tribes will require the federal government to quickly provide the necessary resources to make this law meaningful and realize the changes that Native women and Tribal communities need.

How Alaska Native Jurisdiction is Different

The situation in Alaska is different from all of Indian Country because Alaska Tribes have no treaties, which often define important governmental authority and territorial jurisdiction.

The Alaska Territory was purchased by the United States from Russia in 1867. Three short years later, Congress prohibited the President from “treating” with Tribal governments.² Alaska was a territory for almost a century until becoming a state during a time known as the Termination Era of federal Indian policy (the mid-

1 When Men Murder Women 4 (Violence Policy Center 2019). Missing and Murdered Indigenous Women and Girls 12. The Seattle-based Urban Indian Health Institute reports that Alaska is among the top ten states with the highest number of missing and murdered AI/AN. (Seattle Urban Indian Health Institute 2018).

2 25 U.S.C. §71. During this time, it is notable that the Civil War had just ended and the country was in the process of the “Reconstruction Era,” a time which the United States was reintegrating into the Union the states that had seceded and determining the legal status of African Americans. Alaska Territory was a far off world not part of this focus.

Because Alaska is a mandatory PL 280 state, and the maze of jurisdictional issues and other systemic barriers, there are extremely dangerous conditions for Alaska Native women across the entire state, especially those living in our small remote resource-poor communities. Without the extension of state services and resources to address the disparities in rural Tribal communities, the state of Alaska has failed Alaska Native women, children, and families.

1940s to mid-1960s).³ Public Law 83-280 (1953), now referred to as PL 280, was enacted during the Termination Era and transferred to certain states federal criminal jurisdiction over Indians living on Tribal lands. Before PL 280 was enacted, the federal and Tribal governments shared jurisdiction—exclusive of the states—over almost all civil and criminal matters involving Indians on Tribal lands. A month after Alaska became a state in 1958,⁴ the provisions of PL 280 were extended to Alaska as a “mandatory” state.

Alaska had several “Executive Order” Reservations and Native townsites, which were set aside for the benefit and use of “Indians” or “Eskimos.” The Alaska Natives were active in advancing their rights and were active in governance with the Alaska Native Brotherhood (1912) and the first civil rights act in the country while Alaska was still a Territory.⁵ In the 1960s, land rights became a primary issue—with the discovery of oil—the federal government wanted to put an end to any question of land status for Natives and gain access to the rich oil reserves.

The Alaska Native Claims Settlement Act (ANCSA)⁶ came at the tail end of the Termination Era—the policy designed to abolish Tribes and assimilate individual Indians. ANCSA created a new and novel approach to Tribal land tenure. Rather than recognize sovereign Tribal lands, ANCSA created for-profit corporations and transferred Tribal lands in fee to these entities to manage more than 40 million acres of land. ANCSA divided the

state into 12 regional corporations and over 200 village corporations that would identify with their regional corporation. Many of these villages had corresponding Tribal village governments, but with the passage of ANCSA, no meaningful or recognized land base. After ANCSA, the only remaining Alaska reservation is the Annette Island Reserve in Southeast Alaska.⁷

Unlike most court systems that have defined territorial jurisdiction and personal jurisdiction, Alaska Tribal courts generally exercise jurisdiction through Tribal citizenship, and not through a geographic space defined as “Indian country.” This is due to ANCSA and in part to *Alaska v. Native Village of Venetie Tribal Government*, 522 U.S. 520 (1998), a case in which the U.S. Supreme Court held that, with the exception of the Annette Island Reservation, there is virtually no Indian country in Alaska.

Indian country defines a confined area of territorial jurisdiction tied to a Tribe. The term “Indian country” means “(a) all land within the limits of any Indian reservation under the jurisdiction of the United States government, notwithstanding the issuance of any patent, and including rights-of-way running through the reservation, (b) all dependent Indian communities

7 18 U.S.C. § 1162 (Except as otherwise provided in sections 1154 and 1156 of this title; 28 U.S.C. § 1360. Pursuant to ANCSA, two Native corporations were established for the Neets’ aii Gwich’in, one in Venetie, and one in Arctic Village. In 1973, those corporations elected to make use of a provision in ANCSA allowing Native corporations to take title to former reservation lands set aside for Indians prior to 1971, in return for forgoing the statute’s monetary payments and transfers of non reservation land. See §1618(b). The United States conveyed fee simple title to the land constituting the former Venetie Reservation to the two corporations as tenants in common; thereafter, the corporations transferred title to the land to the Native Village of Venetie Tribal Government (the Tribe). However, the analysis of their land status is beyond the scope of this article.

3 68 Stat. 795; Pub. L. 85-615, § 1, Aug. 8, 1958.

4 Public Law 85-508 (July 7, 1958). (The statehood act was signed into law by the President on July 7, 1958. On January 3, 1959 the President signed the official proclamation admitting Alaska as the 49th state.)

5 House Bill 14, the Antidiscrimination Act of 1945.

6 43 U.S.C. 1601 et. seq. (1971).

within the borders of the United States whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a state, and (c) all Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same.”⁸ Most grants and federal programs reference eligibility of “Indian country” for certain programs. While federal programs have expanded their definitions for Alaska Native Tribes to take advantage of most programs as “dependent Indian communities,” *the lack of true legally defined “Indian country” and corresponding defined “jurisdiction, continues to create a dangerous situation in Alaska and for Tribal governments to protect their women and children.*

In addition, without the ability to tax, without Indian gaming, and without consistent and predictable Tribal court federal appropriations, Alaska Tribes lack the revenue typically available to other Tribal governments to fund and sustain essential government infrastructure and services such as a court or police force. All Alaska Tribes are in a similar position and must find innovative ways to raise government revenue and to leverage other resources to sustain their Tribal courts, public safety, and victim services. Because of this resource dilemma, available grants for developing and sustaining programs are a matter of life-or-death for Alaska Native women and Tribes.

In a PL 280 state, Alaska Tribal communities should have access to state justice services. However, those services are centered in a handful of Alaskan urban areas, making them more theoretical than real in rural Alaska. Because Alaska is a mandatory PL 280 state, and the maze of jurisdictional issues and other systemic barriers, there are extremely dangerous conditions for Alaska Native women across the entire state, especially those living in our small remote resource-poor communities. Without the extension of state services and resources to address the disparities in rural Tribal communities, the state of Alaska has failed Alaska Native women, children, and families.

Savanna’s Act: Will the State of Alaska Rise to the Challenge?

The purpose of Savanna’s Act is:

- to clarify the responsibilities of federal, state, Tribal, and local law enforcement agencies with MMIW;
- to increase coordination and communication among

⁸ 18 U.S.C. § 1151.



Without real change, resources, and accountability, Tribes in Alaska will continue to be left out of improvements designed to effectuate change. Savanna’s Act envisions real change and the findings of the law recognize the crisis, and real people, whose lives were changed forever as a result of the untimely death of their loved one.

–Michelle Jaghaal.aat Demmert,
Law & Policy Director, AKNWRC



federal, state, Tribal, and local law enforcement agencies, including medical examiner and coroner offices;

- to empower Tribal governments with the resources and information necessary to effectively respond to cases of missing or murdered Indians; and
- to increase the collection of relevant and accurate data related to missing or murdered Indian men, women, and children, regardless of where they reside, and the sharing of information among federal, state, and Tribal officials responsible for responding to and investigating cases of missing or murdered Indians.

