



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

February 2023 | Volume 20 | Issue 1



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Letter from the National Indigenous Women's Resource Center



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

Restoration of Native Sovereignty and Safety for
Native Women Magazine, 2003-2023

Dear Relatives and Friends,

It is our pleasure to share the February 2023 edition of *Restoration of Native Sovereignty and Safety for Native Women Magazine*. Our hearts are full from the content in this edition as we make great strides in our movement building for the safety of Native women and the sovereignty of Native Nations. We thank all of you who have supported survivors, advocates, Tribes, tribal coalitions, the growing number of Tribal organizations, NIWRC, and our larger grassroots movement. Your strong-hearted support—spiritually and financially—contributes to restoring the sovereignty of Tribal and Native Hawaiian nations that strengthens protections for Indigenous women and families across the country. Support includes the range from sitting with survivors and their family members, listening to their tears, emotions, and stories to fundraising and donating—we are stronger together resisting abuse and violence and organizing for safer, healthier, loving families, communities, and Nations.

Here at NIWRC, a few highlights of our advocacy over the last three months include our Tillie Black Bear Women Are Sacred Day on October 1st and survivor healing camp sessions throughout Domestic Violence Awareness Month. We are organizing discussions with our family advisory group and national partners for our May 2023 National Week of Action honoring our missing and murdered Indigenous sisters. We are organizing discussions with other Tribal organizations that are our cosponsors and look forward to our time with you at our June 2023 Women Are Sacred Conference. Our STARS Indigenous Safe Housing Center, which celebrated a year last October of opening its doors, has engaged in strong-hearted education and advocacy in response to housing insecurity and homelessness for Indigenous survivors of domestic violence. We continue our advocacy and education efforts with Tribal, Native Hawaiian, and federal policymakers to effect the changes our sisters and relatives need in their homes and communities.

We welcome the start of the new year 2023 and a new Congress and celebrate the first Alaska Native woman Representative in the House, Mary Peltola. Turning up the volume on Indigenous women's voices in Washington, D.C., and locally at home at all levels of leadership will help inspire Indigenous, women-centered responses to violence. We look forward to learning more about the Not Invisible Act Commission's work in response to missing and murdered Indigenous persons, including hearings, a report, and recommendations to Congress. Next year February 2024 marks 20 years of our Restoration Magazine, and we will share reflections in our 2023 editions that help to anchor our present and future advocacy efforts to the advocacy of our Grandmothers, Aunties, Grandfathers, and Uncles.

From our board and staff, we must stay on the path of our mission to support Indigenous-based advocacy, restore safety to Native women, and uphold the sovereignty of Native Nations. As we continue to organize our groundswell, identify our common ground, and provide training, technical assistance, policy development, systems engagement, and educational resources, we thank you for your ongoing advocacy and support.

In strength and solidarity,



Ahéhee',

Lucy

Lucy Simpson, Esq.
Diné
Executive Director



PhilamayyaA,

Carmen O'Leary

Carmen O'Leary
Cheyenne River Sioux
Board Chairwoman

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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Published by the



**NATIONAL
INDIGENOUS
WOMEN'S RESOURCE CENTER**

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Supporters of the Protect ICWA Campaign organized to affirm both the constitutionality of ICWA and its importance as a law that protects the best interests of Native children during oral arguments before the U.S. Supreme Court November 9, 2022. / Photo courtesy of Amory Zschach, National Indian Child Welfare Association.

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

Twenty years ago, in November 2003, the National Congress of American Indians (NCAI), Sacred Circle, Clan Star, and Tribal Domestic Violence and Sexual Assault Coalitions launched the NCAI Violence Against Women Task Force (NCAI VAW TF). The seed for the TF was in a 2000 NCAI annual resolution. The Task Force has provided a vehicle for uniting Tribal Nations and organizations to monitor national legal and policy issues, including challenges to the Violence Against Women Act, hold the United States accountable for assisting Tribal Nations with safeguarding the lives of Native women including through government-to-government consultations, and develop and implement a national, Tribal platform of law and policy reforms needed to remove systemic barriers.

Thank you to everyone who came together in 2003 to form the NCAI VAW TF and many of you who have shared your prayers and energy and helped make life-saving changes in federal, Tribal, and state laws and policies. A special thank you to our TF Co-Chairs over the past twenty years for their strong-hearted leadership. We honor you and your legacies of political organizing to restore sovereignty and safety for Native women—Juana Majel Dixon, Karen Artichoker, Terri Henry, Lynn Hootch, Michelle Demmert, Cherrah Giles, and Shannon Holsey. May the next generation of leaders be inspired by your leadership. The strong-hearted energy of the current and next generation of leadership renews us. Given what we are seeing today, we are excited for the next twenty years. We will take the opportunity this year with articles to reflect on lessons learned and current organizing to restore sovereignty and increase

women's safety. At a 2012 conference organized by the Northern California Tribal Healing Coalition, Elizabeth Lara-O'Rourke (Hupa, Yurok, and Chilula) spoke and shared that in Hupa, the word leader means someone who makes you feel beautiful. Indigenous leadership concepts are so different from Western concepts and rich with possibilities for how we continue to effect social change, decolonize and Indigenize to restore sovereignty and Indigenous women's safety. Please join us for upcoming NCAI VAW TF meetings and share with us what you envision for Indigenous nations and women through 2043.

In February 2004, three months after the birth of the TF and nineteen years ago, the NCAI, Sacred Circle, and Clan Star organized an NCAI Legislative Reception and launched *Restoration of Native Sovereignty and Safety for Native Women Magazine* and initiatives restoring safety and dignity to Native women. *Restoration* has been a critical communication bridge and tool for social change informing and engaging with Tribal, state, and federal policymakers from the unique perspectives of Indigenous survivors, advocates, leaders, organizations, and allies. Our task for the next decade is to identify and organize the national platform of issues, systemic barriers, reforms, and social changes that will continue to restore the sovereignty of Tribal and Native Hawaiian Nations and the safety and dignity of Indigenous women.

I felt honored, proud, and inspired to represent NIWRC at a recent meeting of organizations known as the Domestic Violence Resource Network (DVRN), funded by the U.S. Department of Health and Human Services' Family

“If the women of the First Nations of this land cannot walk free of the terror of rapists, batterers, stalkers, and murderers, no woman can be truly safe.”

—Restoration Magazine Contributors

Violence Prevention and Services Act Office (FVPSA). The DVRN informs and strengthens domestic violence intervention and prevention efforts at the individual, community, and societal levels. In 2011, NIWRC carried on serving as the National Indian Resource Center Addressing Domestic Violence after Sacred Circle had served in that capacity within the DVRN since 1997. For 20 years, Sacred Circle/NIWRC had been the only Tribal organization within the DVRN—a group of less than a dozen national organizations. In 2017 and 2021, FVPSA supported, and the DVRN welcomed three other Tribal organizations, the Alaska Native Women’s Resource Center, StrongHearts Native Helpline, and the STTARS Indigenous Safe Housing Center. Today, the DVRN has grown to 22 organizations. The recent meeting welcomed three more Indigenous organizations—the Pouhana O Nā Wāhine, the Minnesota Indian Women’s Sexual Assault Coalition, and the Alliance of Tribal Coalitions to End Violence. This growth reflects our strengthened capacity and bright future ahead of us.

We are the present and future that our Grandmothers, Mothers, Aunties, Grandfathers, Fathers, and Uncles dreamed and prayed for.

For 2023, as we come together in face-to-face gatherings post-COVID-19, we have much to look forward to—in Indigenous communities across the country, internationally, and with the federal government, including the annual VAW government-to-government consultation and other opportunities for national dialogue, including with the *Not Invisible Act* Commission and Congressional efforts that continue to center sovereignty and Indigenous women’s safety. We look forward to you joining us for our 2023 National Week of MMIW Action May 1-5 (schedule included in this edition) and helping to organize local events to advocate the connection of MMIW to other forms of abuse and violence that Indigenous women and relatives experience, at our upcoming Women Are Sacred Conference on June 26-28, and other events, in person and virtually.

Strong hearts united, organizing for change.

— Paula S. Julian
(Washté Wiya, Good Woman), *Filipina*
Editor of *Restoration of Native Sovereignty and Safety for Native Women & Interim*
Director for Policy

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Thank You

***Mvto* and *T'igwucid* (Thank You) to Former NIWRC Board Members Cherrah Giles and Deborah Parker for Serving NIWRC**

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

On behalf of our staff and Board of Directors, we acknowledge our deep appreciation for the contributions of our sisters and former Directors from our Board, Cherrah Giles and Deborah Parker, to the development and growth of the National Indigenous Women's Resource Center (NIWRC).

"From NIWRC's early years advocating for the strengthened Tribal amendments in the Violence Against Women Act Reauthorization 2013, Cherrah and Deb were inspirational sources of bravery and leadership for the entire NIWRC family and our grassroots movement," said Lucy Simpson, NIWRC Executive Director. "Centered by her *Mvskoke* and Cherokee beliefs and experiences as a survivor and advocate, Cherrah's leadership and support as Board Chairwoman are reflected in NIWRC's growth and national impact with realizing our vision and mission of restoring Tribal sovereignty and women's safety. Centered by her *Tulalip* beliefs and experiences as a survivor and advocate, Deb's leadership and support as a Board member clarified the strategic development of NIWRC as an Indigenous-centered national resource

center dedicated to women's safety. We thank them for their years of strong-hearted leadership and service to NIWRC and our national movement."

"NIWRC has been an integral part of my healing journey and I will be forever grateful for the opportunity to serve alongside such powerful Warrior Women," said Cherrah Giles. "I will continue to uplift the work of NIWRC and use my voice to advocate for those in need."

"It has been an honor to advocate alongside the staff, board, and NIWRC's many partners to restore sovereignty and increase Indigenous and all women's and nations' safety," said Deborah Parker. "I look forward to partnering with NIWRC to address the intersection with the injustices committed against Indigenous children in boarding schools."

Cherrah Giles is Muscogee (Creek) and Cherokee, from the *Fuswvlke* (Bird Clan), and *Rekackv* (Broken Arrow Tribal Town). She served as a legislator for over 10 years, on the Muscogee (Creek) Nation (MCN)



*Pictured left to right—Cherrah’s son Ridge, husband Justin, son Russell, daughter Tafv, Cherrah, and daughter E’tya.
Photo courtesy of Cherrah Giles*

National Council, where she had been the youngest female at 24 years old elected, and the first female elected as Second Speaker. Cherrah has also served as the first appointed Cabinet Secretary of the MCN Department of Community & Human Services.

Cherrah received her Master of Social Work degree from the University of Oklahoma. Her career has ranged from Child Welfare Investigator, College of the Muscogee Nation Adjunct Instructor, Director of Operations, Administration & Programs Director, and Deputy Project Manager. She was co-founder of the Mvskoke Women’s Leadership and a member of All Tribes Community Church. In 2014, Cherrah was named an “Unsung Hero” by The Mary Kay Foundation for her leadership in and advocacy for domestic violence awareness.

While with NIWRC from 2014-2022, Cherrah assisted with so much of our advocacy, including providing testimony to the United States Congress and the United Nations regarding the safety of Indigenous women and

girls, speaking during Hill briefings and other educational presentations, and representing at National Congress of American Indians Violence Against Women Task Force meetings. Cherrah now makes her home in Northern Virginia with her husband Justin and daughter Tafv. Her other children—E’tya, Russell, and Ridge continue to live in Oklahoma.

Deborah Parker, Tsi-Cy-Altsa (Tulalip/Yaqui), is a well-respected mother, leader, and citizen of the Tulalip Tribes serving on NIWRC’s Board of Directors from 2014-2022. She is also of Yaqui and Apache descent on her mother’s side. While with NIWRC, Deb brought her passion and wisdom, helped develop our strategic vision, raised funds, and engaged with federal policymakers. She currently serves as the Chief Executive Officer for The National Native American Boarding School Healing Coalition (NABS). She was elected and formerly served on the Tulalip Tribes Board of Directors. Deborah’s experience includes as a policy analyst, program developer, communications specialist, and committed cultural advocate and volunteer in the



“Cherrah and Deb were inspirational sources of bravery and leadership for the entire NIWRC family and our grassroots movement.”

— Lucy Simpson, *Diné*, Executive Director, NIWRC

On May 23, 2012, Deborah Parker, Vice Chairwoman of the Tulalip Tribes (speaking) and Senator Barbara Boxer, D-CA, (right) at a press conference arranged by Senator Patty Murray, D-WA in support of S.1925, a bill to reauthorize the Violence Against Women Act with critical Tribal provisions. S.1925 passed on a vote of 68 – 31 in 2013.

Tribal and surrounding communities. As a legislative policy analyst in the Office of Governmental Affairs for the Tulalip Tribes from 2005-2012, Deborah provided quality analysis of issues pertinent to the exercise of sovereignty and Tribal governance, emphasizing education, finance, taxation, and health care. Before joining legislative affairs, Deborah developed two unique outreach and education programs for the Tulalip Tribes—Young Mothers, a culturally relevant program for teen mothers, and the Tobacco Program, which sought to inspire responsible use while acknowledging tobacco’s sacred place in Indigenous cultures.

Before the Tulalip Tribes, Deborah served as Director of the Residential Healing School of the Tseil-Waututh Nation in Canada and in the Treaty Taskforce Office of the Lummi Nation, where she was mentored by American Indian leaders such as Joe Delacruz, Billy Frank, Henry Cagey, and Jewell James. As a passionate advocate for improved education for Tribal members, Deborah

is focused on educational reform, which includes developing a curriculum that reflects an Indigenous ethics and knowledge system. She believes in the inherent right of all Native Americans to expect and receive a quality education free from racial or cultural bias. Deborah remains committed to education by volunteering in her children’s schools. In 2010 Deborah was honored with a Parent of the Year award from the Washington State Indian Education Association (WSIEA). In 2011 the National Association of American Indian Education (NAAIE) also named her Parent of the Year.

In addition, Deborah spent several years in communications and helped to produce video and print journalism for the Native American community. Her film credits include documentary and narrative work. Deborah graduated from the University of Washington with a Bachelor of Arts degree in American Ethnic Studies and Sociology. She distinguished herself as a scholar and a young Indigenous leader.



Women's Rights: Our Work is *Not* Done

By StrongHearts Native Helpline

Six States Codify Reproductive Rights

A political act aimed to restrict women's rights, the Supreme Court of the United States (June 2022) overturned *Roe v. Wade* (1973), leaving the onus of access to abortion to individual states. Since then, six states have taken measures to codify reproductive rights while other states ramp up efforts to abolish or restrict access to abortion.

“The Supreme Court threw out nearly 50 years of precedent in favor of politicizing the body sovereignty of women and girls,” said Lori Jump, chief executive officer, StrongHearts Native Helpline. “By asking states to regulate abortion, they are taking away the rights of women to decide what happens to their bodies. Six states have reaffirmed reproduction rights, but until all other states follow suit, women are in a perilous position.”

To date, there have been six ballot measures addressing abortion in California, Kansas, Kentucky, Michigan, Montana, and Vermont where voters upheld abortion rights.¹

On August 2, voters (58.97%) refused to amend the Kansas Constitution to declare that nothing in the state constitution creates a right to abortion or funding for an abortion and to affirm the state's ability to pass laws regarding abortion. Instead, voters upheld the legal precedent in *Hodes & Nauser, M.D.s, P.A., et al. v. Schmidt & Howe* (2019) that the Kansas Bill of Rights provides a right to abortion.

On November 8, five more states took action to uphold the reproductive rights of women:

In **California**, Proposition 1, Right to Reproductive Freedom Amendment—voters (65.75%) supported amending the state constitution to prohibit the state from interfering with or denying an individual's reproductive freedom, defined as the right to an abortion and contraceptives.

In **Kentucky**, Constitutional Amendment 2, No Right to Abortion in Constitution Amendment voters (52.37%) opposed amending the Kentucky Constitution to state

¹ n8ve.net/CspvoZqZ

that nothing in the state constitution creates a right to abortion or requires government funding for abortion.