While the federal government recognizes the investment needed to respond to the MMIW crisis, the state of Alaska is yet to similarly respond. State House Bill 38, the short title “Missing/Murdered Indigenous Women” was introduced in 2020, but no hearing was held. A similar bill (HB 277) was introduced in 2019 without any meaningful action.

Staff from the Bureau of Indian Affairs (BIA) and the

DOJ, have acknowledged that without the cooperation of the PL 280 states, Tribes located within these states will have limited benefits of Savanna's Act.

The U.S. Attorneys are to develop regional MMIW guidelines that include:

- (1) guidelines on inter-jurisdictional cooperation among law enforcement agencies at the Tribal, Federal, State, and local levels, including inter-jurisdictional enforcement of protection orders and detailing specific responsibilities of each law enforcement agency;
- (2) best practices in conducting searches for missing persons on and off Indian land;
- (3) standards on the collection, reporting, and analysis of data and information on missing persons and unidentified human remains, and information on culturally appropriate identification and handling of human remains identified as Indian, including guidance stating that all appropriate information related to missing or murdered Indians be entered in a timely manner into applicable databases;
- (4) guidance on which law enforcement agency is responsible for putting information into appropriate databases under paragraph (3) if the Tribal law enforcement agency does not have access to those appropriate databases;
- (5) guidelines on improving law enforcement agency response rates and follow-up responses to cases of missing or murdered Indians; and
- (6) guidelines on ensuring access to culturally appropriate victim services for victims and their families.

How will a state that does not prioritize the safety of women and children implement these requirements?

The federal government could have jurisdiction if assistance is requested, and in certain cases does not have to wait to act. Even though the Alaska Tribes have concurrent jurisdiction with the state of Alaska, very few have law enforcement of their own, which is the barrier to the federal law enforcement's involvement. One solution is for the Tribes to directly request assistance from federal law enforcement, which would help close one of the current public safety gaps. Tribes have concurrent jurisdiction and should be able to directly request assistance regardless of whether they have Tribal police.

Tribes in the state of Alaska should also be able to

take advantage of Section 5(f) of Savanna's Act, which provides that Indian Tribes may submit their own response guidelines for cases of missing or murdered Indians to the Attorney General and in return, the federal government should immediately develop a plan to distribute grant funds to Tribes within the state of Alaska and other PL 280 states. Technical assistance should be provided immediately to agencies that can assist Tribes in developing their own plans and should include a commitment from the federal agencies.

Final Thoughts

There are far too many Alaska Native women and girls that have experienced victimization because they are Indigenous women. AI/AN people have suffered abuse and death because the government has failed their legal and moral trust responsibility to assist Indigenous nations in safeguarding the lives of our women and children. Alaska Tribes and Tribal communities have few options when seeking help, such as safe shelter, sexual assault services, law enforcement, medical and mental health services, or any type of help dealing with the prevention and aftermath of victimization. The lack of fundamental services results in death or one of our relatives going missing; our women experience multiple traumas from birth to death. Without real change, resources, and accountability, Tribes in Alaska will continue to be left out of improvements designed to effectuate change. Savanna's Act envisions real change and the findings of the law recognize the crisis, and real people, whose lives were changed forever as a result of the untimely death of their loved one. Savanna's Act is one step in the right direction, but to be effective in the state of Alaska—with some of the worst numbers—the state and federal agencies need to work together with Tribes in a collaborative manner with resources provided now, not years from now.

Speaking Our Truth
Podcast for Change



Hear more from Michelle Jaghaal.aat Demmert on Episode 21 of Speaking Our Truth, Podcast For Change at niwrc.org/podcast

Oral Testimony of Michelle Demmert, AKNWRC

U.S. Senate Committee on Indian Affairs Legislative Hearing on the Urgent Need to Reauthorize the Violence Against Women Act

December 8, 2021



My name is Michelle Demmert, and I am an enrolled citizen and the former Chief Justice of Central Council Tlingit and Haida Indian Tribes of Alaska Supreme Court, and serve as the Law and Policy Director for the Alaska Native Women's Resource Center.

The rates of violence experienced by Alaska Natives are shocking. Alaska ranks as one of the most dangerous places in the nation for women.¹ This is especially true for Alaska Native women.² While Alaska Natives comprise approximately 19% of the state population, the Alaska Criminal Justice Commission reports that 46% of reported felony level sex offenses involved Alaska Natives.³ Given the many barriers to reporting, we assume this is an underestimate. Available data suggests that among other Indian Tribes, Alaska Native women suffer the highest rates of domestic and sexual violence in the country.⁴

Alaska has the highest number of missing Indigenous persons, too. As of August 2021, 40% of the missing Alaska Native and American Indian people in NamUs were from Alaska.⁵

These deaths, these missing women, are the devastating manifestation of centuries of oppression and broken

1 See, e.g., "Missing or murdered? In America's deadliest state, one family is still searching for answers," USA Today, June 25, 2019, available at <https://n8ve.net/sRMu0>.

2 Alaska Native Women Suffer the Highest Sexual Assault Rates in the Country," The Crime Report, Feb. 2, 2021, available at <https://n8ve.net/ZAozh>.

3 Alaska Criminal Justice Commission, "Sex Offenses: A Report to the Alaska State Legislature," April 5, 2019, pg. 10.

4 A Roadmap for Making Native America Safer: Report to the President and Congress of the United States at 41 (November 2013), available at <https://n8ve.net/3xTEO>.

5 <https://n8ve.net/0WQAA>.

systems that have failed to protect Native women and children from birth to death for generations.

The combined impact of public law 280, the Supreme Court's Venetie decision and the timing of historical events in Alaska, leave us Natives dependent on the state for public safety and justice. My written testimony discusses the legal framework in Alaska; today I will focus on what this legal framework means for Alaska Natives.

It can be difficult to understand a place in America where you cannot call 911 for a quick response within minutes. Such is the case in Alaska. We do not have a centralized 911 system and the state criminal justice and victim services are located in a handful of urban areas, making them more theoretical than real in rural Alaska. Many villages lack law enforcement.

We might have to leave a message and wait hours, days, and sometimes weeks for a necessary response. Sometimes the response is nothing more than a phone call saying that it doesn't rise to the level for an investigation.

Because we lack the necessary resources and infrastructure to manage these issues on our own, our children are often our first responders, and our Tribal leaders and advocates act as law enforcement and preserve crime scenes. I'd like to share two examples:

- In a homicide case, it took 11 hours for law enforcement to appear. The 13-year-old victim's body laid outside across the street from the family's home. Sometimes these crime scenes are like this for days on end. We have lost our loved ones and

are powerless to do anything more than sit vigil protecting a crime scene until law enforcement arrives.

- In a 2018 case in a small remote interior village, a victim waited 17 days to get out of the village to safety. During this time, the victim was treated at the clinic and called Alaska State Troopers located in a hub community one hour away by plane. The weather was unflyable for 3 weeks. In addition, she could not get to a regional medical clinic for further treatment, and law enforcement could not get into the community for an investigative report.

The circumstances described above are repeated throughout remote Alaska. They will continue until our local governments have the authority and resources they need to address public safety.

As you have heard, many Tribes outside Alaska have successfully exercised jurisdiction over non-Indians who abuse Native women since the passage of VAWA 2013. Indian Tribes in Alaska were effectively excluded from that legislation because of the use of the term “Indian Country”, which Alaska Tribes lack. We have called on Congress to remove the legal barriers denying Alaska Native victims of violence access to justice from their own Tribal governments, and we are encouraged by current efforts to do so.