In **Michigan**, Proposal 3, Right to Reproductive Freedom Initiative, voters (56.65%) supported a state constitutional right to reproductive freedom, including “the right to make decisions about all matters relating to pregnancy, prenatal care, childbirth, postpartum care, contraception, sterilization, abortion care, miscarriage management, and infertility care.”

In **Montana**, LR-131, Medical Care Requirements for Born-Alive Infants Measure voters (52.55%) opposed measures to state that infants born alive at any stage of development are legal persons; require medical care, and to establish a \$50,000 fine and/or 20 years in prison for violating said law.

In **Vermont**, Proposal 5, Right to Personal Reproductive Autonomy Amendment was overwhelmingly supported by voters (76.74%) to amend the Vermont Constitution to add language protecting the right to personal reproductive autonomy and prohibiting government infringement unless justified by a compelling state interest.

“Although voters have upheld women’s rights in these states, the majority of them passed by a thin margin,” said Jump. “Our work is not done.”

Currently, there are dozens of pending initiatives, amendments, and referendums. In Arizona, Colorado, Florida, Maryland, Massachusetts, Nevada, and Oklahoma, nine proposals did not make the 2022 ballot. In New York, Pennsylvania and Washington, there are four proposals slated for 2023. And in Florida, Iowa, Nevada, Oklahoma, and South Dakota, there are seven proposals slated for 2024 (see next page 11).

“It’s unfathomable that in this day and age, women and girls must be cognizant of legislation rooted in misogyny and historical oppression,” said Jump. “The criminalization of abortion is an abuse of governmental power to deny body sovereignty. It is a cruel reminder of what Native people have endured for centuries.”

² n8ve.net/S6DZw58g

³ n8ve.net/2z901Bib

⁴ n8ve.net/zQLljdeI

⁵ n8ve.net/d7BZbMkm

⁶ n8ve.net/Z3ip4L19

⁷ n8ve.net/aMuYcyPs

⁸ n8ve.net/YB19uUK1

Historic Violence and Oppression

In Indian Country, Native women and girls suffer the highest rates of stalking, rape, and femicide in the nation. Yet, Indian Health Service has historically prohibited and continues to deny access to abortions in Tribal communities. Without planned parenthood clinics, Native women and girls are at a higher risk of being penalized for seeking abortions in unsafe conditions. Rape victims are often shamed and blamed and now could face jail time for seeking an abortion.

The History Behind the SCOTUS Decision

According to Leslie J. Reagan, professor of history and law at the University of Illinois, Urbana-Champaign, and the author of *When Abortion Was a Crime*³ and *Dangerous Pregnancies*,⁴ historical record describes early abortion⁵—as “restoring the menses,” a woman’s period. It was a normal practice in colonial America well into the 19th century. Abortions were illegal only after “quickening,” a term referring to when pregnant women could feel the fetus moving—said to occur between four and six months of pregnancy.

Professor Reagan explained that Justice Samuel Alito was egregiously wrong when he used English criminal law from the 17th century to overturn *Roe v. Wade*.⁶ He conveniently dismissed the distinction between ending a pregnancy before or after quickening wherein in early America, abortion before “quickening” was legal under common law and widely accepted in practice.

Instead, Alito’s draft majority opinion uses 17th-century Jurist,⁷ Sir Matthew Hale who “described abortion of a quick child who died in the womb as a ‘great crime’ and a ‘great misprision.’ See M. Hale, *Pleas of the Crown-1736* which also defended and laid the foundation for the marital rape exemption. Hale wrote.⁸

“For the husband cannot be guilty of a rape committed by himself upon his lawful wife for by their mutual matrimonial consent and contract the wife hath given up herself in this kind unto her husband which she cannot retract.”

The provision for marital rape exemption may sound antiquated, but it was legal in many U.S. states up through the 1990s.

“Justice Alito and a handful of Supreme Court Justices upended abortion rights leaving women to defend themselves against a 17th-century misogynist who didn’t believe marital rape was a crime,” said Jump. “It is our sacred duty as women to stand up for ourselves, our daughters and granddaughters and to guarantee safety and body sovereignty for future generations.”

BALLOT PROPOSALS

2022 - Did Not Make the Ballot

1. Arizona Right to Reproductive Freedom Initiative (2022)
2. Colorado Abortion Ban Initiative (2022)
3. Florida Abortion Ban After Detectable Heartbeat Initiative (2022)
4. Maryland Authorizing Health Practitioners to Perform Abortions Referendum (2022)
5. Maryland Right to Reproductive Liberty Amendment (2022)
6. Massachusetts No Right to Public Funding for Abortion Initiative (2022)
7. Nevada Parental Notification for Minor’s Abortion Initiative (2022)
8. Oklahoma Establish Rights of Unborn Persons Amendment (2022)
9. Oklahoma No Right to Abortion in Constitution Amendment (2022)

2023

1. New York Equal Protection of Law Amendment (2023)
2. Pennsylvania No State Constitutional Right to Abortion Amendment (2023)
3. Washington 15-Week Abortion Ban Initiative (2023)
4. Washington Age of Consent to Receive Certain Health Services and Abortion Initiative (2023)

2024

1. Florida Right to Life of Preborn Individual Initiative (2024)
2. Iowa No Right to Abortion in Constitution Amendment (2024)
3. Nevada Parental Consent for Child’s Healthcare Decisions and Medical Records Access Initiative (2024)
4. Nevada Parental Notification of Abortion Initiative (2024)
5. Oklahoma State Question 825, Reproductive Rights Initiative (2024)
6. Oklahoma State Question 828, Right to Reproductive Freedom Initiative (2024)
7. South Dakota Right to Abortion Amendment (2024)



STRONGHEARTS
Native Helpline



**Lori Jump, Chief Executive Officer,
StrongHearts Native Helpline**

*Photo courtesy of StrongHearts Native Helpline
Communications Department.*

**Domestic and
sexual violence is
never okay.**

StrongHearts Native Helpline is a **24/7, confidential, and anonymous** domestic and sexual violence helpline for Native Americans and Alaska Natives, offering culturally-appropriate support and advocacy.

1-844-7NATIVE (762-8483)

strongheartshelpline.org

TDVAM

TEEN DATING VIOLENCE AWARENESS MONTH

Empowering Teens to Create Safe and Healthy Relationships

Teen Dating Violence Awareness Month (TDVAM) is an opportunity to create awareness about teen dating violence, healthy relationship skill-building, uplifting youth voices and connecting young people with resources that can help them cultivate safety in their relationships.

As advocates, we must listen to and center the needs of Native youth, providing safe, non-judgmental spaces for our young relatives to talk about dating violence and healthy relationships. As adults, we can provide guidance and support on traditional ways of caring for each other and teach Indigenous values of compassion, kindness, honor, and respect. Strengthening and balancing the relationships in our lives cannot be done alone. It is up to all of us to support and listen to the next generation.

Because we are connected in the sacred circle of life, violence against youth and teens affects us all. Nationally, nearly **1 in 11 female** and approximately **1 in 15 male high school students** report having experienced physical dating violence in the last year, and about **1 in 9 female** and **1 in 36 male high school students** report having experienced sexual dating violence in the previous year. No one deserves to be abused in any way. Romantic relationships should be grounded in respect, not based on power and control masked as love. Dating violence is not our tradition. Our young relatives deserve healthy, respectful love.

Help honor youth and teens by raising awareness of dating violence and promoting healthy relationships! Below you will find more information about the signs of dating violence, what to do if a young relative is being abused, and resources to help get involved.

You are not alone. 



SUPPORT IS NEAR

If you or your young relative need to talk, call **StrongHearts Native Helpline** at 1-844-762-8483 or chat at strongheartshelpline.org.

- Create a safe space and tell them you're concerned about their safety.
- Be a good relative and listen to their story when they're ready to share.
- Ask how you can help them.
- Offer support and encourage your friend's strength and courage.
- Share resources available online or locally from your community.
- Learn about dating violence and the signs of relationship abuse.
- Avoid confronting the abusive person hurting your loved one. It can escalate the situation and put your young relative in danger.



DATING VIOLENCE, DEFINED

Dating violence is a type of relationship violence that occurs between young people. It is defined as when a person uses a pattern of abusive behavior toward their partner to gain power and control over them. Dating violence can include one or more types of abuse, and it can look like this:

- **PHYSICAL ABUSE** Pushes, shakes, slaps, kicks, or spits on you. Holds you down. Throws or breaks your personal belongings (ex., books, cell phone, etc.).
- **EMOTIONAL ABUSE** Insults you, calls you hurtful names, or embarrasses you in public. Constantly accuses you of cheating. Threatens to hurt you or expose secrets about you.
- **SEXUAL ABUSE** Unwanted kissing or touching, pressures you to have sex or makes you feel guilty for not wanting sex, or demands that you send them sexually explicit photos or videos.
- **DIGITAL ABUSE** Constantly calls, texts, or DMs you to find out where you are or who you're with, tells you who you can be friends with on social media, or sends mean messages on social media either directly from them or anonymously.
- **CULTURAL/SPIRITUAL ABUSE** Criticizes your spiritual or Tribal beliefs.
- **FINANCIAL ABUSE** Steals money from you, your family, or friends.

April is Sexual Assault Awareness Month

Sexual Assault Awareness Month (SAAM) was first observed in 2001, over twenty years ago. Thousands of Native women and children have suffered and continue to suffer rape and sexual abuse due to U.S. laws and government policies regarding American Indian Nations. Thousands have suffered sexual abuse by those in positions of control over Native women and children through government authorization or contracts, such as schools operated by religious institutions and military.

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

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

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

The government infrastructure—federal laws, policies, and institutions—targeting and permitting sexual abuse of Native women in the 1800s exists into 2023. Removing these inequalities requires a shift in understanding and advancing changes to end sexual violence.

Our cultures are centered around the sacredness of women and the value of respect. Historically, sexual violence in our communities was rare, as such acts were punished quickly and severely. We must renew our efforts to end sexual violence and reclaim the honor of Indigenous peoples.

We will not tolerate sexual violence in Native communities. We shall proactively hold perpetrators and systems accountable. Supporting Indigenous survivors of sexual violence is central to ending such violence. In 2023, it is important to reach beyond individual violence to raise awareness of the social permissions that uphold the system that allows sexual violence to happen. This SAAM, we uplift Native women who struggled against systemic and structural permissions for such abuse. Their efforts to achieve justice in their individual cases are inspiring and courageous. They challenged systemic barriers, policies, and laws permitting such abuse to make all women safer.

During Sexual Assault Awareness Month, we support Indigenous survivors of sexual violence and advocates.



SEXUAL ASSAULT, *DEFINED*

Sexual assault is any type of sexual activity or contact you do not consent to. It may occur within an intimate relationship as a tactic of domestic or dating violence or at the hands of strangers or other family members. Sexual assault is a type of sexual violence rooted in power and control, a way for perpetrators to instill fear into victims. Forced sexual acts cause significant trauma and harm people physically, spiritually, mentally, and emotionally.

Types of Sexual Assault

- Harassing or calling you degrading sexual names.
- Fondling, grabbing, or pinching the sexual parts of your body.
- Constantly pressuring you to have sex when you don’t want to have sex.
- Forcing you to have sex or engage in unwanted sexual activity (ex. rape, anal rape, forced masturbation, or forced oral sex).
- Drugging so you are unable to consent to sexual activity.
- Using weapons or other objects to hurt the sexual and other parts of your body.

SEXUAL ASSAULT AWARENESS, *HISTORY*

1970s

Internationally, women have organized protests against violence since the late 1970s, beginning in England with Take Back the Night marches. These women-only protests directly responded to the violence, and harassment women encountered while walking at night.

These activities soon became widespread, developing into a movement that extended to the United States. In 1978, the first Take Back the Night events in the U.S. were held in San Francisco and New York City. Sexual assault awareness activities expanded over time to include the issue of sexual violence against men and men’s participation in ending sexual violence.

1980s, 1990s

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

From the 90s onward, advocates regularly began coordinating activities throughout April, laying the groundwork for a nationally recognized month for sexual violence awareness activities. In 1994, the first federal Violence Against Women Act (VAWA) was passed.

2000s

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

Minnesota Indian Women's Sexual Assault Coalition (MIWSAC) Serving as National Tribal Sexual Assault Resource Center

FVPSA Culturally Specific Sexual Assault Capacity Building Centers

By Jolene Engelking, *White Earth Descendant*, Program Coordinator, and Paula Julian, *Filipina*, Senior Policy Specialist, and *Restoration Magazine* Editor, NIWRC

Last October, MIWSAC was awarded to serve as the National Tribal Sexual Assault Resource Center (NTSARC) under the Family Violence Prevention and Services Act. MIWSAC is a statewide Tribal coalition and national Tribal technical assistance provider grounded in survivors' voices, community needs, and Indigenous values. MIWSAC has worked since 2001 to end gender-based violence and enhance Tribal, state, and federal responses to sexual violence and sex trafficking. MIWSAC uses culturally-based training, technical assistance, strategies, resources, and various events and activities to engage and support survivors of sexual violence, advocates, service providers, community, and allies working to end sexual violence and sex trafficking. MIWSAC works across Minnesota's eleven federally recognized Tribal Nations, urban Native bases, and Tribal communities nationwide. MIWSAC's work is grounded in the philosophy that each of us has a role, purpose, and place in eradicating sexual violence.

NTSARC will provide nationwide training and technical assistance (TTA) to enhance the organizational capacity of a variety of stake holders including sexual assault and domestic violence programs; Tribal and state coalitions; Indian Tribal governments and Tribal organizations; federal, state, and local government agencies, including FVPSA state administration agencies; national, statewide, and local community-based organizations; allied professionals; and other key stakeholders.

TTA will strengthen stakeholders' capacity to provide culturally relevant, linguistically appropriate and

accessible, trauma-informed, survivor-centered sexual assault prevention services.

MIWSAC will host listening sessions and develop virtual and in-person training opportunities, resources, and other ways of enhancing support for advocates. MIWSAC will also focus on policy development at the Tribal, state, and federal levels to highlight and advocate for the needs of Indigenous survivors of sexual violence. MIWSAC's partnerships with the other Culturally Specific Sexual Assault Capacity Building Centers (CSSACs) - National Organization of Sisters of Color Ending Sexual Assault (SCESA), National Organization of Asians and Pacific Islanders Ending Sexual Violence (NAPIESV), and Mujeres Latinas en Acción - will strengthen and expand our work across communities.

Jolene Engelking is excited to serve as NTSARC Program Coordinator for MIWSAC. Her previous role at MIWSAC focused on helping communities build effective and sustainable responses to Indigenous survivors of sex trafficking in urban areas through MIWSAC's Project Beacon (funded by the Office for Victims of Crime). Jolene received her Master's in Divinity and Master's in Social Work from Loyola University Chicago and is a Licensed Independent Social Worker in Minnesota. She has been in the anti-sexual violence movement since 2006. After years in direct community-based advocacy, she has been doing national training and technical assistance for the last six years. Her technical assistance experience began at Praxis International through the Advocacy Learning Center



Portrait of Jolene Engelking.
Photo courtesy of Nedahness Rose Greene.

and continued at the Sexual Violence Justice Institute at the Minnesota Coalition Against Sexual Assault. These settings focused on supporting advocates, systems professionals, and sexual assault response to strengthen the response to sexual violence and support survivors. An advocate at heart, Jolene thrives when talking with communities about increasing genuine collaboration and reimagining justice, accountability, and advocacy to meet all survivors' needs better and create safer communities.

“MIWSAC is hosting our 15th annual *Restoring the Sacred Trails of Our Grandmothers Conference* on April 11-13, 2023. This is our Annual Statewide Tribal Sexual Assault Conference and our first in-person one since 2019!

Please reach out to Cristine Davidson at cdavidson@miwsac.org for more information!”

Sign up!



Minnesota
Indian Women's
Sexual Assault
Coalition

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Go to n8ve.net/iGCyV3XF

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Washington D.C., Steps of the U.S. Supreme Court, December 5, 2013, Tribal community members from across the United States organized the Quilt Walk for Justice. / Photo courtesy of NIWRC.

The U.S. Civil Rights Act and Protection of Native Women

Is the Failed Response of State and Federal Justice Agencies to Investigate and Prosecute Cases of Violence Against Native Women a Pattern and Practice of Discrimination?

By NIWRC

In 2022, the U.S. Department of Justice (USDOJ) filed a lawsuit against the Grand Gateway Hotel and the Cheers Sports Lounge and Casino in Rapid City, South Dakota. “The lawsuit alleges that the defendants discriminated against Native American customers in violation of Title II of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color, religion or national origin in places of public accommodation, such as hotels and other places of entertainment. The suit is

brought against the corporate owner, Retsel Corporation, and two of the company’s directors, Connie Uhre and her son, Nicholas Uhre.”¹

“Policies prohibiting Native Americans from accessing public establishments are both racially discriminatory and unlawful,” said Assistant Attorney General Kristen Clarke of the Department’s Civil Rights Division. “The Justice Department will continue to vigorously protect

¹ U.S. DOJ Press Release, October 19, 2022, [n8ve.net/NeqxOytj](https://www.justice.gov/opa/pr/2022/10/22-cv-00000)

the rights of all people to go about their daily lives free from discrimination at hotels, restaurants and other public accommodations around the country.”²

The Civil Rights Act of 1964, Title VI

“Simple justice requires that public funds, to which all taxpayers of all races [colors, and national origins] contribute, not be spent in any fashion which encourages, entrenches, subsidizes or results in racial [color or national origin] discrimination.”—President John F. Kennedy, 1963³

Title VI of the Civil Rights Act of 1964⁴ prohibits discrimination based on race, color, religion, sex, or national origin in programs and activities receiving federal financial assistance. In addition, it gave federal law enforcement agencies the power to prevent discrimination in the use of public facilities and the delivery of services.

The families of missing and murdered Indigenous women (MMIW) have long-standing complaints about the failed response and denial of justice-related services by federal and state/local law enforcement agencies to the disappearance and/or murder of their loved ones and to cases of violence against American Indian and Alaska Native (“Indian”) women.

In numerous cases, medical examiners, coroners, and prosecutors have wrongfully reported the cause of death of Indian women as an undetermined, possible suicide, or hypothermia. Families have complained that the failure to investigate the cases properly is based on discrimination because their loved one is Indian. In some

cases, the remains are cremated before an investigation can occur, at times without the family’s consent.

Families of MMIW have been rebuffed by the federal and state/local justice responders despite their calls for justice, vigils, community marches, and testimony before the Senate Committee on Indian Affairs.

The Civil Rights Act is known for cases concerning the USDOJ, such as the investigations into the murders of George Floyd and Breonna Taylor committed by local law enforcement. These investigations have spotlighted discrimination that systemically targets people of color with unlawful acts of violence. However, the protections under the Civil Rights Act are much broader.

In cases of MMIW, local law enforcement has exhibited a systemic and routine practice of not investigating or prosecuting cases. This response is viewed as discriminatory because the missing victim is a woman and Indigenous. Cases of MMIW are commonly gender-based crimes related to sexual assault, domestic violence, and trafficking. Indigenous men and LGBTQ relatives also face systemic discrimination based on biased perceptions of justice agencies.

Civil rights laws apply to any entity that receives federal financial assistance and encompasses the program or activity funded to any degree by federal financial assistance. The budget for the state of Montana in 2021, for example, where there are complaints of discriminatory practices and denial of services by the families of murdered Indigenous women, is \$16 billion, of which nearly \$9.25 billion comes from the United States Treasury.

Failing to respond, investigate, and prosecute suspects in cases of Indian women because of *racial bias* reflects a pattern or practice of denial of equal services.

² *Id.*

³ n8ve.net/1dxVG75h

⁴ Title VI, 42 U.S.C. § 2000d et seq.

“No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.”

In the context of the USDOJ, Congress created additional nondiscrimination provisions for specific federal programs. For example, Montana receives numerous grants from the Office of Justice Programs and the Office on Violence Against Women for justice-related services, such as the Violence Against Women Act, Edward Byrne Memorial Justice Assistance Grants, and numerous other federal programs.

Investigation of Gender Bias of Missoula Law Enforcement Entities in Sexual Assault Complaints

One example of the broader applicability of the Civil Rights Act is the 2014 USDOJ findings resulting from an investigation of the Missoula Police Department, Missoula County Attorney’s Office, and the University of Montana Office of Public Safety. In 2012, the USDOJ Civil Rights Division investigated these three entities. It focused on gender bias in the handling of sexual assault complaints.

In 2013, the division issued letters for the Missoula Police Department and the University of Montana Office of Public Safety, identifying a pattern or practice of failing to adequately respond to and investigate allegations of sexual assault against women. In 2014, the division issued a separate letter to the Missoula County Attorney’s Office, identifying a pattern or practice of failing to ensure unbiased, effective investigation and prosecution of reports of sexual assault by women.

“A police department cannot truly protect women in its community without being prepared to respond to reports of sexual assault effectively and without bias,” said Roy L. Austin Jr., Deputy Assistant Attorney General for the Civil Rights Division. “Equal access to the protection of police and the courts is a matter of basic justice.”⁵

Many states receive federal financial assistance and have a legal obligation to comply with civil rights requirements above and beyond those that otherwise would apply.

Failing to respond, investigate, and prosecute suspects in cases of Indian women because of racial bias reflects a pattern or practice of denial of equal services.

When States and Counties Fail MMIW

The USDOJ is responsible for investigating state/local agencies with a pattern or practice of inadequately responding to MMIW based on a demonstrated pattern of discrimination against Indian women and girls.

Indigenous women who are abused, trafficked, abducted, or murdered within the authority of a state or county have a legal right to the full range of justice-related services.

The USDOJ has the authority to investigate, prosecute, and correct this failure by state/local governments and violations of the Civil Rights Act. It also has the power to enforce the anti-discrimination funding mandates under other congressional acts.

The USDOJ must develop guidelines and material identifying the responsibility of law enforcement agencies to respond to cases involving the spectrum of violence against Indian women without the bias of the past—specifically cases of MMIW. Where allegations of a pattern and practice of discrimination in the response of state law enforcement agencies to MMIW, sexual assault, domestic violence, or trafficking are raised, the USDOJ has a responsibility to investigate these complaints.



⁵n8ve.net/NeqxOytj



Tribal PERSPECTIVES





Healing as Community

Tillie Black Bear Women Are Sacred Survivor Healing Camps

By Heather Bruegl, *Oneida Nation of Wisconsin/Stockbridge-Munsee*, Policy Specialist, NIWRC

October has been recognized nationally since 1987 as Domestic Violence Awareness Month (DVAM). According to the National Institute of Justice report, more than four in five American Indian and Alaska Native women have experienced violence in their lifetime and are at least two times more likely to experience sexual violence.¹ Thanks to strong-hearted leadership by survivors, advocates, and allies like Tillie Black Bear, Members of Congress, state and Tribal policymakers have strengthened laws, policies, and responses, increasing safety for Native women. Tillie and many others provided the political will to educate and inform policymakers.

Considered the grandmother of the movement to end violence against women in the United States and across Tribal Nations, Tillie Black Bear, Sicangu Lakota, was instrumental in bringing national awareness to the violence that Indigenous women faced in Indian Country. A survivor of domestic violence herself, Tillie made it her mission to educate about the disparities women face in Indian Country and the need for change

to restore sovereignty and increase women's safety. In 1978, Tillie helped to organize a national movement. She testified before Congress about domestic violence and the federal trust responsibility the U.S. Government has in assisting Tribes in protecting women.² Tillie stressed the importance and sacredness of Indigenous women, "even in thought, women are to be respected."³

To honor Tillie's legacy and the healing camps she organized with White Buffalo Calf Woman's Society, the NIWRC hosted a series of virtual healing sessions for survivors, thrivers (those who don't deem themselves victims), and sexual assault and domestic violence advocates in October 2022. The Tillie Black Bear Women Are Sacred Day Virtual Healing Camps included 11 sessions designed to help promote care, community, support, and healing. The healing camp offered a wide range of sessions, including how to create a healthy work culture for advocates, facilitating talking circles, creating talking sticks, music, youth organizing, using essential oils, sewing, arts and crafts, cooking, healthy eating, humor, dance, and exercise. Each session offered a giveaway for three participants per session.

The first of the 11 sessions was a Purification Ceremony with Lila Kills In Sight (Sicangu Lakota), who discussed

¹ Andre B. Rosay, "Violence Against American Indian and Alaska Native Women and Men," *NIJ Journal* 277 (2016): 38-45. n8ve.net/2bjnoPwh.

² *Lakota Times*, "Celebrating the Life of Tillie Black Bear," *Lakota Times*, Sept. 26, 2019. n8ve.net/scLgoOxW.

³ *Restoration Magazine*, "The National Tillie Black Bear Women Are Sacred," NIWRC, October 2019.

the importance of culture and ceremony in healing. “All of you, everything you are doing is for the betterment of our way of life for our women, our children.”⁴ Lila went on to say that domestic violence is a monster and evil. The response from the participants was overwhelmingly positive. Lila discussed using your voice to create change, which resonated with attendees, some of whom, when asked what one takeaway was, many responded that they plan to use their voices more and to hold space for difficult conversations when they receive push-back appropriately.

Each preceding session was equally brilliant. The NIWRC was honored to continue coordinating with Connie Brushbreaker, Tillie’s daughter, for several sessions. Not only did Connie host a session on wellness and ribbon skirts, but she was also instrumental in coordinating facilitators for healing sessions. She shared her mother’s work and how she witnessed it growing up.

Session five importantly addressed how to facilitate talking circles for survivors and advocates. Session presenter Carmen O’Leary (Cheyenne River Sioux) and Director of the Native Women’s Society of the Great Plains shared, “Tillie’s words and role model impacted my work since first meeting her. Keeping Tillie’s teachings alive is so important to the safety of Native women and the lifeways that they embody. It was an honor to be part of the healing camps, and I hope to see this as an annual event”⁵.

Participants were further provided with how to create a work environment supporting healing. Often advocates are survivors. Being thoughtful and intentional in creating a workspace that promotes healing is extremely important. In session 11, Scheduling Self Care, Nicole Matthews (Anishinaabe, White Earth Band of Ojibwe) and Executive Director of the Minnesota Indian Women’s Sexual Assault Coalition discussed how her organization promotes the health and wellness of staff. “As organizations, we have a responsibility in creating care within the organization for our people who are doing hard work,”⁶ she said.

Many Tribal programs are funded by the Family Violence

⁴NIWRC, *Purification Ceremony through the Sweathouse/Lodge*, presented by Lila Kills In Sight (2022, Lame Deer: NIWRC), Zoom Presentation.

⁵Carmen O’Leary (Director of Native Women’s Society of the Great Plains) in an email discussion with Heather Bruegl in November 2022.

⁶NIWRC, *Scheduling Self-Care*, presented by Nicole Matthews (2022, Lame Deer: NIWRC), Zoom Presentation.

⁷U.S. Department of Health & Human Services, “Family Violence Prevention & Services Act Program.” [n8ve.net/h6lATcFC](https://www.hhs.gov/ohp/programs/fvpsa/).

Prevention and Services Act (FVPSA) administered by the U.S. Department of Health and Human Services. A priority for FVPSA is to provide funding to support domestic violence victims.⁷ FVPSA helps survivors access the resources that are so desperately needed. These resources include housing, health care, violence-prevention resources, child support, and other resources, including creating a National Indian Resource Center, like the NIWRC, to create space for survivors and advocates to heal and create community. Currently, 10% of funding under FVPSA is awarded to Indian Tribes and Tribal organizations. Funding supports public awareness efforts, primary and secondary prevention of family violence, domestic violence, and dating violence, and provides immediate shelter and supportive services for victims of family violence, domestic violence, or dating violence, and their dependents. Presently, FVPSA is up for reauthorization. This critical funding is needed to continue to help respond to domestic violence and provide vital resources for survivors. Despite Tribally centered resources offered to survivors and their dependents, funding and services remain nonexistent for over one-half of all Indian nations. Given the many challenges survivors, advocates, and allies face with advocating for change in laws, policies, and the removal of systemic barriers, we cannot forget what survivors need beyond the failed systemic responses they encounter.

“

Laughter has helped ground me during the most troubled times. A good laugh is the best, tears, stomach cramping, one look, and the laughter goes off all over again.

—Reyes Abeita, Participant from Session 8
“Laughter is Medicine,” presented by Ernie Tsosie.

Tillie Black Bear Women Are Sacred **Seasonal Healing Camp:**

Planting Seeds in the Community

MAR 1, 2023 | 1:00 p.m. (MDT)



i *Description*

This virtual healing camp will take place on March 1 at 1:00 p.m. (MDT) via Zoom.

Tillie Black Bear (*Sicangu Lakota*) is considered the grandmother of the movement to end violence against Indigenous women. In 1978, Tillie was the first Indigenous woman to organize and testify before Congress bringing awareness to the violence against Indigenous women.

Tillie also organized healing camps to support the healing process for survivors of sexual assault and domestic violence, creating a safe and supportive space to share their stories.

It is in this spirit that the National Women's Indigenous Resource Center (NIWRC) is pleased to continue Tillie's legacy by offering seasonal virtual healing camp sessions.

👤 *Register*

To register, please go to n8ve.net/S3uJ6xB0.

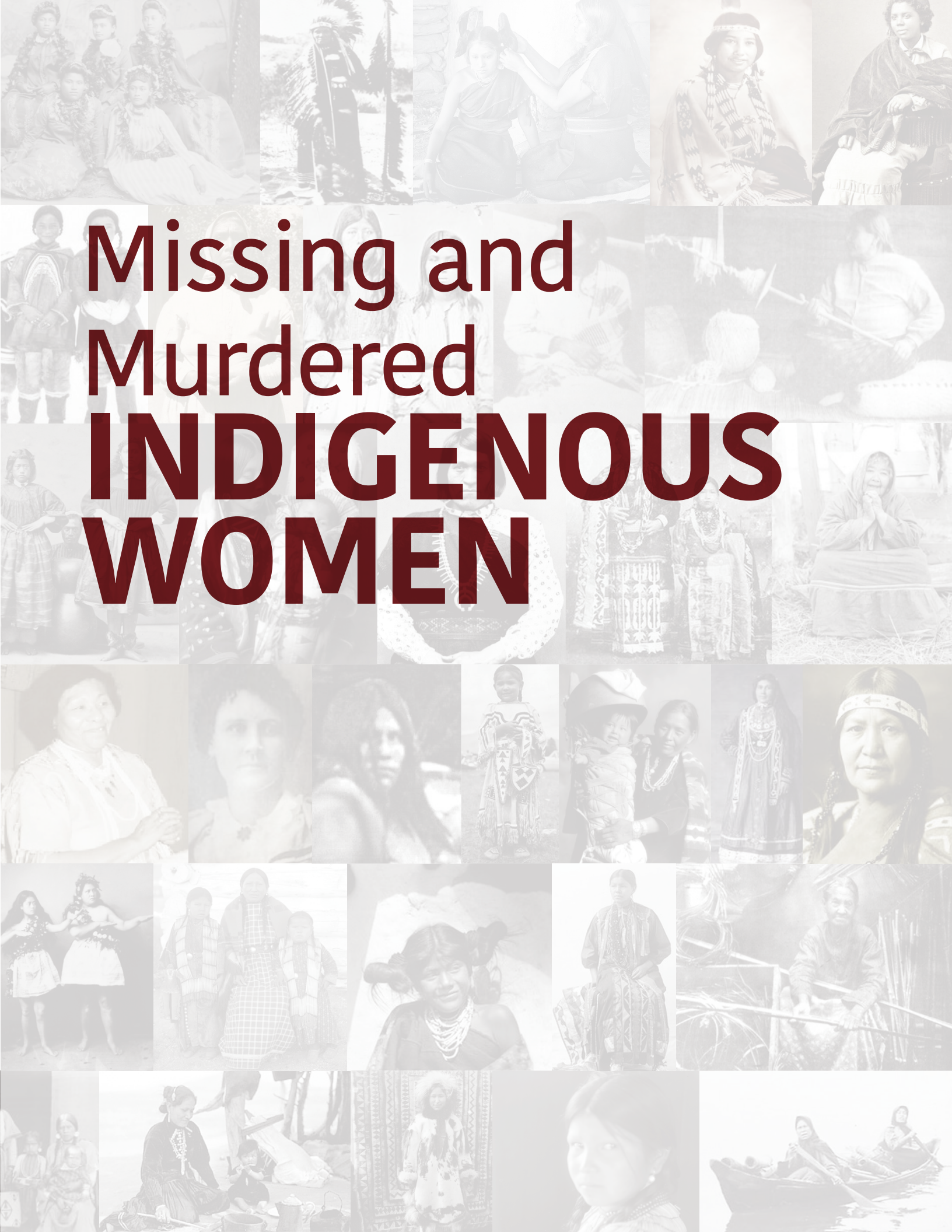
Presented by Lucy Burr Grignon.