We support the creation of a Pilot Project in Alaska. Specifically, we recommend:

1. the creation, with DOJ support, of an Alaska specific Intertribal Special Domestic Violence Court Jurisdiction Working Group;
2. a planning phase with robust technical assistance for code drafting, training, and court capacity building; and
3. sufficient financial support for costs related to both planning and implementation.

We strongly support proposed amendments to VAWA 2013 related to improvements for SDVCJ.

Conclusion

Thank you for releasing the discussion draft today. It represents an important step forward and we appreciate the bipartisan work of the Chairman and Vice-Chairman to reform the outdated federal laws that prevent Tribal nations—including those in Alaska—from protecting our communities.

In the Tlingit Language, we had no words or descriptions for violence within a family home. Restoring and enhancing local, Tribal governmental capacity to respond to violence against women provides greater local control, safety, accountability, and transparency. As a result, we will have safer communities and a pathway for long-lasting justice. I look forward to providing additional specific feedback to the Committee on the discussion draft.

Gunalchéesh! Háw’aa! Thank You!

Alaska Native Women’s Resource Center Annual Unity Meeting

Increasing the Safety of Alaska Native Women

By Michelle Jaghaal.aat Demmert,
Ch’áak from the Kaax’oos.hittan of the Man’s foot clan of the Eagle moiety, and a citizen of the Central Council Tlingit and Haida Indian Tribes of Alaska, Law & Policy Director, AKNWRC

The Alaska Native Women’s Resource Center (AKNWRC), along with its partners, the National Indigenous Women’s Resource Center (NIWRC), and the Indian Law Resource Center held its sixth annual Unity Meeting on December 10, 2021. The Unity meeting, modeled after the National Congress of American Indians (NCAI) Violence Against Women (VAW) Task Force, which convenes the day before the three NCAI conventions each year, is typically convened the day before the Alaska Federation of Natives (AFN) annual conference. The AFN conference, which is usually held in October beginning on a Thursday and running through Saturday was moved to December this year and held virtually because of the ongoing concerns of the COVID-19. The AFN conference was held on December 13 and 14, 2021, via webcast.

The Unity meeting, with more than 60 in attendance, covered topics similar to what the NCAI VAW Task Force covers but focuses on the impacts to Alaska and guides how to best focus limited resources to rural communities. Highlights from the AKNWRC team included information about ongoing initiatives, relevant federal and state legislation, policies, new programs, and information about how the AKNWRC can be available to assist Tribal communities as they address gender-based violence issues, housing, and related issues. Two such initiatives include a Missing and Murdered Indigenous Women (MMIW) community action plan that can be used to address gender-based violence issues, and what to do if someone goes missing or dies unexpectedly by suspicious circumstances. Far too often the initial event happens, a call for help goes out and the family and community await answers and often have a feeling of powerlessness. The action plan guides about various activities that the community and family can engage in to keep the issue in everyone's awareness to hopefully find the person or find answers. In addition, the AKNWRC is nearly finished with an Alaska-specific violence against women book entitled, *Alaska Native Women: Ending the Violence, Reclaiming a Sacred Status* by Jacqueline (Jax) Agtuca.

Special guest Deborah Parker, National Native American Boarding School Healing Coalition Director of Policy & Advocacy, provided an update on the Truth and Healing on Indian Boarding Schools Policies Act that is introduced in both the United States Senate and House of Representatives. We know that the source of many issues related to gender-based violence has stemmed from the violent history and colonization by the United States, which includes the horrific removal of children as young as 3 to boarding schools where they were required to speak only in the English language or be subject to extreme punishment and abuse.

The Unity meeting also heard from several partners, such as the Yup'ik Women's Coalition, Alaska Native Justice Center, Healing Native Hearts Coalition, Alaska Network on Domestic Violence and Sexual Assault, and Central Council Tlingit and Haida Indian Tribes of Alaska Violence Against Women Task Force. These updates, from various Alaska regions, covered the great programs and services being provided around the state and the gaps in services that still exist. In addition, there was a report from the NIWRC about national initiatives that are available to all Tribes, their work with the Native Hawaiian women in establishing a resource



We have created new printed educational materials and continue to develop new and expanded partnerships to strengthen the voices of Alaska Native people throughout the nation.

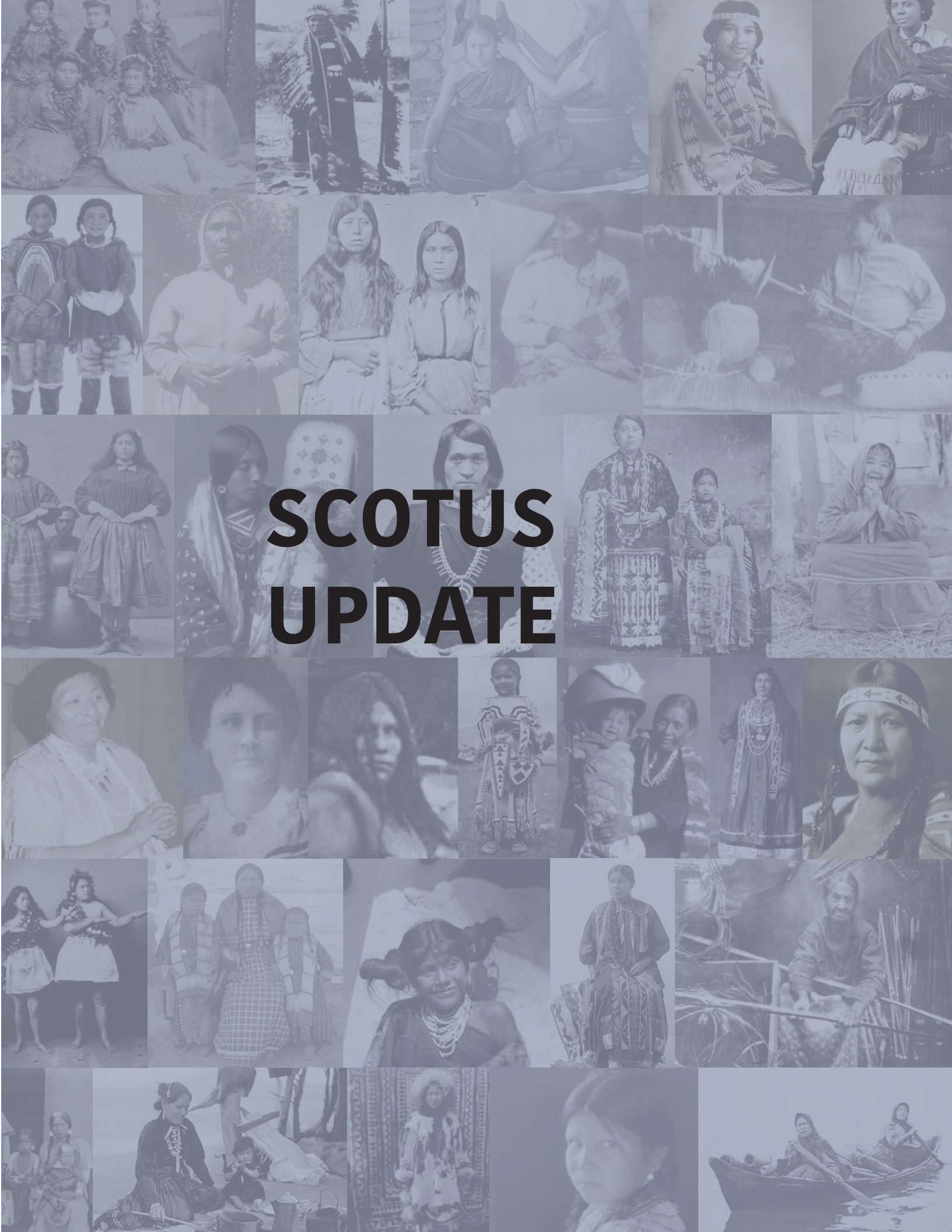
–Tamra Truett Jerue, AKNWRC Executive Director



center, and how *Restoration* magazine can be utilized to keep updated on important issues, laws, and policies. The Indian Law Resource Center provided updates on the international front, climate meetings, and upcoming United Nations events and initiatives on gender-based violence issues.