515 Lame Deer Ave., Lame Deer, MT 59043

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Missing and Murdered **INDIGENOUS WOMEN**

Advocacy in Action

6-Point Action Plan

By NIWRC Policy Team: Kerri Colfer, *Tlingit*, Senior Native Affairs Advisor, Rose Quilt, *Yakama*, Director of Policy Division, and Paula Julian, *Filipina*, Senior Policy Specialist and Editor, Restoration Magazine

Violence against Indigenous women persists due to systemic barriers embedded within the laws, policies, and practices of the United States government. These barriers multiplied as the U.S. developed. The birth and growth of the U.S. resulted in the genocide of Indigenous Nations, as reflected in the seizure of Tribal and Native Hawaiian homelands and natural resources, the forced removal and relocation of Indigenous peoples, and living conditions where women are more likely to go missing and experience violence. The U.S.'s apologies to Native Hawaiians and American Indians and Alaska Natives (AI/AN) recognize the "devastation" to Native peoples as a result of U.S. citizens' "many instances of violence, maltreatment, and neglect" and U.S. policies and actions, and the need for healing and reconciliation. To fully address violence against Indigenous women, these systemic barriers must be removed and Tribes must receive the necessary resources and funding to support rebuilding their Nations to protect their communities as they see best.

We urge the U.S. to reaffirm and support Indigenous Nations' protective systems with the following 6-Point Action Plan:

1

Restore the Full Authority of AI/AN Nations to Protect Indigenous Women

After the Supreme Court's decision in *Oliphant v. Suquamish*, 435 U.S. 191 (1978), Tribal justice systems could not hold accountable criminally abusive non-Indians, resulting in situations where individual non-Indian defendants piled up repeated and multiple prior contacts with Tribal police. At the same time, U.S. Attorneys declined to prosecute the majority of violent crimes—especially sexual abuse-related crimes—in Indian country.

Thankfully, Congress set forth essential steps to address these barriers by enacting Title IX, the Safety For Indian Women title contained within VAWA 2005. Furthermore, the reauthorizations in VAWA 2013 and 2022 partially restored Tribal jurisdiction over non-Indian perpetrators. The limitations on Tribal authority leaves Indigenous women vulnerable.

Therefore, the U.S. government must restore the full authority of AI/AN Nations as the local governments to protect Indigenous women and their families.

2

Recognize and Respect Indigenous Responses of Native Hawaiian Communities and Organizations to Protect Indigenous Women

In Senate discussions leading to the passage of the 1993 Native Hawaiian Apology of the U.S. (PL 103-150), the late Senator Inouye stated, "we cannot change history. We are not here to change history. But we can acknowledge responsibility." The Apology includes recognition of "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" and commitment to reconciliation between the U.S. and Native Hawaiian people. Recognizing and respecting Native Hawaiian responses to prevent and respond to the range of violence experienced by Native Hawaiian women changes a long history of forcing non-Native solutions onto Native Hawaiian communities.

The federal government has a distinct trust responsibility to Native Hawaiians affirmed in



nonexistent. Native victims are forced to confront and navigate a complex legal system and often face extreme obstacles when seeking justice and support. Disparities compound these barriers, as affirmed by the U.S. Commission on Civil Rights.

“Due at least in part to the failure of the federal government to adequately address the wellbeing of Native Americans over the last two centuries, Native Americans continue to rank near the bottom of all Americans in terms of health, education, and employment Native Americans are more likely to live in poverty, be unemployed, experience rape or abuse, and be killed by police than any other ethnic or racial group And, in some respects, the U.S. Government has backslid in its treatment of Native Americans, ... the Commission documented the federal government’s historic failure to carry out its promises and trust obligations. These failures included longstanding and continuing disregard for tribes’ infrastructure, self-governance, housing, education, health, and economic development ... the “federal government’s failure to avail Native Americans of services and programs available to other Americans violates their civil rights.”

five treaties between the U.S. and the Kingdom of Hawai‘i, and in more than 150 federal laws that created special programs and services for Native Hawaiians.

Relying on current non-Indigenous responses to domestic violence and sexual assault are short-term, temporary solutions that do not fully address the needs of Native Hawaiians. The path to safety for Native Hawaiian women is connected to recognizing, restoring, and strengthening the beliefs, practices, ceremonies, and lifeways of Native Hawaiian people. Native Hawaiian responses are essential to healing and revealing the Native Hawaiian way of life and sense of lokahi (harmony or balance).

Our relatives need comprehensive services designed by and for Indigenous women and families to address the full range of support—from crisis response to prevention.

As sovereign Nations, Tribes are in the best position to determine how to protect their people and communities and to undo the damage caused by colonization and harmful laws and policies that have historically weakened local protections against Indigenous women. The U.S. must therefore ensure adequate resources for advocacy and services for Indigenous women to end this violence.

3 Ensure Adequate Resources for Advocacy and Services for Indigenous Women

AI/AN and Native Hawaiian women experience some of the highest rates of violence in the country, yet culturally-appropriate services are almost

Continued on page 28.

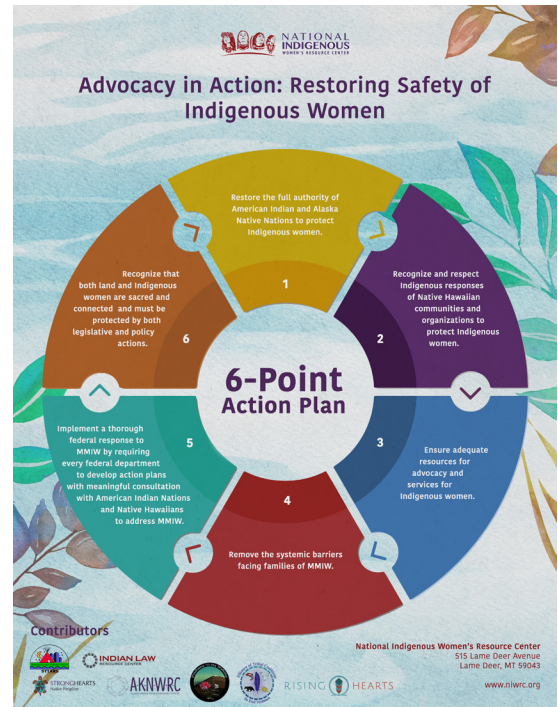
4 Remove the Systemic Barriers Facing Families of Missing and Murdered Indigenous Women

The family members of MMIW have long-standing grievances about the failed response and denial of services by federal, state, and local law enforcement agencies. The failed responses represent an institutional pattern embedded in these agencies as the staggering number of suspicious deaths of Indigenous women go uninvestigated despite overwhelming evidence. It is not uncommon for families to have multiple cases of MMIW. To this end, each federal department must develop and implement MMIW protocols in consultation with Tribal Nations and Native Hawaiians to ensure the removal of systemic barriers and allow justice and healing.

5 Implement a Thorough Federal Response to MMIW by Requiring Every Federal Department to Develop Action Plans with Meaningful Consultation with (AI/AN) Nations and Native Hawaiians to Address MMIW

The U.S. government has a long-standing federal trust responsibility to Indian Tribes to protect and promote Tribal sovereignty. VAWA 2005 clarified that the unique legal relationship of the U.S. to Indian Tribes creates a Federal trust responsibility to assist Tribal governments in safeguarding the lives of Indian women. Confronted with the highest rates of violence in the nation, Tribal leaders continue to decry the federal government's inability to discharge their duties to uphold their sacred, solemn commitment to AI/AN people and safeguard the lives of Indian women.

Accordingly, all Federal departments must continue improving the coordination of federal programs and resources available to Tribal communities by implementing a comprehensive, coordinated Federal response to MMIW with an action plan to address the systemic gaps concerning MMIW and further conduct meaningful consultations with AI/AN and Native Hawaiians.



View the **full-size 6-Point Action Plan!** Tear-out poster and 2023 schedule included in this issue.

6 Recognize That Both Land and Indigenous Women Are Sacred, Connected, and Must Be Protected by Legislative and Policy Actions

Embedded in all the ways Indigenous Nations have governed themselves since time immemorial is the care for and protection of women and their homelands, including the sacred status afforded to both.

U.S. laws and policies have historically sanctioned the abuse and exploitation of Indigenous Nations and homelands as a tool of colonization, resulting in both disproportionate rates of violence against Indigenous peoples and significant loss of and harm to the land. Those responsible for this ongoing violence and exploitation include military and extractive industries, corporate interests, and other government and private interests. We must continue to improve and strengthen U.S. laws and policies to reflect the respect, rights, care, and protection of women and homelands by Indigenous peoples.

Federal Laws Can Make a Difference in the Disproportionate Rate of Violence Against Native American and Alaska Native Women

Point 3: The Pro Bono Work To Empower and Represent (POWER) Act

By Michelle Demmert, *Central Council Tlingit and Haida Indian Tribes of Alaska* and *Klawock Cooperative Association*, Formerly Policy Director, Alaska Native Women's Resource Center

The Missing and Murdered Indigenous Women (MMIW) crisis that is devastating American Indians and Alaska Natives (AI/AN) can be attributed, in part, to the failed laws and policies of the federal and state governments. When our communities, specifically women, are targeted far too often, it results in a missing woman or an unnatural death. Recent laws have acknowledged the importance of federal program coordination. Savanna's Act, named to honor Savanna LaFontaine-Greywind, a 22-year-old citizen of the Spirit Lake Nation who was murdered in 2017, is one example. The law aims to improve MMIW data collection and access that directs the U.S. Department of Justice (USDOJ) to review, revise, and develop law enforcement and justice protocols to address missing and murdered Indigenous peoples. Savanna's Act requires that the USDOJ develop and host training for state, Tribal, and federal law enforcement officers. The Anchorage missing and murdered Indigenous persons (MMIP) Liaison and Alaska U.S. Attorney's offices have worked with stakeholders to create Tribal plans and a protocol for law enforcement. This law continues



The late Shirley Moses, former Director of Healing Native Hearts Coalition speaking at the May 2018 MMIW Walk in Fairbanks, Alaska. / Photo courtesy of AKNWRC.

Ensure Adequate Resources for Advocacy and Services for Indigenous Women

to hold promise to reduce the numbers that make Alaska stand out as one of the most violent states for AI/AN women.

Another recently passed law, the *Pro Bono Work to Empower and Represent (POWER) Act* (Public Law 117-252), may also assist with improving the effects of failed policies. The *POWER Act* has a threefold purpose:

- (1) to encourage attorneys to provide pro bono legal services to survivors of sexual and domestic violence,
- (2) to require every federal district court to hold an annual summit regarding the Act; and
- (3) every two years, to host an event in areas with high numbers of American Indians and Alaska Natives on issues of importance to our communities.

Since its initial enactment in 2018, there have been 248 pro bono summits held across the nation, reaching more than 61,000 attorneys with the encouragement to provide pro bono (for free) legal services. Thanks to senator Dan Sullivan (AK), who sponsored the bill in the Senate, and representative Mary Sattler Peltola (AK), who sponsored the bill in the House, the act passed both houses of Congress and became law on December 20, 2022.

Tribal communities should be specifically targeted for the "Pro Bono" legal services and should be included

when measuring the overall success of the law. We should go beyond the “legal summits” required and encourage active participation in AI/AN communities with the highest rates of gender-based violence whose members often do not have legal representation.

The Legal Services Corporation found:

“The filing of a protective order [is] one of the two most effective tools for stopping domestic violence, second only to leaving the abuser. An academic study by two economists found that increased access to civil legal aid was one of three major factors correlating with the 21% decline in the incidence of domestic violence from 1993 to 1998. The economists concluded that civil legal aid is more effective than access to shelters or counseling services in reducing domestic violence. The Office of Justice Programs at the Department of Justice found that “obtaining a permanent protection order results in a statistically significant reduction (80%) in police-reported physical violence in the subsequent 12 months.”¹

Studies by the USDOJ and the Centers for Disease Control and Prevention (CDC) found that nearly 25% (or 1 in 4) of women suffer from domestic violence. However, many of these women do not have access to legal representation. Among Alaska Natives, some studies have found while Alaska Natives comprise 19% of the population, they are 48% of sexual assault victims and are overrepresented as domestic violence victims at 250%. The National Network to End Domestic Violence, a nonprofit organization, found that in 2017, 11,441 requests for services—including legal representation, emergency shelter, transportation, child care, and more—were made but could not be provided because

Participants of the May 2018 MMIW Walk in Fairbanks, Alaska. / Photo courtesy of Janelle Chapin, AKNWRC.



programs lacked the resources to meet victims’ needs.² There is no similar data for AI/AN specifically. However, we know that “[t]he majority of American Indian and Alaska Native victims have experienced violence at the hands of at least one interracial perpetrator in their lifetime — 97 percent of female victims and 90 percent of male victims.”³

Sen. Dan Sullivan (AK), one of the sponsors of the bill in 2017 and 2022, stated:

“Many who are suffering from domestic abuse and sexual assault can’t afford attorneys to file charges or, importantly, to even protect themselves and their families, their kids. Here is the big irony: When someone is charged with a crime—say a sexual assault crime, say an accused rapist—that person gets a Sixth Amendment right to counsel under the U.S. Constitution. So, the perpetrator gets the right to a lawyer. What does the victim get? The victim gets nothing-- no attorney, no right to an attorney. Think about that. An accused rapist gets a lawyer under the Constitution and the victim gets nothing.”

House of Rep. Mary Sattler Peltola (AK) commented that the legal system is flawed:

“Survivors of intimate, partner-related violence and intimidation often lack the legal resources they need to protect themselves from future injury. In this paradigm, victims are too often unable to escape the perpetrators of their trauma-to devastating effect.

...As one of my first legislative actions in Congress, I was proud to introduce the *POWER Act*. This bill removes the sunset on the *POWER Act* and will ensure more victims can protect themselves from further violence and intimidation.”

While the benefits of the *POWER Act* are yet to be fully understood for AI/AN Tribes, there is hope that another avenue for legal assistance will be available as we improve services to survivors. During consultations with the Office for Victims of Crime and the Office on Violence Against Women, Tribal leaders should request parity for legal aid programs with their non-Indian counterparts. Until we have equal access to available resources, improvements to gender-based laws may fall short, otherwise.

¹ n8ve.net/lksUrFiq

² n8ve.net/MjSGjj2w

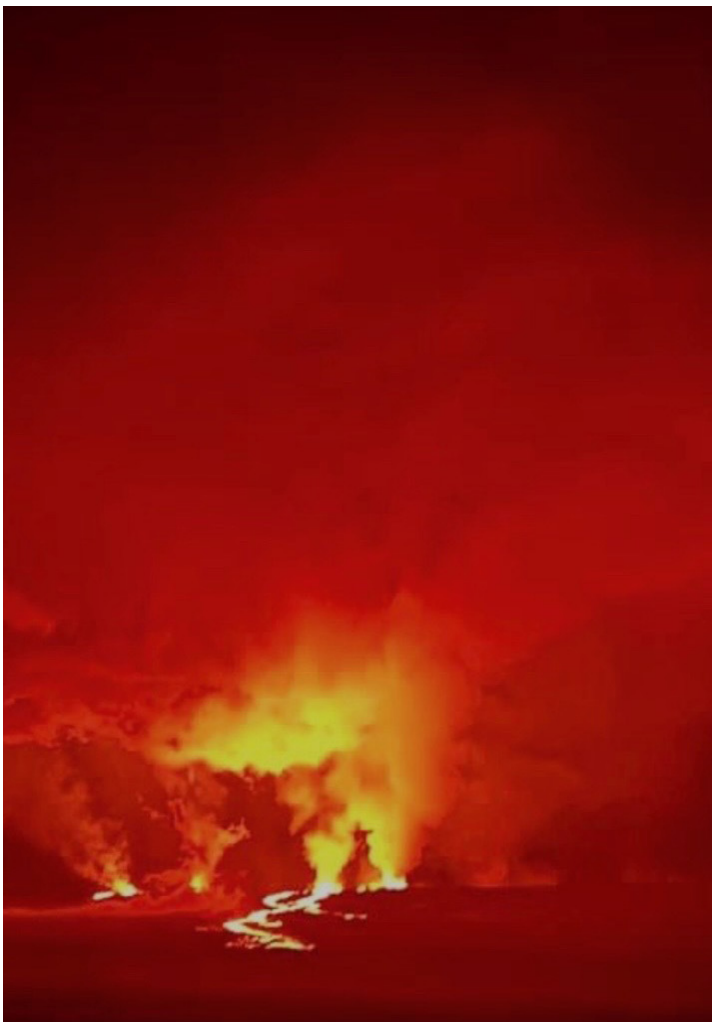
³ Andre B. Rosay, “Violence Against American Indian and Alaska Native Women and Men,” *NIJ Journal* 277 (2016), n8ve.net/qtG7bNnR

Mana Maui Ola o Nā Wāhine: The Strength of the Breath of Life, Power of Healing Women

Point 2: Recognize and Respect Indigenous Responses of Native Hawaiian Communities and Organizations to Protect Indigenous Women

By Rosemond K. Pettigrew, Dr. Dayna Schultz, NaniFay Paglinawan, Dolly Tatofi, *Native Hawaiian*, Board of Directors, Pouhana O Nā Wāhine

*Pele dancing hula on Mauna Loa.
Photo courtesy of Gwen Borges.*



The Pouhana O Nā Wāhine recognizes the shift in perspectives on Akua Wāhine (female goddesses) because of colonization as it went from positive, uplifting, and respected to negative, destructive, and silent. We highlight Akua Wāhine to restore their sacredness, reclaim their power, and revive the importance of the impact they have on our lives as Native Hawaiian women.

Dolly The imposition of western ways on Native Hawaiians beginning in the 1800s caused disruption and dilution of culture, identity, self-preservation, and grounding in personal and communal mana. This disconnect has been carried through the ‘ohana (family unit) generationally and is seen in the statistics reflecting variable disparities. The honorable roles that kāne (men) and wāhine (women) held were flipped around and not fully understood by outsiders. This was the same for anything, and everything Hawaiian, including the mo‘olelo (stories) shared orally within the ‘ohana. Separation was the vice that came with colonialism, a concept that was not a part of nohona Hawai‘i (Hawaiian lifestyle).

As we uncover these misunderstandings, then do we start to remember and reconnect where we left off with our kūpuna (ancestors). Learning and sharing our kūpuna’s mo‘olelo is a pathway to healing and restoration of self. We come to learn about not only the ways, practices, beliefs, and traditions of our kūpuna, but we embrace

the very characteristics embodied through po‘e (people), kanaka (a person), ‘āina (land), kai (sea), the elements, and through nā ‘aumākua (family spirits) and nā Akua (gods). As we come to restore the safety and honor of nā wāhine kapu (sacred women), reconnecting with mo‘olelo wāhine (women stories) and mo‘olelo Akua wāhine (divine women stories) supports us in achieving this in completeness. To be complete in self as wahine kapu (sacred woman) and to be known as such is mana (divine power).

Rosemond Akua Wāhine is the embodiment of divinity and pure light as the creator of ‘āina (land), mother of the earth, and the giver of all life forces on the ‘āina or earth. Nature is sacred to me, as I am nature and embrace my kuleana (responsibility) to malama (take care of) her as her child and a child of the land - ‘keiki o ka ‘āina. The connection to Akua Wāhine is inseverable as a mother and a child cannot be changed, discarded, or removed as the life-giver. One cannot exist without the other because we are one body, mind, and spirit. The heaven (lani), ‘āina, kai (ocean), lā (sun), and hoku (star) are all one with heaven and the same with the earth, which is how it is in the realm of the Akua Wāhine.

Some foreigners came with closed minds and hearts to the traditions, beliefs, and customs of the peoples of Hawai‘i. They diminished the importance of and respect for Akua Wāhine. Hō‘ihi or ‘ihi is the root word that means sacred, holy, majestic and dignified. They were no longer respected as the creators of life and light that they are. The restoration of the sacredness of women and divinity of the light and giving light to the world is important. We all must Malama her because our children’s and their children’s lives depend on her. With the current climate crisis, it is even more crucial that we, as children of the land, Malama the ‘āina, kai and lani and, therefore, Akua Wāhine.

NaniFay The status of Native Hawaiian wahine (women) changed with colonization. Prostitution, trafficking, domestic violence, and sexual assault were introduced and forced on Native Hawaiian women with the contact of white male seafarers and missionaries wanting to conquer the world. Anyone not white was considered savage. Therefore racism and sexism were introduced into Native Hawaiian society.

Many of the women goddesses disappeared. When akua (women) were mentioned, it was all negative. Pele, the volcano goddess, became the destroyer of land instead of the builder of land. The stories were always about goddesses fighting each other because of jealousy over a Kane (man). All schools were taught in a very white, male colonized manner. They used Christianity to control the mind, language, and ceremonies of Native Hawaiians. There was only one superior race, the white American. Restoring our teachings about our Akua Wāhine will help to protect our women.

Dayna The beauty, grace, and Aloha bestowed within these wahine include gifts of healing and natural elements which were viewed as witchcraft and evil, eventually leading to their banishment. A perfect example is that of Pele, the Goddess of Volcano and Fire. While her function is culturally understood as one who clears the way for land and the future, Western society identified her as a “destroyer” and turned her work and purpose negative. We live in her home, and should the volcano erupt, this is her way of rebirthing land for new beginnings.

Pele honua mea was born in Tahiti to Haumea, Earth Goddess and Kane Milohai, Creator of sky, earth and the upper heavens. Haumea, Pele’s mother, is a direct descendant of Papa, Earth Mother, and Wakea, Sky Father, who are identified as the first parents in Hawaiian History. Pele’s name is believed to evolve from Tahitian culture, in which Pere is a volcano.¹

After 34 years of rest, Tūtū Pele went to work, igniting and erupting Mauna Loa and Kilauea on November 28, 2022. In Native Hawaiian culture, Tūtū Pele is highly respected, and her work is understood as the intentional clearing of the land for new land and life. Native Hawaiians understand that we are a guest in her home, therefore we honor her through offerings of oli (chant), pule (prayer), hula (dance), and ho‘okupu (traditional wrapped offering) to pay our respects and recognize her beauty, power, and love for our ‘āina. It is important that Tūtū Pele, along with other goddesses, be remembered for their function and purpose within our culture and not for Westerners’ negative outlook. Wāhine Akua held special kuleana in our culture and history, which is why we highlight them to help our women and girls identify with our Wāhine Akua.

¹ www.sacred-texts.com/pac/hlov/hlov15.htm



Culturally Appropriate Advocacy Identifies Need for Adequate Resources

Point 3: Historical Trauma, Reviving Culture, and Finding Justice

By StrongHearts Native Helpline

StrongHearts Native Helpline is working to uplift the voices of survivors by recognizing the strength and resilience of Indigenous peoples. We acknowledge that domestic and sexual violence have lived in our communities for far too long and that victim-survivors are often denied justice.

“Our history was never written through the eyes of our people who narrowly survived the forces of colonization and assimilation,” said CEO Lori Jump. “In the eyes of elders, we can see historical trauma without them speaking a word. We know that domestic and sexual violence was used as a means to control us and to control each other. We must dispel the belief that we were born this way by teaching our children about our real history.”

For example, in 1791, William Bartram (American naturalist) wrote about the Creek and Cherokee Nations:

“An Indian never attempts, nay, he cannot use towards a woman amongst them any indelicacy or indecency, either in action or language. I never saw or heard of an instance of an Indian beating his wife or other female, or reproving them in anger or harsh language.”

Domestic and sexual violence are not traditional practices. We must strive to revive our culture and acknowledge that our values are historically based on humanity, love, respect, and honor. We must also uplift the voices of victim-survivors and seek justice in our courts to hold perpetrators responsible for their crimes.

Inadequate Resources

Part of StrongHearts’ mission to restore power to Native Americans impacted by domestic and sexual violence includes developing a unique, culturally specific

database that incorporates Native-centered resources on top of those resources utilized by mainstream advocates. As such, we know there simply are not enough resources available to our relatives.

For instance, there are 576 federally recognized Tribal Nations and only 250 Native-centered resources identified and listed in the StrongHearts database. When it comes to safe shelter, the situation is even more dire, with less than 60 culturally-appropriate shelters nationwide. Given the epidemic-level rates of violence our relatives experience, this is nothing less than tragic.

More funding is necessary at not only the federal level but also the state level. The federal government must do better to meet their trust responsibilities, and states must do better to meet the needs of all residents in their states—especially those populations plagued by violence.

Culturally Appropriate Advocacy

At StrongHearts, all of our advocates are citizens of Tribal Nations and have been trained to understand Native cultures and traditions, the unique barriers to justice, and the need for accessible Native-centered service providers.

Culturally appropriate means StrongHearts advocates understand the significance of being Native-centered, trauma-informed, and empowerment-based.

- Native-centered means that our advocates understand the core values of Indigenous peoples.
- Trauma-informed means our advocates recognize domestic and sexual violence as a symptom of colonization and assimilation.
- Empowerment-based means that our advocates recognize the importance of giving power back to our people; trust that they know what is best for them, and help them to find the resources they want and need.

Core Values and Guiding Principles

It is an essential component of StrongHearts advocacy that we adhere to core values and guiding principles that were set forth by our ancestors. We must honor their teachings in our advocacy, and in doing so, we adhere

to seven principles: culture, balance, interrelatedness, humility, bravery, resiliency, and trust.

- **Culture:** Indigenous culture is at the heart of our existence. We connect with all Tribal Nations and honor their diversity.
- **Balance:** Our culture is rooted in traditional lifeways inclusive of the mind, body, and spirit and to promote a healthy balance.
- **Interrelatedness:** We honor our connection to our relatives, ancestors, and Mother Earth. We strive to overcome oppression and endeavor to promote healing.
- **Humility:** We learn equally from Native teachings, including the lessons learned in nontraditional ways. We value the strength of our people, validate their lived experiences, and work to create an empathetic and mutual understanding.
- **Bravery:** We face the unique challenges of Native people and call upon the strength and bravery of our ancestors to meet those challenges with mental and moral courage.
- **Resilience:** Centered on the resiliency of Indigenous survivors and their ability to adapt in the face of adversity, we seek to promote a healing journey in our quest for social justice.
- **Trust:** We honor our people and endeavor to create an environment where truth and honesty are valued while building trust among and for our people.

Culturally-appropriate support and advocacy mean that StrongHearts advocates embrace the resilience of our people and the strength found in restoring our traditional lifeways.

For safe, confidential, and anonymous support and advocacy, StrongHearts Native Helpline's advocates are available 24/7. Call or text 1-844-7NATIVE or visit our strongheartshelpline.org to chat online.



Alliance of Tribal Coalitions to End Violence and the Tribal Coalitions

Point 3: Ensure Adequate Resources for Advocacy and Services for Indigenous Women

By Germaine Omish-Lucero, *Rincon Band of Luiseno Indians*, Special Projects Director, Alliance of Tribal Coalitions to End Violence

The Violence Against Women Act of 2000 (VAWA) created and the VAWA 2013 amended the Tribal Domestic Violence and Sexual Assault Coalitions (Tribal Coalitions) Grant Program administered by the Office on Violence Against Women, U.S. Department of Justice. The Tribal Coalitions Program builds the capacity of survivors, advocates, Indian women's organizations, and victim service providers to form nonprofit, nongovernmental Tribal domestic violence and sexual assault coalitions. Coalitions advocate for the social changes needed at the Tribal, state, regional, and national levels to end violence against American Indian/Alaska Native women. A few Tribal Coalitions were established before 2000, and have been working at the grassroots level for over 30 years. As of 2022, there are now 20 Tribal Coalitions across Indian Country.

The statutory purposes of the Tribal Coalitions program are:

- increase awareness of domestic violence and sexual assault against Indian women;
- enhance the response to violence against Indian women at the Tribal, federal, and state levels;
- identify and provide technical assistance to coalition membership and Tribal communities to enhance access to essential services for Indian women victimized by domestic and sexual violence, including sex trafficking; and
- assist Indian tribes in developing and promoting state, local, and Tribal legislation and policies that enhance best practices for responding to violent crimes against Indian women, including domestic violence, dating violence, sexual assault, sex trafficking, and stalking.

The mission of the Alliance of Tribal Coalitions to End Violence (ATCEV) is to work to advance Tribal



Tribal Coalitions and advocates gathering prior to the opening remarks, a Shawl Ceremony, at the 17th National Indian Nations Conference in Palm Springs, CA. / Photo courtesy of Kelsey Foote.

sovereignty and safety of American Indian/Alaska Native women by providing support to Tribal coalitions and Tribal communities in their efforts to address equal access to justice for survivors of violence.

ATCEV was born in November 2013 as a non-profit corporation in the state of Washington and received its 501c3 status in February 2014. All the Tribal Coalitions are members of ATCEV, including members serving on the Board of Directors. ATCEV was born out of discussions among Tribal Coalition Executive Directors to deliver a collective, unified voice of the Tribal Coalitions into national discussions. Over the years, it has become a peer-to-peer networking group by providing a format for sharing information and strategies for addressing issues specific to Tribal Coalitions and the programs/Tribes they serve. ATCEV assists with sharing and responding to funding opportunities as well as training and technical assistance to help build the capacity and sustainability of the Tribal Coalitions.

As a collective voice, Tribal Coalitions have established local, state, national and international agendas of service, policy, and strategies to eliminate violence against Native women. Their work on policies, including with the National Congress of American Indians (NCAI) VAWA Task Force, and the United Nations, have become models of collective influence for others. Tribal coalitions' advocacy helped to create the NCAI VAWA Task Force in 2003 in partnership with Tribal leadership, NCAI, and other Tribal organizations. The work of the Tribal Coalitions with the Task Force is reflected in NCAI Resolutions that have been the seeds for strengthening federal legislation such as VAWA 2013. The Task Force celebrates 20 years in 2023 of united grassroots organizing with Indian tribes, Tribal coalitions, and other Tribal organizations, including ATCEV, to restore sovereignty and increase the safety of Native women.

Since ATCEV's birth, it has grown in promoting the work of the Tribal Coalitions. ATCEV sits on several national working groups that are comprised of both Native and non-Native organizations working on policy issues that affect victims of violence, including the National Indigenous Women's Resource Center's MMIW National Partners Workgroup that in 2021 released our 6-Point Action Plan titled Advocacy in Action: Restoring Safety of Indigenous Women. ATCEV has received grants and Foundation awards that work with several national organizations on technical assistance to Tribal Coalitions, state coalitions, and Tribes, as well as internationally.