The bittersweet highlight of the day was honoring the life of Shirley Moses as the first recipient of the newly created annual Tribal Advocacy Award. Shirley, who passed away earlier this year, was one of the founding members and co-chair of AKNWRC along with many other titles and credits to her name. Participants enjoyed a slideshow of Shirley and were able to share special memories of her as a friend, mother, auntie, and mentor. She made a big impact on many and her presence was and will continue to be greatly missed. However, her legacy of advocacy will live on.

We do not know what 2022 will hold and whether the Unity meeting will be virtual or in-person again. What is known is the AKNWRC will continue to work with communities and partners to improve access to resources and raise awareness about the disproportionate rate of gender-based violence to our communities. Executive Director, Tamra Truett Jerue summed up the commitment and tenacity of the staff and partners as 2021 closes, “We believe in our communities and our survivors. We are excited to offer several virtual webinars about a variety of topics that will help increase awareness and build capacity in Tribal communities. We have created new printed educational materials and continue to develop new and expanded partnerships to strengthen the voices of Alaska Native people throughout the nation.”



SCOTUS UPDATE

SCOTUS UPDATE

NIWRC's *Amicus* Brief Filed In *Denezpi v. United States*, No. 20-7622

By Julie Combs, *Cherokee Nation*, Associate Attorney, and Mary Kathryn Nagle, *Cherokee Nation*, Counsel to NIWRC, Pipestem & Nagle, P.C.



On January 18, 2022, the National Indigenous Women's Resource Center (NIWRC) filed an *amicus* brief in the United States Supreme Court in support of the United States in *United States v. Merle Denezpi*. The NIWRC's brief was joined by the National Congress of American Indians (NCAI), the oldest and largest national organization comprised of Tribal Nations and their citizens. The petitioner, Denezpi, asked the Supreme Court to address whether a Court of Indian Offenses ("CFR court") constitutes a federal agency such that the U.S. Constitution's Double Jeopardy Clause precludes his subsequent prosecution in a United States District Court for the same conduct underlying his conviction in CFR court. In its *amicus* brief, the NIWRC argued in support of the United States's position that under the "separate sovereigns doctrine" Denezpi's dual prosecutions did not violate the U.S. Constitution's Double Jeopardy Clause. The Supreme Court took up a similar legal question regarding the separate sovereigns doctrine in *Gamble v. United States* in 2019, a case in which the NIWRC also filed an *amicus* brief. In that case, the Supreme Court found the separate sovereigns doctrine is constitutional and remains in force (that case concerned dual prosecutions in federal and state courts, and the NIWRC's *amicus* brief educated the Supreme Court on the potential implications of a decision eroding the separate sovereigns doctrine).

The *Denezpi* brief is the NIWRC's ninth *amicus* brief filed pursuant to the Violence Against Women Act (VAWA) Sovereignty Initiative, an initiative aimed at educating the courts, including the United States Supreme Court, on the connection between sovereignty and safety for Native women and the concomitant need to protect

and preserve VAWA's restoration of Tribal sovereign authority to prosecute non-Indian offenders. The *Denezpi* case necessitated the filing of a NIWRC *amicus* brief since the underlying case involves a sexual assault committed against a Native woman on Tribal lands, and furthermore, because an adverse decision declaring CFR courts to be "federal" would significantly impede the ability of Tribal Nations utilizing CFR courts to protect their women and children from domestic violence and sexual assault.

Background of the Case

Merle Denezpi, a Navajo citizen, was arrested on July 20, 2017, by Ute Mountain Ute Tribal authorities and charged with violating Ute Mountain Ute assault and battery laws, as well as two provisions regarding terroristic threats and false imprisonment of the Code of Federal Regulations, for his July 17, 2017, sexual assault of a Navajo woman. The assault was committed while the two were at Denezpi's girlfriend's house on the Ute Mountain Ute Indian reservation near Towaoc, Colorado. Mr. Denezpi entered a plea to the assault charge under Tribal and federal law in CFR court and on December 6, 2017, he was released from Tribal custody for time served.

Six months after Denezpi was released from Tribal custody, he was indicted by a federal grand jury on one count of aggravated sexual abuse in Indian country under federal law. He moved to dismiss the indictment on grounds that it violated the Fifth Amendment's Double Jeopardy Clause. The United States District Court for the District of Colorado denied Denezpi's motion and at the trial, he was found guilty of his federal charge and sentenced to 360 months in prison. Denezpi appealed

As the United States government and its courts have recognized, Native women experience the highest rates of violence in the United States, constituting a crisis.

the district court's decision to the United States Court of Appeals for the Tenth Circuit on two grounds: (1) challenging the denial of his motion to dismiss on Double Jeopardy grounds, and (2) challenging the district court's denial of his motion to strike certain testimony offered by the victim.

On October 28, 2020, the Tenth Circuit issued an opinion in *United States v. Denezpi*, 979 F.3d 777 (10th Cir. 2020), holding that Denezpi's subsequent conviction in federal court under federal law did not violate the U.S. Constitution's Fifth Amendment Double Jeopardy provision because the ultimate source of power behind the CFR court's prosecution of Denezpi was the Ute Mountain Ute Tribe's inherent sovereignty, and accordingly, the dual prosecutions are not subject to the Double Jeopardy Clause pursuant to the Supreme Court's separate sovereigns doctrine. The Tenth Circuit affirmed the District Court's ruling, denying his motion to strike testimony as well. The Tenth Circuit followed the Supreme Court's decision in *United States v. Wheeler*, 435 U.S. 313 (1978), wherein the Supreme Court concluded that Tribes are independent, separate sovereigns and therefore a Tribal conviction does not bar a subsequent federal prosecution. The Tenth Circuit also cited *Gamble v. United States*, 139 S. Ct. 1960 (2019), in recognizing the continued existence of the separate sovereigns doctrine, generally. In its opinion, the Tenth Circuit applied the same principle from *Wheeler* to the Ute CFR Court, finding that although *Wheeler* did not specifically address whether CFR courts are covered under the separate sovereigns doctrine, the Ute CFR Court "derives its power from the inherent sovereignty of the tribe" and therefore the separate sovereign doctrine applies to CFR courts. *Denezpi*, 979 F.3d at 782.

The NIWRC Amicus Brief

The NIWRC filed its *amicus* brief in *Denezpi* on January 18, 2022, arguing that a conclusion that CFR courts are federal, and not Tribal, would significantly hinder the ability of Tribal Nations to bring charges for sexual assault and domestic violence crimes, which would greatly endanger the safety of Native women and children across Indian Country. The NIWRC's participation in the case is critical as the underlying criminal act in *Denezpi* was in fact an act of sexual violence against a Native woman. As the NIWRC noted in the opening of its brief, even though violence against Native women traces its roots to the origins of colonialism, the continued acceptance of violence against Native women in the culture at large is made possible by a legal framework that prevents Tribal Nations from prosecuting most violent crimes committed against Native women and children, necessitating a dual sovereign framework where both CFR courts (acting under inherent Tribal authority) and federal courts can prosecute for crimes committed against Native women and children on Tribal lands.

The *amicus* brief argued four main points: (1) the current rates of violence against Native women and children constitute a crisis; (2) CFR courts play a critical role in addressing sexual assault and domestic violence crimes committed against Native women and children; (3) jurisdictional and sentencing limitations imposed on Tribal Nations (and therefore CFR courts) renders Tribal-federal collaboration critical for the safety of Native women and children; and (4) excluding CFR courts from the separate sovereigns exception would undermine safety and justice for Native women and children.

The Current Rates of Violence Against Native Women and Children Constitute a Crisis

First, the *amicus* brief argued that as the United States government and its courts have recognized, Native women experience the highest rates of violence in the United States, constituting a crisis. In 2016, the Supreme Court itself recognized in *United States v. Bryant*, 136 S. Ct. 1959, that according to the CDC, “as many as 46% of American Indian and Alaska Native women have been victims of physical violence by an intimate partner.” According to a 2016 report released by the National Institute for Justice, a United States Department of Justice agency, more than 4 in 5 Native people have been victims of violent crime and over 56.1% of Native women report being victims of sexual violence.

The NIWRC then stated that the five States in which CFR courts are presently located, which are home to 91 federally recognized Tribes collectively, experience incredibly high levels of violent crime against Native women: New Mexico, Oklahoma, Colorado, Nevada, and Utah. The states of New Mexico and Utah have recently established their own task forces to specifically combat the Missing and Murdered Indigenous Persons crisis within their borders and Oklahoma has passed legislation to fund a task force for this purpose. Ultimately, the NIWRC argued this crisis plays a toll on Native communities and undermines the sovereignty of Tribal Nations by threatening their health, safety, and welfare. Native people pay the price for this crisis, as seen in the staggering level of post-traumatic stress disorder (PTSD) in Tribal communities.

Jurisdictional and Sentencing Limitations Imposed on Tribal Nations (and therefore CFR Courts) Renders Tribal-Federal Collaboration Critical for the Safety of Native Women and Children

Additionally, the NIWRC’s *amicus* brief argued the crisis of violence against Native women and children is exacerbated by a complex jurisdictional maze, which both federal and Tribal sovereigns must navigate to determine who can prosecute crimes that victimize Native people. As it stands, federal law dictates that before criminal jurisdiction over a crime committed in Indian country is exercised by a sovereign, there must be a determination of (1) the status of the land where the crime was committed; (2) whether the perpetrator is Indian; and (3) whether the victim is Indian. These fact-determinative issues greatly impede the ability of law enforcement to promptly respond to a domestic violence call, which places Native women and children at enormous risk.

The ability of Tribal Nations utilizing CFR courts to swiftly prosecute and hold abusers accountable is vital to ensuring the safety of domestic violence victims on their reservations, and the Supreme Court should not follow petitioner Denezpi’s urgings to eliminate these vital avenues of justice in Indian Country.

The NIWRC pointed out that federal law severely restricts the ability of Tribal Nations to sentence convicted criminals, which inhibits the assurance of public safety on Tribal lands. The Indian Civil Rights Act prohibits Tribal courts, including CFR courts, from imposing a prison term greater than one year for a criminal offense. The Supreme Court noted in *United States v. Bryant*, 136 S.Ct. 1954 (2016), that “a year’s imprisonment per offense . . . [is] insufficient to deter repeated and escalating abuse.” Despite this burdensome limitation, the NIWRC argued that at least under the existing “separate sovereigns” framework, there is some punishment for these violent offenses. If the Court were to rule that CFR courts cannot prosecute alongside the federal government, then the “backstop” protection of a Tribal court sentence would no longer exist and many defendants would simply face no time behind bars for their crimes of violence against Native women and children.

CFR Courts Play a Critical Role in Addressing Sexual Assault and Domestic Violence Crimes Committed



Mary Kathryn Nagle, Cherokee Nation, Pipestem & Nagle, P.C., Counsel to NIWRC.
/ Photo courtesy of Mary Kathryn Nagle.

Against Native Women and Children

Next, the NIWRC highlighted the critical role that CFR courts play in addressing sexual assault and domestic violence crimes committed against Native women and children. In 2020, 51% of assault cases brought in the Southwest Region CFR Court included domestic violence charges, the overwhelming majority of which were not and will likely never be pursued by the United States Attorney's Office. In one case from the Southwest Region, a Native victim jumped from a vehicle while stopped on a highway to escape an abuser who drove over 50 miles recklessly, while threatening to kill themselves

and the victim before she was pursued on foot by the abuser and tackled. In another case from the same Court, a victim's abuser pursued her into her bedroom to take her cell phone, pinned her on the bed face down with his body, wrenched her arm behind her back, and repeatedly bit her forcefully enough to leave bite marks on her body.

These cases are horrific and justice for these victims should not be placed in jurisdictional limbo because these victims live on the reservation of a small Tribal Nation that continues to use a CFR court. The NIWRC pointed out in its brief that the history of CFR courts shows that the courts initially served a purpose that has now been fully nullified—Congress originally intended CFR courts to be a mechanism to eradicate the governments of Tribal Nations and as a tool for cultural assimilation. Importantly, federal policy surrounding CFR courts changed over the past century and a half, and now the Secretary of the Interior is required to consult with Tribes regarding CFR courts. Today, they are viewed as a mechanism for Tribes to exercise their inherent jurisdiction and sovereignty. The NIWRC argued that the ability of

Tribal Nations utilizing CFR courts to swiftly prosecute and hold abusers accountable is vital to ensuring the safety of domestic violence victims on their reservations, and the Supreme Court should not follow petitioner Denezpi's urgings to eliminate these vital avenues of justice in Indian country.

Excluding CFR Courts from the Separate Sovereigns Exception Would Undermine Safety and Justice for Native Women and Children

Lastly, the NIWRC argued that excluding CFR courts from the "separate sovereigns" doctrine will

considerably hinder the effective prosecution of violent crimes committed against Native women and children, which, in turn, undermines safety in Indian country. If Tribes using CFR courts are forced to choose between a CFR court and a federal prosecution, then they will face two alternative, frustrating choices (1) waiting to see if federal charges will be filed against a defendant to allow for a meaningful sentence that matches the severity of the crime, but because Double Jeopardy now applies, they risk losing the possibility of filing any Tribal charges in CFR court in the event of a federal declination because the Tribal statute of limitations will have already tolled; or (2) bringing Tribal charges in CFR court to ensure some sort of justice, thereby precluding the possibility of a subsequent federal prosecution and a meaningful sentence that could deter future violent crimes committed by the same, or additional, offenders.