ATCEV recently created the Indigenous Ancestral Healing Collective, which consists of two Tribal coalition directors, two ATCEV staff (from Turtle Island/USA), along with a cadre of Indigenous people, including the Kānaka Maoli (Hawai'i), the Māori (Aotearoa or New Zealand) and the Aboriginal (Australia). The collective represents subject matter experts, professionals, academia, a radio broadcaster, artists, and social workers, committed to the overarching goal to better understand where we are similar, where we differ, and how the healing of our ancestral trauma can benefit everyone.

The Collective convened monthly web-based meetings spanning 11 time zones, sharing stories of celebration, hardship, trauma, and healing. The Collective shared how violence impacted their lives, families, communities, and countries. Most importantly, we shared the importance of healing modalities. These conversations are vital for Indigenous peoples' continued journey toward healing and being whole again.

The Collective created a healing journey booklet- Indigenous Anthology, that is free for all. The healing booklet was designed as a tool for our member programs, Tribal communities, and Tribal Coalitions to disseminate throughout these communities to help in the healing process.

The Murdered/Missing Indigenous Women (MMIW) has recently been a topic that has garnered national attention. ATCEV and the Tribal Coalitions have been working at the national level and in our Tribal communities to bring awareness of the MMIW for many years. We have helped spur this attention, including in partnership with other Indigenous organizations since 2021 for the National Week of MMIW Action. Tribal Coalitions have been organizing Tribal summits, community events, rallies, marches, 5k runs, and various functions to promote cooperation with law enforcement for quick action when one of our loved ones goes missing. Tribes have spoken out about MMIW at tribal government-to-government consultations. Many of our Tribal Coalition Executive Directors, staff, and Tribal program directors have been designated to speak at consultation on the issue of domestic violence, sexual assault, sex trafficking, stalking, and MMIW. They are subject matter experts and, through their testimony, have shifted the focus from discussion to action.

Through the grassroots efforts, Tribal coalitions and the Tribal communities they work with have received the attention from the Senate and White House to make proclamations on recognizing May as the month to bring awareness to MMIW and the 5th of May as the national day of awareness and action. While these are steps in the right direction, many obstacles still exist. The Tribal Coalitions and ATCEV continue to work the grassroots efforts to make necessary changes, especially to ensure adequate resources for advocacy and services for Indigenous women.

The Indigenous Ancestral Healing Collective (IAHC), an international group of individuals. We consist of Indigenous tribal citizens from the lower 48- (Turtle Island/USA), Kānaka Maoli (Hawai'i), Māori Aotearoa (New Zealand) and Aboriginal (Australia) representing subject matter experts, professionals, academia, radio broadcaster, artists, and social workers.

Lesson Learned by our Collective, has focused on healing, culture, wellness, mental health, spirituality, and food sovereignty. Discussions on the impacts of colonization on our cultures, how we endeavor to overcome trauma and thrive for ourselves, our communities, and our homelands have shown how we differ but more importantly how we are the same.

Through our discussions, we developed our Indigenous Anthology-A Healing Journey booklet on wellness, to be shared and is free for anyone to use.

To receive a free copy, just scan the QR code to access the booklet.




NCAI Passes Thacker Pass Resolution

Point 5 & Point 6

Recently the National Congress of American Indians passed a resolution opposing increased violence against Indigenous women due to Thacker Pass mine and man camps:

Implement a Thorough Federal Response to MMIW by Requiring Every Federal Department to Develop Action Plans with Meaningful Consultation with (AI/AN) Nations and Native Hawaiians to Address MMIW

Recognize That Both Land and Indigenous Women Are Sacred, Connected, and Must Be Protected by Legislative and Policy Actions



NATIONAL CONGRESS OF AMERICAN INDIANS

**The National Congress of American Indians
Resolution #ANC-22-013**

TITLE: Supporting the Continued Protection of Northern Paiute and Shoshone Traditional Homelands from the Permitted Thacker Pass Lithium Mine in Northern Nevada

EXECUTIVE COMMITTEE
PRESIDENT
Fawn R. Sharp
Quinalt Indian Nation
1ST VICE PRESIDENT
Mark Macarro
Pechanga Band of Luiseño Indians
RECORDING SECRETARY
Stephen Roe Lewis
Gila River Indian Community
TREASURER
Shannon Holsey
Stockbridge-Munsee Band of Mohican Indians

REGIONAL VICE PRESIDENTS
ALASKA
Mike Williams
Akiak Native Community
EASTERN OKLAHOMA
Norman Hildebrand
Wyandotte Nation
GREAT PLAINS
Harold Frazier
Cheyenne River Sioux Tribe
MIDWEST
Rebecca Crooks-Stratton
Shakopee Mdewakanton Sioux Community
NORTHEAST
Lance Gumbs
Shinnecock Indian Nation
NORTHWEST
Melvin Sheldon, Jr.
Tulalip Tribes of Washington
PACIFIC
Jack Potter
Redding Rancheria
ROCKY MOUNTAIN
Mark Pollock
Blackfeet Nation

WHEREAS, we, the members of the National Congress of American Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants the inherent sovereign rights of our Indian nations, rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States and the United Nations Declaration on the Rights of Indigenous Peoples, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the health, safety and welfare of the Indian people, do hereby establish and submit the following resolution; and

WHEREAS, the National Congress of American Indians (NCAI) was established in 1944 and is the oldest and largest national organization of American Indian and Alaska Native tribal governments; and

WHEREAS, NCAI thoroughly acknowledges the United States Federal Government has a fiduciary and trust relationship to and a government-to-government relationship with Tribal Nations; and

WHEREAS, Thacker Pass, traditionally called Peehee Mu’huh (Rotten Moon), an important cultural and historic site to the Paiute and Shoshone Peoples located in our homelands in Nevada, is administered by the Department of Interior U.S. Bureau of Land Management (BLM) which approved the Thacker Pass lithium mine on January 15, 2021, less than 365 days after scoping began for the Thacker Pass

ACCESS THE FULL RESOLUTION AT n8ve.net/r8XTdqq0

Laverda Guy Sorrell



(From Left to Right) Oldest Tiffany Sorrell, youngest David Sorrell, Mother Laverda Sorrell, and Nicholas Sorrell.

“On July 4, 2002, our lives were forever shattered with the disappearance of our mother, **Laverda Guy Sorrell**. As surviving children and family members, we deserve justice and answers from law enforcement and the systems that continue to fail us all. As a family, we will continue to advocate for her and not allow authorities to ignore and devalue her precious and sacred life.”

— TIFFANY SORRELL, DAUGHTER OF LAVERDA GUY SORRELL

Hanna Harris

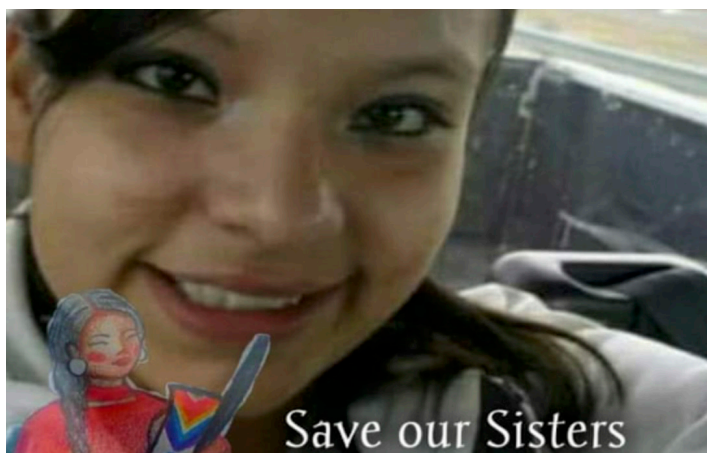


Photo of Hanna Harris.

“We will remember our beloved daughter, sister and mother **Hanna Harris** who we lost 10 years ago this coming July 4, 2023 with a Red Dress Special at the 4th of July Pow Wow. She lives on in all of our hearts as we continue to work with all Tribes, states, and the U.S. government to make sure we protect all of our women and girls.”

— MALINDA, ROSE, AND JEREMIAH



TAKE ACTION AT niwrc.org/mmiw

#MMIW #MMIWActionNow

Kaysera Stops Pretty Places



Photo of Kaysera Stops Pretty Places.

“The Big Horn County Sheriff’s Office, the FBI, and the Montana Department of Justice must be held accountable and fulfill its responsibility to **Kaysera** and other Native women and girls. We will continue to fight for #JusticeForKaysera and all Missing and Murdered Indigenous Women who have been abandoned by the authorities sworn to protect them.”

— DR. GRACE BULLTAIL, AUNT OF KAYSERA STOPS PRETTY

Daisy Mae



Photo of Patricia “Patsy” Whitefoot, sister of Daisy Mae Heath.

“When I think about self-determination and sovereignty, I think about those daily practices that we continue to practice, those daily values we hold as people such as the value of generosity – of giving back and the value of respect and respecting the land.”

— PATSY WHITEFOOT



TAKE ACTION AT niwrc.org/mmiw

#MMIW #MMIWActionNow

Indigenous Women and Indigenous Land

Point 6: Protecting the Sacred

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

The National Indigenous Women’s Resource Center, Indian Law Resource Center, National Congress of American Indians, Pouhana O Nā Wāhine, Alaska Native Women’s Resource Center, StrongHearts Native Helpline, and the Alliance of Tribal Coalitions to End Violence collaborated on a 6-Point Action Plan for Restoring Safety of Indigenous Women. Point 6 of the Action Plan calls for advocacy to “recognize that both land and Indigenous women are sacred and connected and must be protected by both legislative and policy actions.”

“This insight was developed from our organizations’ shared understanding that while traditional, Indigenous governments took varied forms before colonization began, Indigenous women were protected and often held as sacred within their nations,” says Chris Foley, Attorney, Indian Law Resource Center. “However, as the impacts of the European invasion, colonization, and land theft devastated our peoples, Indigenous women and Indigenous lands in America have been left vulnerable to violence and exploitation.”

American Indian, Alaska Native, and Native Hawaiian women and girls suffer extreme and disparate levels of gender-based violence. For those living in rural and remote communities on Tribal lands and in Alaska Native villages, this problem is especially severe. In these communities, Tribal and Village governments are often the only government presence, yet their criminal jurisdiction to protect their women and children from violence is limited or even barred by discriminatory federal law. Meanwhile, state and federal governments

that could do so fail to prevent, prosecute, or punish these crimes. Indigenous women are denied the right to access justice, and their human rights are violated.

Violence against Indigenous women, including the crisis of missing and murdered Indigenous women (MMIW) as its most extreme manifestation, is largely the result of the introduction of non-Indigenous ideas of misogyny and racial discrimination and the establishment of laws and policies that advance the theft of Indigenous lands and resources, including by undermining our Indigenous governments. Among the most egregious examples is the United States Supreme Court's 1978 decision in *Oliphant v. Suquamish* decision holding that Tribes had no authority to exercise criminal jurisdiction over non-Indian offenders who committed crimes on their lands. Having prevented Tribes from protecting their citizens, the federal and, in some places, state governments were left to administer criminal justice on reservations and in Alaska Native villages. They have done almost nothing.

Recent 2022 legislative findings in VAWA 2022 show that there has been little improvement in restoring safety to Indigenous women since VAWA 2013. The murder rate for Indigenous women is ten times the national average on some reservations, and a 2017 report by the U.S. Department of Justice cited in the VAWA 2022 Findings states that in 66% of the criminal cases in Indian country that federal prosecutors declined to prosecute, the cases involved assault, sexual assault, or murder.

The epidemic of violence against Indigenous women highlights the United States' failures not only under its law, including its trust responsibility to Indian nations to help Tribes safeguard their Indian women but also under international human rights law. "Since 2007, the Center has been collaborating with Tribes and Native women's organizations on a strategy that views violence against Indigenous women through a human rights lens, not simply as a domestic or law enforcement issue," says Jana Walker, Attorney, Indian Law Resource Center. "International advocacy complements grassroots efforts by adding top-down world pressure on the United States to meet its obligations to end violence and discrimination against Indigenous women."

The United Nations (UN) and American Declarations on the Rights of Indigenous Peoples are the most important international human rights instruments for Indigenous peoples' rights. Over several decades, both were negotiated by Indigenous nations and peoples,

advocates, and the national governments under which we now live. The UN and American Declarations have been adopted by the United Nations and the Organization of American States respectively, and now stand as consensus statements of the principles to which the United States has committed itself when dealing with Indigenous peoples as collectives and Indigenous women as individuals.

The two Declarations contain important provisions regarding Indigenous peoples' rights of self-determination, right to self-government, land rights, and Indigenous women's rights to live free of discrimination and violence. In the UN Declaration, for example, Article 4 states that "Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions." Regarding land rights, Article 25 states that "Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard." Article 26(2) states that "Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired." And in Article 22(2), the UN Declaration states that "States shall take measures, in conjunction with Indigenous peoples, to ensure that indigenous women and children enjoy the full protection and guarantees against all forms of violence and discrimination."

Read together, these principles of land rights and self-government guide the law reform work needed in the United States to secure safety for Native women and to protect our lands and resources.

While the UN and American Declarations acknowledge Indigenous peoples' rights and the United States has endorsed these principles, United States law falls short of these minimum international standards. Much more must be done to end violence and discrimination against Indigenous women and to protect Indigenous lands and resources from unwelcome exploitation and environmental degradation. These goals are woven together so tightly that it is nearly impossible to pursue one alone. **We must do both, and we must do both now.**

Intersection of Movement and Advocacy For Missing and Murdered Indigenous Women, Girls, and Relatives

By Jordan Marie Whetstone, *Kul Wičasa Oyate / Lower Brule Sioux Tribe*, Athlete Advocate, Rising Hearts

| *Hi, community!*

My name is Jordan Marie Brings Three White Horses Whetstone! I'm the founder of Rising Hearts, a prayer runner and professional Athlete Advocate, filmmaker, DEI/JEDI consultant, and community organizer. My newest and favorite role is being a mom to an almost one-year-old, Čhaské!

Rising Hearts is an Indigenous-led grassroots organization committed to the heart work in elevating Indigenous voices, promoting, and supporting intersectional collaborative efforts across movements in cultivating community with racial, social, climate, and economic justice goals. Our primary focuses are to inform, elevate, mobilize, and organize through strategic and targeted advocacy and programming, establishing kinships to create a safer future and environment for all relatives who inhabit this planet - past, present, and future.

Our vision is for a socially, economically, and environmentally - just world where all who inhabit her are safe and empowered to thrive while realizing our collective potential. We focus on the importance of movement and the intersection of running and sports to fundraise for and elevate topics, events, and issues we fight for or celebrate!

What's next for our advocacy movement campaigns? Our Earth Day 5k and 5th Annual Running For Justice - May 5th Awareness for MMIWG/R. As we

approach Earth Day (April 22, 2023), we share why it's important to include violence against Indigenous women and peoples at the intersection of climate justice. We can advocate and call for accountability to move towards a just transition, sustainable and responsible clean energy, limiting our carbon footprint, lessening our consumption of fast fashion, more composting, recycling, terracycling, and more.

*Jordan running a 30-mile prayer run for MMIW/R.
Photo courtesy of Devin Whetstone.*



But all of that means nothing when we do not include the Indigenous Peoples, people of color, and marginalized communities who are devastatingly impacted by violence, displacement, and homicide at the hands of destructive and extractive methods that care more about profit than life. More specifically, we have Indigenous women, children and peoples impacted by domestic violence, trafficking, and sexual assault when we talk about man camps along pipelines that extract resources from our sacred ecosystems.

Through my community organizing days in 2016-2018, I heard Indigenous voices share and witnessed Indigenous women and children flee man camps across the Bakken Oil Fields. For example, with their oil boom, North Dakota reported 125 cases of MMIWG/R during this time, and in 2019, 529 cases along the Keystone Pipeline that crosses Montana, North Dakota, South Dakota, and Nebraska. These pipelines are placed on Indigenous / Tribal lands (Reserves and Reservations) and near marginalized communities, which clearly states that the importance of Indigenous life isn't cared for to have a healthy and thriving future. We have Indigenous Peoples, like Berta Cáceres, Ari Uru-Eu-Wau-Wau, and Homero Gómez, all across the Eagle and Condor lands (all over the world), being attacked and losing their lives at the hands of the extractive industry because they are considered invaders and their Indigenous ancestral lands are wanted for extractive projects and resources. We have had land and water defenders or protectors murdered because they mobilized their communities to stop the dangerous projects that harm their lands and resources.