Unfortunately, if Tribes are forced into this position, Tribes cannot rely upon the federal government to always seek justice for Native victims. Federal declination rates substantiate the harm that may be done if the “separate sovereigns” exception does not apply to CFR courts. In 2019, of the 2,426 Indian country matters, 32 percent were declined by the United States Attorney’s Office. Prosecution is vital to addressing the cyclical nature of domestic violence, which has been demonstrated to increase in severity with each repeated act of abuse. The NIWRC argued it is important for a CFR court to immediately prosecute a violent intimate partner offender under Tribal law and still leave the door open for federal prosecution to achieve a meaningful sentence because often—even when domestic violence victims can escape the relationship—the likelihood of additional violence still increases. Because the overwhelming majority of violence committed against Native women and children is committed by spouses and partners of Native women, a short sentence is likely not to deter them from repeated acts of violence.

Finally, the NIWRC argued that Tribal-federal coordination is critical to safety in Indian country and the separate sovereigns doctrine facilitates this coordination. In May of 2015, the Indian Law and Order Commission released its final report, noting a specific case from the Ute Mountain Ute Reservation where the *Denezpi* case arose. The report noted that on the Ute Mountain Ute Reservation, when reported homicide rates in 2005-2006 were hundreds of times higher than the statewide rate, Chairman Ernest House, Sr. convened

a working group to prevent and combat crime, and focus on better coordination across jurisdictional lines. As a result, violent crimes have fallen in virtually every major category on the Reservation. Ultimately, if CFR courts are classified as federal courts, Tribal Nations will be placed in a dilemma that would not serve a constitutional purpose under the Double Jeopardy Clause and Native women and children will be placed in even greater danger.

The brief was filed on January 18, 2022. The Supreme Court will hear arguments in Denezpi on February 22, 2022. The case will likely be decided before the end of June 2022.

PIPESTEM & NAGLE, P.C.

LEARN MORE

Visit NIWRC’s VAWA Sovereignty Initiative page to learn more and donate:

niwrc.org/vawa-sovereignty-initiative

Listen to Speaking Our Truth Podcast for Change, Episode 22 with Mary Kathryn Nagle at niwrc.org/podcast

Speaking Our Truth

Podcast for Change



“Even though violence against Native women traces its roots to the origins of colonialism, the continued acceptance of violence against Native women in the culture at large is made possible by a legal framework that prevents Tribal Nations from prosecuting most violent crimes committed against Native women and children.”

–Julie Combs, *Cherokee Nation*, Associate Attorney
Pipestem & Nagle, P.C.





INTERNATIONAL UPDATE

INTERNATIONAL UPDATE

COVID-19, Climate Change, And Indigenous Women's Rights

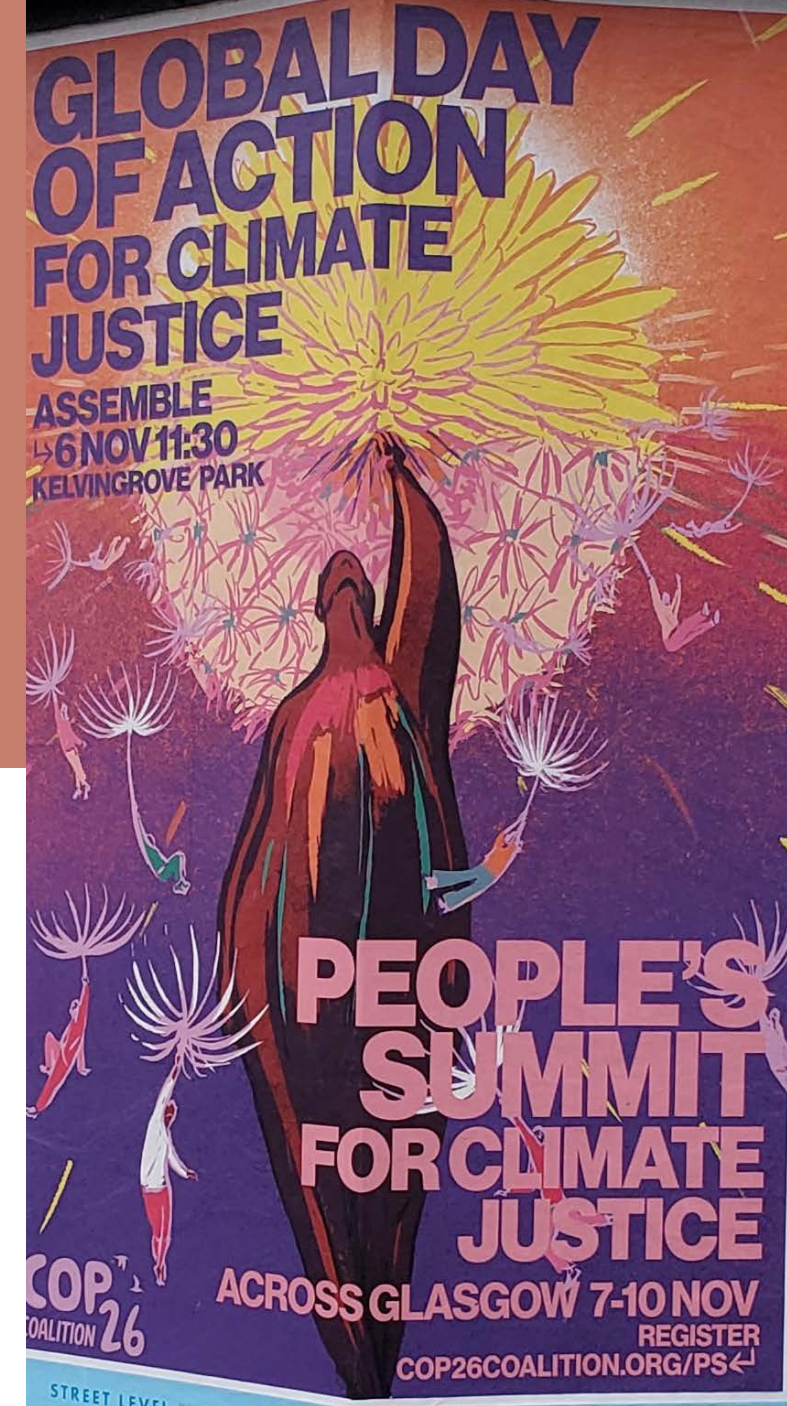
By Jana L. Walker, *Cherokee Nation/Delaware Tribe/Loyal Shawnee descent*, and Christopher Foley, *Cherokee Nation, Attorneys, Indian Law Resource Center*

UN Human Rights Council 48th Session: Key Outcomes

The United Nations Human Rights Council is a United Nations (UN) body whose mission is to protect and promote human rights worldwide. During its 48th Session held September 13-October 11, 2021, the Council focused on two global issues adversely impacting the rights of Indigenous people and especially the rights of Indigenous women—the COVID-19 pandemic and climate change.

Both of these global phenomena pose special threats to the rights of Indigenous peoples and to the safety of Indigenous women. Experts and bodies within the UN have long recognized the need to respond directly to the specific needs of Indigenous women, including the need for states to take action to prevent and eliminate all forms of violence and discrimination against Indigenous women. The UN further recognizes that Indigenous women often suffer multiple, intersecting forms of discrimination and higher rates of violence than other women. They are battered, raped, murdered, and disappear at extraordinary rates because of their gender and because they are Indigenous.