We must reframe how we think when we consume and participate in this capitalist society. We must be mindful of our impact and the next ten steps or more of what those impacts are when we make a purchase. Sadly, what we rely on in our everyday lives, is, in some way, connected to these companies that fund these projects. As humans, not just Indigenous people, we are deeply rooted with lands, and over time, due to colonization, our everyday life is polluted with things that take us away from that connection. For Rising Hearts, we believe that a restorative balance must happen, and we need a cultural shift. What does that even look like? There are so many answers and only so much we can do as individuals, but sadly, that responsibility doesn't rely on only us. It's in the hands of who we vote for and who is in charge of making those decisions, where Indigenous people and people of

color are often not in those seats. We must collectively work towards living in kinship with the lands so we can live in kinship with each other as a community. Much of our advocacy about this is through our Running On Native Lands Initiative, grassroots organizing for panels and marches, and through our No More Stolen Relatives Initiative. We invite Indigenous peoples and allies/co-conspirators to join us in advocating for the connection between MMIWG/R, human rights violations, and Climate Justice.

With our Earth Day 5k and the conversation of how MMIWG/R intersects with Climate Justice, we hope to raise awareness leading into the week of action for May 5th - National Day of Awareness for MMIWG/R. And I remind you this advocacy, this heart work, is done every day by the families, survivors, advocates, and organizations fighting for a safer, thriving future where Indigenous peoples are protected, visible, heard, supported, amplified, and centered.

For ways to help raise awareness, show your solidarity, and raise funds to give back as community towards organizations, families, and advocates in this space, join us on April 22nd for our first Earth Day 5k run/walk and May 5-7th 5th Annual Running For Justice virtual and in person run/walk. Since 2020, we have raised over \$300k from virtual and in-person registrations and donations from over 20 virtual/in-person runs. We donated much of those funds to the heart working organizations and groups doing this work every day with community. Join us by registering, sharing, tagging @rising_hearts on IG, and other options to donate and/or sponsor a runner by donating an entry. Let's cultivate community together.

CONNECT WITH *RISING HEARTS*



www.risinghearts.org



[@rising_hearts](https://www.instagram.com/rising_hearts) / [@nativein_la](https://www.instagram.com/nativein_la)

Sign up to participate in Rising Hearts Inaugural Earth Day 5k:
events.elitefeats.com/23earthday

Sign up for Rising Hearts 5th Annual Running For Justice:
events.elitefeats.com/23justice

“It’s more about sharing a reality that you cannot unwitness. And I think that’s an honest contribution to any movement.”

Art’s Role in Advocacy

Artist Spotlight: Nick Alan Foote

By Kelsey Foote, *Tlingit (Taakw.aaneidi)*, Communications Specialist, Creative Editor of *Restoration Magazine*, NIWRC

What is the role of art in advocacy? The question arose during a discussion of last year’s National Week of Action for Missing and Murdered Indigenous Women (MMIW)¹, a ‘call to action’ organized and facilitated annually by the National Indigenous Women’s Resource Center (NIWRC). The awareness campaign seeks to commemorate our stolen sisters, whose lives we continue to honor through grassroots advocacy by demanding accountability in the face of government inaction.

The imagery, the art, associated with MMIW awareness often features a red handprint, recognizing the violence

that silences countless Indigenous women. The red handprint is a widely acknowledged symbol of the crisis; it can be found in the artwork of all disciplines, from carved totem poles² to chiffon fabric³ used in contemporary fashion. It even graced mainstream media on the cover of *Vogue* magazine in 2020 and 2021.⁴ The red handprint symbolizes solidarity between artists and storytellers alike. We will no longer stand for another stolen sister.

The powerful visibility of MMIW artwork is only one example of how artists build onto and influence social action. An art piece may not change society alone, but perhaps it complements the heart behind policy, emphasizing the voice and human experience the collective needs to sustain a movement.

¹ niwrc.org/mmiwnatweek22

² n8ve.net/KE2A2wOF

³ n8ve.net/wRJ2R7gN

⁴ n8ve.net/5WgMTWHB

⁵ n8ve.net/MzJSWRcK

NIWRC embraces the intersection of art and advocacy through several partnerships (Neebin Southall, Danielle Fixico) and encourages Native youth to participate in art challenges as a response to various awareness months throughout the year. More recently, in November, NIWRC considered artists to create an MMIW-inspired piece for this year's National Week of Action. The Policy Team sought to connect with an artist who understands the history of our missing and murdered women and one who would respect the integrity of the relatives involved.

My brother, artist Nick Alan Foote, was eventually chosen to create an MMIW piece as a collaborative project alongside myself as the supporting NIWRC staff member. After years of creating art in parallel⁶, we are honored that our first collaboration stands in solidarity with MMIW.

Nick is a 2S+/LGBTQ+ Alaska Native artist from Ketchikan, Alaska. His inspiration comes from his *Tlingit* heritage (*Taakw.aaneidí* clan) and a childhood spent in the rainy, rural fishing towns of Southeast Alaska. Unfortunately, like many Alaska Natives,



⁶ We had only worked separately before, publishing children's books for Sealaska's Baby Raven Read's literacy program for Alaska Native families. / Photo courtesy of Nick Alan Foote.

he is no stranger to the MMIW crisis. Alaska Native communities experience exceptionally high rates of violence. Despite making up only 19% of the population, 47% of the state's reported sexual assault victims are Alaska Native, and over 40% of Alaskan villages are without full-time law enforcement.⁵

I read these statistics aloud before our first drafting session for the design. "It's a hard reality to swallow," he said. "These are our cousins, our aunties, our neighbors. We grew up hearing stories, dark stories, that we were warned to never repeat or tell. It's still happening."

When asked about the connection between art and advocacy, Nick said, "from a cultural perspective, you want people to see the world as you do. You want them to see the joy and the horror. It's more about sharing a reality that you cannot unwitness. And I think that's an honest contribution to any movement."

As this issue of *Restoration Magazine* goes to print, Nick and I are working alongside the NIWRC's Policy Team to create a final MMIW design for the 2023 National Week of Action and the National Day of Awareness for Missing and Murdered Indigenous Women and Girls (May 5).

The 2023 National Week of Action will be held from May 1-5 to call our nation together in honor of missing and murdered Indigenous women. We invite everyone to participate in our webinars, workshops, social media storms, and a 5k race during this time. Join us in demanding **'enough is enough.'**



Nick Alan holding his formline art print, "Octopus" (2022). Photo courtesy of Alex Rutherford.

His work may be purchased at nickalanart.com or [instagram.com/nickalanart](https://www.instagram.com/nickalanart).



Legislative **UPDATE**





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

NIWRC.QUORUM.US



HONORING PROMISES TO NATIVE NATIONS ACT

On December 5, Senator Elizabeth Warren (D-MA) and Congressman Derek Kilmer (D-WA-06) introduced the *Honoring Promises to Native Nations Act* (S. 5186). The bill, which was initially proposed by Senator Warren and then-Representative Deb Haaland (D-NM-1) in 2019, is a response to the U.S. Commission on Civil Rights report: *Broken Promises: Continuing Federal Funding Shortfall for Native Americans*.

The *Honoring Promises to Native Nations Act* will address the chronic underfunding of essential services and programs in Indian Country, including criminal justice and public safety, health care, education, housing, and economic development. A summary of the bill is available here: n8ve.net/YRzXfmRd.



BRIDGING AGENCY DATA GAPS AND ENSURING SAFETY (BADGES) FOR NATIVE COMMUNITIES ACT

On September 22, Representative Ruben Gallego (D-AZ-03) and Senator Catherine Cortez Masto (D-NV) led Representatives Tom Cole (R-OK-04), Sharice Davids (D-KS-03), and Dan Newhouse (R-WA-04) in introducing the *BADGES for Native Communities Act* (S. 4923 /H.R. 8960). The bill promotes recruitment and retention of federal law enforcement, addresses inefficiencies in federal missing persons data systems, increases Tribal access to the National Missing and Unidentified Persons System (NamUs), and establishes a grant program to improve coordination efforts between states, Tribes, and Tribal organizations on cases of missing and murdered persons.



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 Family Violence Prevention and Services Improvement Act (FVPSA) of 2021 (H.R. 2119). On July 21, 2021, the Senate Committee on Health, Education, Labor, and Pensions marked up S. 1275. The bill advanced out of Committee, but stalled in the Senate and unfortunately was not reauthorized during the 117th Congress.

The FVPSA is 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. H.R.2119/S.1275 would expand programs and make improvements so that more survivors have access to support and safety, including:

- Increase the amount that Tribes receive from 10% to 12.5%;
- Funding for Tribal coalitions to provide technical assistance to Tribes;
- Permanent funding for the national Indian domestic violence hotline and the Alaska Tribal Resource Center on Domestic Violence; and
- Permanent funding for the Native Hawaiian Resource Center on Domestic Violence.

Restoration of Native Sovereignty and Safety for Native Women

A Magazine Providing Analysis Toward Ending Violence Against Native Women

By NIWRC Policy Team



The priority of distribution of Restoration is focused on the national movement leadership, including advocates and Tribal leadership committed to addressing the safety of Native women.

Restoration of Native Sovereignty and Safety for Native Women (Restoration) is a strategic political publication produced triannually by the National Indigenous Women's Resource Center (NIWRC). The primary purpose of *Restoration* is to inform Tribal leadership and Native communities of emerging and ongoing issues impacting the safety of Native women and to provide the necessary political analysis to address such issues. Our underlying goal is to support social justice organizing to create change, including law and policy reforms needed to increase the safety of Native women.

How Restoration is Distinct: A Strategic Tribal Framework to Restore Safety

The guiding framework of the publication links the spectrum of violence committed against Native women

to the historical pattern of violence used to diminish the sovereign authority of American Indian Nations to safeguard the lives of their women citizens. The name of the publication reflects the strategy of the grassroots movement, which asserts that by strengthening the sovereignty of Native Nations to hold perpetrators accountable, the safety of Native women will be restored.

The framework of *Restoration* is grounded in a Tribal or Indigenous worldview. We develop from the viewpoint of how violence, including barriers to the safety of Native women are experienced through the eyes of these very women; and how Native women and Native Tribes address the violence. In short, it's by Native women for Native women. Moreover, proposed solutions, changes, and legal reforms are developed from a Tribal perspective of strengthening the support needed for

Native women. This view is generally absent in reform efforts of the national movement to end violence against Native women, including federal departments charged with the “responsibility to assist tribal governments with safeguarding the lives of Indian women.”¹

Development of Restoration

The first edition of *Restoration* was published on February 23, 2004, at a historic moment in the national movement for the safety of Native women. In February 2004, Sacred Circle partnered with the National Congress of American Indians (NCAI) to organize a legislative reception at the U.S. Senate Hart Building in Washington, D.C. The event focused national attention on violence against Native women and the importance of the proposed Tribal Title to the 2005 Violence Against Women Act (VAWA) reauthorization. *Restoration* provided the analysis and urgency of inclusion of the Tribal Title. In addition, Tillie Black Bear led a Wiping of the Tears Ceremony for the several hundred attendees to center Indigenous beliefs and the context of spirituality.

Several national Tribal organizations united to pass the Tribal Title of VAWA 2005, the Safety for Indian Women title. A primary barrier to the passage of the title was the need for a shared understanding of the legal obstacles embedded in the legal infrastructure of the United States. These legal and policy obstacles continue to function as an extension of the colonization of Indian Nations by the United States.

To support passage of the VAWA 2005 Tribal Title, the Sacred Circle National Resource Center, Clan Star, Inc., NCAI VAW Task Force, and non-Native organizations recognized that for Tribal leaders and grassroots advocates to participate in the national movement to enact the Safety for Indian Women title, they would need ongoing briefings about the amendments. Further, advocates and Tribal leaders required detailed analyses of how the barriers embedded in federal Indian law made Native women vulnerable to violence in their daily lives.

Restoration was intended to inform and connect the spectrum of violence committed against Native women to the history and federal laws and policies that destroyed the traditional social protections that historically existed for women within their Tribes for centuries. In 2003, this public policy organizing and its connection to individual advocacy for women were new to the developing

national movement. Still, they needed to be elevated because Tribal advocacy programs as they exist today were few and far between and operated on shoestring budgets. For the first time, the movement had access to new resources available, such as *Restoration* and resources under VAWA 1995 and 2000. The movement began emerging in the early 1970s and 1980s when advocates used to sleep in cars or share a room to attend meetings addressing violence against women.

The Sacred Circle National Resource Center recognized the importance of NCAI’s legislative efforts and consulting with Tribal leaders since legislative amendments impact all Indian Tribes. The National Task Force to End Domestic and Sexual Violence Against Women (NTF) was a strong supporter, and *Restoration* included its logo for many years. In 2003, the national Tribal movement lacked a strong national relationship with congressional champions of VAWA, which made support from the non-Native allies extremely helpful. Less than a dozen Tribal coalitions existed since the Office on Violence against Women (OVW) Tribal Coalitions program was created in VAWA 2000 and launched in 2001. VAWA 1995 contained a 4% Tribal government set aside; VAWA 2000 increased it to 5%,

Cover of the first *Restoration Magazine* published February 2004 and distributed during the legislative reception at the U.S. Senate Hart Building in Washington, DC.



¹ Title IX. Safety for Indian Women Act, VAWA 2005. *Finding #6*.

and VAWA 2005 increased the Tribal government set aside to the current 10%.

Due to the advocacy of Native women, such as Tillie Black Bear, the current movement emerged. While rising to support many broader related attacks on Indian Tribes, this Tribal framework has guided the movement to focus on specific advocacy for the safety of Native women. “Who is going to advocate for the safety of Native women if not us?”—Tillie Black Bear. *Restoration* has maintained this Tribal framework, strategy, and organizing for action for nearly two decades.

Supporting the National Movement for Safety of Native Women, 2003 - 2023

Restoration has consistently supported the growth of a national social justice movement for the safety of Native women. *Restoration* was published twice annually from 2003 – 2010 and three times per year from 2011 to the present. It primarily informs about essential Tribal legislative reform efforts, emerging issues, and updates, including attacks on Tribal sovereignty. Examples of these organizing efforts include:

- **2004–2005** Communication regarding the inclusion of Title IX, the Safety for Indian Women title within the VAWA 2005 reauthorization and implementation of the new Tribal provisions, including the mandatory government-to-government consultation and the national program of research.
- **2007–2008** Communication regarding the attacks on Indian Tribes under the Adam Walsh Child Protection and Safety Act of 2006; communication regarding implementation of VAWA 2005; preparation for annual consultation; support for the Tribal Law and Order Act (TLOA) amending ICRA to increase Tribal sentencing up to 3 years and creation of the Indian Law and Order Commission. First national coverage of MMIW regarding the disappearance and murder of Victoria Eagleman on the Lower Brule Indian Reservation.
- **2009–2010** Communication regarding the delayed VAWA 2011 reauthorization until 2013 due to opposition to the Tribal provisions; FVPSA 2009 reauthorization; TLOA passage; amending the Adam Walsh Act; MMIW; first amicus brief filed

before the Inter-American Commission on Human Rights.

- **2011–present** Legislative updates regarding reauthorization and implementation of VAWA 2013 and 2022 Tribal amendments, reauthorization of the Family Violence Prevention and Services Act 2010, passage of the Victims of Crime Act Tribal funding stream; MMIW organizing efforts; U.S. Supreme Court monitoring and filing of NIWRC amicus briefs; and international updates.

Engaging in Dialogue: Understanding and Context

The priority of distribution of *Restoration* is focused on the national movement leadership, including advocates and Tribal leadership committed to addressing the safety of Native women.