More than 4 in 5 Indigenous women in the U.S. have experienced violence, with Alaska Native women reporting assault rates 12 times higher than those in the rest of the country. Some 90% of Indigenous victims have reported sexual violence by a non-Indigenous perpetrator over whom Tribal governments lack full criminal jurisdiction. The murder rate for American Indian women



Photograph of Climate Justice poster taken at the 2021 Climate Talks, COP26, Glasgow, Scotland. / Photo courtesy of Chris Foley, ILRC.

is 10 times the national average on some reservations. Alaska Native women's daily situation is dire with one in two Alaska Native women experiencing sexual violence or physical violence. Missing and murdered Indigenous women (MMIW) in the United States is an alarming crisis, with Alaska having one of the highest rates of MMIW.

Like their American Indian and Alaska Native (AI/AN) sisters, Native Hawaiians also experience higher social, economic, and health disparities, including rates of domestic violence, sexual assault, and human trafficking.

Both the UN and the American Declarations on the Rights

The United Nations recognizes that Indigenous peoples are particularly vulnerable to the negative impacts of the COVID-19 pandemic and climate change, and that the pandemic, as well as climate change, may well exacerbate violence against Indigenous women.

of Indigenous Peoples affirm the rights of Indigenous women to enjoy protection against all forms of violence and discrimination. Both Declarations also recognize that Indigenous peoples have the right to the conservation and protection of the environment and, in the American Declaration, have an explicit right to a healthy, safe, and sustainable environment.

The UN recognizes that Indigenous peoples are particularly vulnerable to the negative impacts of the COVID-19 pandemic and climate change and that the pandemic, as well as climate change, may well exacerbate violence against Indigenous women. In the case of the pandemic, the UN acknowledges that violence against women is growing as a shadow pandemic. Curfews, quarantines, and travel restrictions being used to slow the virus also restrict survivors of abuse from getting help, reaching shelters, and distancing themselves from abusers. In the United States, the pandemic has magnified historic, pervasive human rights abuses such as the extreme levels of violence experienced by AI/AN women and the crisis of MMIW.

In the case of climate change, the UN has noted that it can fuel violence against women and be a serious aggravating factor of gender-based violence and discrimination against Indigenous communities.

Indigenous Women and the COVID-19 Pandemic

On September 28, 2021, the Human Rights Council held its annual half-day panel discussion on the rights of Indigenous peoples. This year, the theme focused on the situation of human rights of Indigenous peoples facing the COVID-19 pandemic, offering an opportunity to inform and foster the Council's understanding of how the pandemic is impacting Indigenous women in the

United States, including Alaska Native women. Due to measures in place at the UN to prevent the spread of COVID-19, non-governmental organizations were only able to participate virtually. We were grateful that the Council selected the video statement of the Indian Law Resource Center, delivered by Tami Truett Jerue, Executive Director of the Alaska Native Women's Resource Center (AKNWRC), to be broadcast during its live session from Geneva, Switzerland. The statement emphasized that violence against Indigenous women in the United States, particularly Alaska Native women, is a human rights scourge made worse by the pandemic. Additionally, the statement pointed out that the pandemic sharply illuminates the shocking inequalities still facing Indigenous women with regard to safety, health, life expectancy, and almost all other measures of social wellbeing—inequalities rooted in the United States' failure to respect Indigenous peoples' rights for more than 200 years.

In the statement, we called on the Council to

1. Urge the United States to take all necessary measures to respect Indigenous women's rights as affirmed in the UN Declaration on the Rights of Indigenous Peoples;
2. Encourage a multi-faceted response to this topic by special procedures and the Expert Mechanism, including through country visits and reports to the Council; and
3. Encourage the Expert Mechanism to address violence against Indigenous women in the United States in the context of the pandemic, to monitor the state's relevant legislative measures to ensure they meet the standards in the UN Declaration, and to prepare a thematic or other report with specific recommendations about the situation in Alaska and the national crisis of MMIW.



Chris Foley (left) and Miranda Carman (center) from Indian Law Resource Center staff with representatives from Brazilian Indigenous organization COIAB. This photo was taken after a panel organized by the Center during the 2021 meeting of the United Nations Climate Change Conference (COP26) held in Glasgow, Scotland. The panel discussion focused on how restoring Indigenous sovereignty and land rights can help combat climate change globally and build climate resiliency in Indigenous communities. / Photo courtesy of Chris Foley, ILRC.

To view the entire panel discussion, visit n8ve.net/fjtoI. The video statement begins on the timer at 1:24:41.

The Indian Law Resource Center also filed a written statement, *Violence Against Indigenous Women in the United States of America – A Human Rights Scourge Exacerbated by the COVID-19 Pandemic*, which was supported by the AKWNRC and the National Indigenous Women’s Resource Center (NIWRC). The written statement, A/HRC/48/NGO/66, is available at n8ve.net/s2EvI.

Climate Change and the Rights of Indigenous Women

A significant development in the Human Rights Council during the 48th Session was the adoption of landmark Resolution 48/13, finally recognizing the human right to a safe, clean, healthy, and sustainable environment “that is critical to the enjoyment of all human rights.” [A/HRC/RES/48/13]

Resolution 48/13 explicitly recognizes that, “while the

human rights implications of environmental damage are felt by individuals and communities around the world, the consequences are felt most acutely by those segments of the population that are already in vulnerable situations, including indigenous peoples, older persons, persons with disabilities, and women and girls.” The Resolution further recognizes that “environmental degradation, climate change and unsustainable development constitute some of the most pressing and serious threats to the ability of present and future generations to enjoy human rights, including the right to life.”

The Human Rights Council has invited the General Assembly to consider the matter.

The Human Rights Council also adopted Resolution 48/14 appointing a Special Rapporteur on the promotion and protection of human rights in the context of climate change. [A/HRC/RES/48/14]

This is a major development because climate change should be the most important policy issue nationally and



Climate change will also, in some instances, drive in-migration of extractive industries or shipping into Indigenous people’s territories as new resources become available, and these sorts of developments can lead to a major influx of non-Indigenous men into Indigenous territories, and this often leads to increases in gender-based violence.

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



internationally for the coming decades. The problem is so vast and the consequences of it are so severe that climate change will drive enormous amounts of what our governments do for a very long time. Accordingly, it will be essential—from a policy advocacy perspective—to think about how we can effectively talk about violence against Indigenous women in the context of climate change.

As Resolution 48/13 itself makes clear, climate change consequences fall most heavily on those already in vulnerable situations, including women and Indigenous peoples. It is Indigenous peoples who may be displaced, forced to relocate or migrate, or who suffer food insecurity from losing critical parts of their subsistence livelihoods derived from hunting, fishing, and gathering. Likewise, climate change-induced natural disasters and crises, such as flooding, erosion, drought, wildfires, or storms, can again increase the risk of violence against Indigenous women. These disruptions can all pose direct

threats to Indigenous women’s safety and they will also fuel gender-based violence indirectly by disrupting Indigenous peoples existing social and cultural protective factors.

Climate change will also, in some instances, drive in-migration of extractive industries or shipping into Indigenous people’s territories as new resources become available and these sorts of developments can lead to a major influx of non-Indigenous men into Indigenous territories, and this often leads to increases in gender-based violence. This is a pattern we see all over the world from the pipelines in the Bakken to the gold mining in the Amazon.

In sum, climate change response is likely to generate a great deal of state and federal policy in the coming years. The Human Rights Council’s resolution is important for our work because it begins to establish the legal framework to address climate change and gender-based violence as interrelated human rights violations and to offer a new framework we can use to describe our existing efforts. Likewise, the establishment of the Special Rapporteur provides us with a new UN human rights expert to communicate with about our work, so that in addition to talking about gender-based violence in relation to women’s rights, or human rights, or Indigenous rights, we can talk about it also in relation to environmental rights.

The full text of the Resolution is available at n8ve.net/EquIb3 The office of the Special Rapporteur on the promotion and protection of human rights in the context of climate change has not yet been filled.

LEARN MORE

Watch UN Panel Discussion on Rights of Indigenous Peoples, Featuring AKNWRC’s Tami Truett Jerue: n8ve.net/fjtol



March 14-25, 2022 **66th Session of the UN** **Commission on the Status of** **Women (CSW66)**

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 14-25, 2022, with the priority theme of "achieving gender equality and the empowerment of all women and girls in the context of climate change, environmental, and disaster risk reduction policies and programmes."

This year, to share information with the CSW, the Indian Law Resource Center has applied to organize a parallel event, Climate Change and Indigenous Women's Rights: Brazil; Guatemala; United States. Our partners for this proposed event are the AKNWRC, NIWRC, the Native Women's Society of the Great Plains, the Pouhana 'O Na Wahine, the Coordination of the Indigenous Organizations of the Brazilian Amazon (COIAB), which is the leading Indigenous rights organization working within the Brazilian Amazon that 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.

If approved, our event will feature a panel of Indigenous women from our partner organizations discussing how climate change may increase and fuel violations of Indigenous women's rights, including violence against Indigenous women, and the strategies they are pursuing to restore safety in their communities through policy reform. When available, details on how to attend this and other CSW Parallel Events will be posted at n8ve.net/48b11.

April 25-May 6, 2022 **20th Session of the UN** **Permanent Forum on** **Indigenous Issues**

Established by the UN Economic and Social Council (ECOSOC) in 2000, the Permanent Forum on Indigenous Issues is a high-level advisory body that deals solely with Indigenous issues. The Forum is mandated to discuss economic and social development, culture, the environment, education, health, and human rights. This year's session will take place April 25-May 6, 2022, and address the theme "Indigenous peoples, business, autonomy and the human rights principles of due diligence including free, prior and informed consent." Official documents and other information about the Session, as well as the pre-session North American Regional Dialogue, will be available at n8ve.net/ISUmj.





RESEARCH UPDATE

RESEARCH UPDATE

Opening Those Closed Doors - Advocacy and Actions, We Must

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

We are excited to introduce Kendra M. Root, MA as our new Research Associate at the National Indigenous Women's Resource Center (NIWRC). In her new position, her efforts will expand our research arm for the development of culturally, respectful, and ethically sound research.

The Importance of Culturally Appropriate Research

With our Indigenous lens, our research approach will provide culturally appropriate methods of study

regarding our Indigenous communities, to lift our Indigenous women's voices, experiences, and stories in a cultural, respectful, and ethical way. Our goals include Indigenous acknowledgment, lifting our traditional ways of teachings and life-ways, and advancing grassroots advocacy into action with lasting social and political change. Our Indigenous communities are our best resource and we will continue to expand on culturally appropriate research that has worked within our communities. We will further utilize constructed research to develop and produce academic resources to assist in providing information for training and technical assistance to our relatives and communities and push for policy reform purposes.

With a team of Indigenous women, educated in western constructs, we will provide transformational resistance to serve our Indigenous communities in a way that acknowledges, understands, and ultimately provides strategies of resistance to help preserve and promote self-determination and Tribal sovereignty for the safety and well-being of our Indigenous women.¹ Research constructed from the heart and in a good way is the only way to uplift our Indigenous women's voices, experiences, and stories, then and only then, will the work count.²

1 Brayboy, B. M. K. J. (2005). Transformational resistance and social justice: American Indians in ivy league universities. *Anthropology and Education Quarterly*, 36(3), 193-211.

2 Kovach, M. (2009). *Indigenous methodologies: Characteristics, conversations, and contexts*. University of Toronto Press.

Meet Kendra M. Root, MA, Research Associate, NIWRC

Citizen of Muscogee Nation
Descendant from the Euchee/Muscogee Nation Snow
Family of the Polecat Ceremonial Ground Region

Master's Degree from University of Oklahoma -
Native American Studies Department
Current Ph.D. student Oklahoma State University -
Department of Education and Human Sciences: Social
Foundations of Education

Visit Kendra's Biography: niwrc.org/staff



Honoring the Words of Tillie Black Bear

On December 10, 2021, *Opening Those Closed Doors - Advocacy and Actions, We Must*, was released in honor of the late Tillie Black Bear, the founding grandmother of the movement. In the continuation of our Indigenous research, a poem was written to honor and celebrate Tillie Black Bear on her birthday last December 10th, which is also recognized as Human Rights Day. Through a culturally appropriate qualitative research method recognizing the potentials of losing or missing the oral power in written narratives and through an Indigenous lens, this powerful poem was developed through observation of Tillie Black Bear's testimony on *Battered Women: Issues of Public Policy U.S. Commission on Civil Rights* from January 19, 1978.

With the development of *Opening Those Closed Doors - Advocacy and Actions, We Must*, the purpose is to uplift Tillie Black Bear's 1978 powerful testimony in poetic form and to importantly uplift her Indigenous voice of awareness, activism, and recommendations for the crisis of violence toward Indigenous women, which is still unfortunately very relevant today.

As grassroots advocates, we must continue the efforts of advocating and demanding action for the safety and protection of Indigenous women and children. Violence is not our tradition! We must continue to share Tillie's wise words through education of the ongoing crisis of violence against our Indigenous women. We must call upon policymakers to prioritize immediate action and provide the critical resources needed to assist Indian Tribes in safeguarding the lives of Native women.

As part of the research framework used to develop the poem, a video of the poem being read can be viewed in NIWRC's Resource Library: n8ve.net/q5FDo.

IN HONOR OF TILLIE BLACK BEAR OPENING THOSE CLOSED DOORS - ADVOCACY AND ACTIONS, WE MUST

As a Native American, I would like to make you aware of the fact of the problem of violence against Native American women, we must.

It happens with Native women and women of rural America; I am rural America, an Indian reservation and a survivor of domestic violence, we must.

I already had a master's, I was working, and I never thought that I would be in this situation, but I was; getting out of the situation, we must.

Immediate facilities and support groups for our Native women, we must.

Providing women's shelters for rural and bigger cities, we must.

The fact that the lack of money, lack of involvement; the problem has not been raised at a conscious level with the people, we must.

Interdisciplinary cooperation among agencies, we must.

This problem of violence against Native women, we need to deal with reverse discrimination, we must.

The family unit is an important unit within communities, we must.

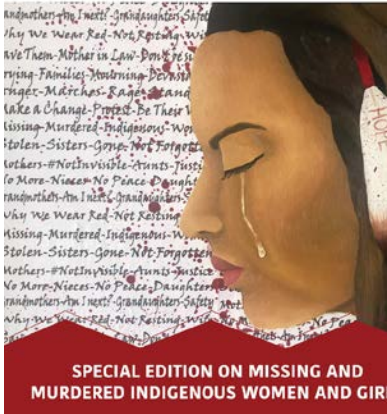
We need to get in there and make people aware of our problem, we must.

We need to start opening those closed doors, we must.

Making people aware of our problem and that some action be initiated, we must.



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



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