The target points for distribution include the Women Are Sacred Conferences, Tribal leaders during each NCAI Violence Against Women Task Force meeting and NCAI Annual Convention meetings (3 times annually), regional meetings, such as the Alaska Federation of Natives (AFN), annual government-to-government consultations sponsored by the United States Department of Justice (USDOJ) and the Department of Health and Human Services (DHHS), academic programs, national conferences, federal policymakers, and other events based on the emerging national issues and priorities of NIWRC.

Restoration also plays an essential role in the dialogue with national lawmakers, their staff, and federal agencies to secure changes required to increase the safety of Native women.

General support to end violence against Native women is essential, but support based on a clear understanding of the foundation of the violence, barrier by barrier, is essential. Creating joint action requires engaging in discussion to develop an understanding of the “why” of the direction forward. *Restoration* is a valuable asset for the movement to organize these critical conversations from an Indigenous perspective and context.



Alfred Urbina (on left) with Geri Wisner (on right) and panel moderator Mary Kathryn Nagle (center) at the October 2022 NCAI VAW Task Force. Photo courtesy of Paula Julian, NIWRC.

Exercising Sovereignty to Respect and Protect Native Women

Reflections from Pascua Yaqui and Muscogee (Creek) Nations

By Alfred Urbina, *Pascua Yaqui Tribe*, Attorney General, Geri Wisner, *Muscogee (Creek) Nation and Filipina*, Attorney General, and Paula Julian, *Filipina*, Senior Policy Specialist & Editor, Restoration Magazine, NIWRC

Years ago, an advocate who spoke English as a second language to her Native tongue asked what sovereignty is. I said sovereignty is how Indigenous peoples live daily according to their Tribal specific customs and traditions.

So exercising sovereignty means living day to day according to your Tribal specific customs and traditions. Exercising sovereignty to respect and “protect” women recognizes that how Indigenous Nations have governed their Nations means that all women are respected in thoughts and behaviors, and abusive thoughts and actions result in immediate consequences. Over the past 27 years, since the passage of the first Violence Against Women Act (VAWA), Indian Tribes have exercised their sovereignty and upheld their laws, customs, and traditions respecting and protecting women. With each reauthorization of VAWA, Tribes have addressed the barriers created by federal and state governments resulting in disproportionate rates of violence against American Indian and Alaska Native women. We share the inspiring reflections below from two Tribal Attorney Generals who help their Tribes exercise sovereignty

each day toward this end. They provided an update at the October 2022 National Congress of American Indians Violence Against Women Task Force Meeting. We thank all Tribes for respecting and protecting women and advocating with the National Indigenous Women's Resource Center and many other Tribal and Native Hawaiian organizations and allies for women's safety.

Alfred Urbina spoke on the implications of the Castro-Huerta ruling and a program created in partnership with Arizona's Pima County Attorney.

"We were one of the first pilot Tribes (to implement VAWA 2013), and we've been prosecuting non-Indian offenders for about nine years. We've had at least 115 cases. It's almost become routine. So, this new case out of Oklahoma (referring to Castro-Huerta) – "Okay, at Pascua Yaqui, now the State can handle these cases too." So, that's a problem for us because we've been prosecuting those cases. We know our community. Our law enforcement officers are state certified. They respond to the calls, and they go into our Tribal court. We know the victims. The victims live on the Reservation in Tribal housing. So, to have another jurisdiction, and the Supreme Court say that the State can come in here and prosecute these cases also could cause many problems.

We have a good relationship with our state and federal counterparts, the US Attorney's office, and law enforcement around the Reservation. And so we thought, "how do we address this?" Right after we started prosecuting non-Indian offenders who live off Reservation, we were already thinking, "how do we monitor them if they live off Reservation?" We thought about an agreement with the state. We modified the agreement to clarify that the County attorney would appoint a Tribal prosecutor as a special deputy county attorney. This Tribal prosecutor will bring cases into state court that arise from the Reservation. Cases could be anything, including a non-Indian who had their purse stolen in our casinos by a non-Indian person. Our law enforcement officers, who are state certified, can arrest and book that person into the county jail. We'll be able to help prosecute those matters in state court. Essentially, that gives us the ability to manage or control what's happening on the Reservation. It's the further development of our crime-control policy.

So, if we can investigate all cases and bring these cases in any jurisdiction (Tribal, state, or federal), then we're essentially addressing all the gaps we have historically seen in Indian Country. And there's accountability because we know who investigates and who will prosecute. We can always go to those two entities the Tribe has control over and ask them about what's going on in each case. Everything is local; everything is here. It makes sense when you consider who patrols your neighborhood and who is responsible for those things. Most of those things we take for granted—when we call the cops, someone will come and be arrested if someone does something criminal. We don't have a second thought about it; we just call 911. That's what we're trying to have happen here, that's justice. We should have that same level of comfort and safety that someone in Tucson, Phoenix, or Flagstaff has."

Geri Wisner discussed issues surrounding sentencing limitations as well as the resiliency found among the Muscogee-Creek Nation.

"I let (victims) know that I am aggressive, and I fight because I want justice for them. But the reality is that on

We recognized that this is one of the implementations of best practices; we removed the statute of limitations for sexual assault crimes. I think this tells victims, "we are listening to you, you will be heard, and you do not have to live with any shame or victimization because of a delayed disclosure."

a homicide or a rape case, my maximum sentence is one year and/or a \$5,000 fine. Or if it were a Tribe that followed and implemented the Tribal Law and Order Act (TLOA) sentence enhancement, the maximum criminal sentence is three years and/or \$15,000...I believe, and I'm, unfortunately, starting to see, that limited sentencing puts a target of vulnerability on our Tribal members' backs. Almost as if, "If you hurt a Native, then it's only three years," versus anywhere else, anyone else would get a significantly harsher sentence. So my point is this: the charging and sentencing limitations put upon Indians from either the (Indian) Civil Rights Act, from *Oliphant*, or from all of the racist ideals and lenses that non-Natives use to look at Tribal justice have to be removed. Otherwise, we're making our people vulnerable. And we have some of the brightest minds as Native prosecutors, judges, and defense attorneys. We have very intelligent, educated, and dedicated people working toward justice in Indian Country, but we need to be able to recognize and implement their recommendations. We need the sentencing limitations of three years for violent crimes removed so that we can aptly and appropriately sentence crime as we see fit. We should be able to fully open the door and prosecute all crimes committed within the Reservations.

The National Council of the Muscogee (Creek) Nation had recently (two months before the NCAI Task Force meeting in October) signed the resolution recognizing the VAWA 2022 expansion. In addition, we passed our updated Tribal Criminal code, which gave us an opportunity to look at our laws. We recognized that this is one of the implementations of best practices; we removed the statute of limitations for sexual assault crimes. I think this tells victims "that we are listening to you, you will be heard, and you do not have to live with any shame or victimization because of a delayed disclosure." If it is beyond seven years, tell me what happened. I will try to prosecute it. We listen. We don't cut off anyone mid-story if we find out it was eight or ten years ago. We will prosecute those cases because I think jurisdictions are listening to the research, that delayed disclosures are the norm, and we recognize a multitude of reasons why there is a hesitancy to report sexual assault. Our justice systems need to be more cognizant of the research that has been coming down for a long time. And so, this is an example of a best practice that I'm excited to see in use.

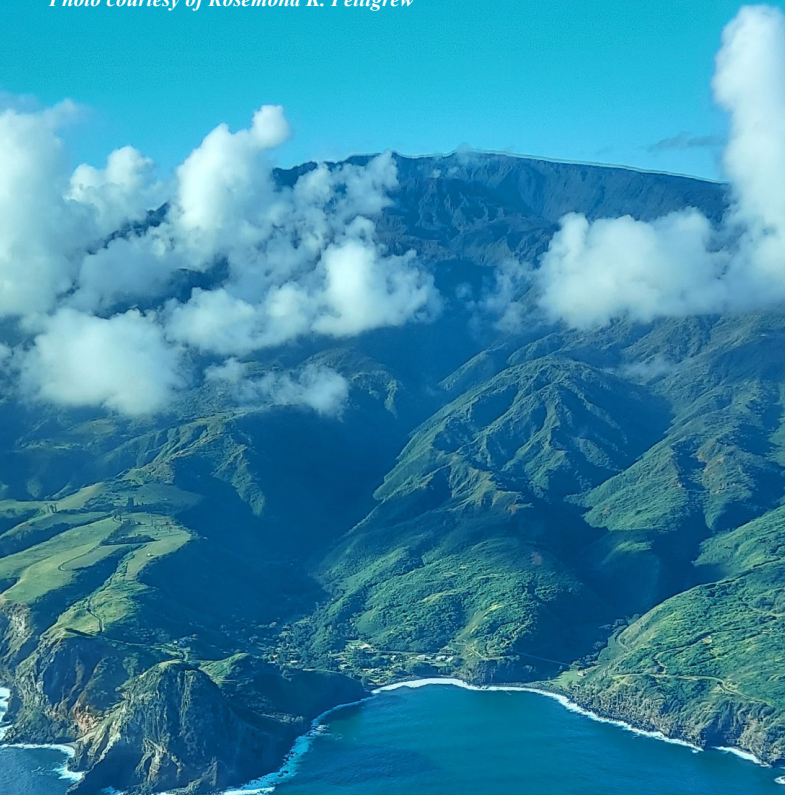
We have so much work to do to help victims and our people heal. But we are resilient, strong, and we have our healing songs, so let's sing. Let's sing our healing songs to our babies, sing to our elders and families, and get ourselves healthy and strong."

Alfred Urbina and Geri Wisner are helping their Tribal nations create more culturally centered, safer, and resilient communities with their dedicated heart work. They are strengthening their Tribal court system unique to their Tribe by exercising their respective Nation's sovereignty. A common thread among their interviews was the importance placed on culture and understanding what safety in the community means to them. The western colonized version of a successful justice system does not translate within Tribal communities. More jails are not a measure of safety. Rather, these Attorney Generals place value in safety through a victim's perspective. Appropriate accountability for perpetrators, protection of women and children, and investment in community health from an Indigenous perspective are the pathways to a stronger, healthier Tribal community.



*Alfred Urbina speaking at the signing of an Intergovernmental Agreement between the Pascua Yaqui Indian Tribe and Pima County.
Photo courtesy of Alfred Urbina.*

Article 12 section 7 of the Hawaii State Constitution is based on access rights to gather from the mountain to the sea. This is photo of the Ahupua'a o Kahakuloa on the north side of Maui. Photo courtesy of Rosemond K. Pettigrew



Pouhana O Nā Wāhine Organizing Efforts To Increase the Safety of Native Hawaiian Women

An Exercise of Native Hawaiian Sovereignty

By Rosemond K. Pettigrew, Dayna Schultz, NaniFay Paglinawan, Dolly Tatofi, *Native Hawaiian*, Board of Directors, *Pouhana O Nā Wāhine* and Paula Julian, *Filipina*, Editor, *Restoration Magazine*

Native Hawaiian women represent the highest percentage of victims of domestic violence and sex trafficking within Hawai‘i. The Pouhana O Nā Wāhine (PONW)¹, a nonprofit collective of Native Hawaiian women, is organizing to change this unacceptable reality. We understand the violence and injustice we have experienced as Native Hawaiians. We are committed to working with Native Hawaiian and non-Native Hawaiian organizations to identify a Native Hawaiian plan of action or platform for change.

We understand that relying solely on current non-Indigenous responses to domestic violence and sexual assault are short-term, temporary solutions which do not fully address the needs of Native Hawaiians. In partnership with the National Indigenous Women’s Resource Center (NIWRC) and the Alaska Native Women’s Resource Center (AKNWRC), we are developing an organizing curriculum based on a Native Hawaiian worldview for addressing the injustices and trauma we have suffered.

The U.S. Apology, signed into law in 1993 (PL 103-150), included recognition of “the long-range economic and social changes in Hawai‘i over the nineteenth and early twentieth centuries have been devastating to the population and to the health and well-being of the Hawaiian people” and commitment to reconciliation between the U.S. and Native Hawaiian people.

The U.S. Government Acknowledging Responsibility: DOI Final Rule for Reestablishing Government-to-Government Relationship

Six years ago, on October 14, 2016, the U.S. Department of Interior released a final rule titled Procedures for Reestablishing a Formal Government-to-Government Relationship With the Native Hawaiian Community (43 CFR Part 50). The Final Rule came 23 years after the Apology and decades filled with congressional hearings, public comment, and discussion to understand the injustice of the 1893 overthrow of the Constitutional Monarchy and the Hawaiian Kingdom. The release of the Final Rule was a historic step toward laying a “proper foundation for reconciliation.”²

The final rule establishes the Secretary of the Interior’s process and criteria for “reestablishing a formal government-to-government relationship with the Native Hawaiian community to more effectively implement

Prior & Current Relationship

It is important to note that the U.S. government entered into five treaties with the Kingdom of Hawaii, as referenced in the Apology Bill from 1826 through 1887. The U.S. recognized its special 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.

This relationship continues without a government-to-government relationship between the U.S. and the Kingdom or any other Native Hawaiian government. There has also been a special relationship, as evidenced by state laws respecting Native Hawaiians. The state Constitution, Article 12, Section 7 customarily and traditionally exercised...by...descendants of native Hawaiians who inhabited the Hawaiian islands prior to 1778.” This relationship continues today as Native Hawaiians move towards sovereignty and achieve the respect of being recognized as an independent Nation. With the initial and ongoing disruptions caused by colonization and military occupation, solidifying and reclaiming our independence as Native Hawaiians has been complicated.

the special political and trust relationship that Congress established between that community and the United States.” This federal government process includes a process for the Secretary to receive, evaluate, and act on the request, including a process for public comment.

Recently awarded by the U.S. Department of Health and Human Services to serve as the statutorily created Native Hawaiian Resource Center on Domestic Violence, the Pouhana will schedule organizing discussions starting in 2023 with Native Hawaiian communities and organizations. These discussions aim to develop a Native Hawaiian political platform for change removing systemic barriers while addressing microinvalidations facing Native Hawaiian women and communities. The PONW will also educate and strengthen our partnership with policymakers and allies in the state, with Indian

Tribes and Tribal organizations, and across the nation. These partnerships will help ensure we can remove systemic barriers and effect changes that uphold Native Hawaiian sovereignty, and highlight the need for increasing Native Hawaiian women’s safety. We will also explore the development of a Safety for Native Hawaiian Women Title within the 2027 reauthorization of the Violence Against Women Act.

Sovereignty and Safety for Native Hawaiian Women

We look forward to discussions about how we exercise our sovereignty and understand the struggles of the past 130 years since the overthrow of Queen Lili‘uokalani and the Kingdom of Hawai‘i, including the high rates of domestic violence and sex trafficking. Western influences and behaviors of misperceived power and control continue to feed the internalized violence and trauma against our people.

Based on experiences in our Native Hawaiian communities, we see the devastating impact of domestic violence and how our people struggle with non-Native Hawaiian services and system responses—both government and nonprofit. The disparities we experience are reminders of how real oppression and colonization remain in our lives.

The path to safety for Native Hawaiian women is connected to recognizing, restoring, and strengthening the beliefs and lifeways of Native Hawaiian people that did not value such violence, imbalance, and disrespect. We are committed to reawakening a sense of lōkahi (unity, agreement) and being pono (balanced), which is who we are as Native Hawaiian people.

Native Hawaiian people had their government structure and processes overthrown by the United States, including their sacred practices and ceremonies. Native Hawaiian organizations meet the different needs of Native Hawaiians, and we have seen the development of many organizations addressing the disparities in our communities. Strengthening our way of life to address violence against wāhine is linked to recognizing the identity and authority of Native Hawaiians as a nation. We also need resources to implement the programs rooted in Native Hawaiian voices, language, and teachings. Culturally appropriate programs to support Native Hawaiian families are essential to healing and revealing our true way of life.

¹ Translation of Pouhana O Nā Wāhine is Pillars of Women

² Apology Resolution at 1513



Alaska Native Women: Ending the Violence, Reclaiming a Sacred Status

New 2023 Book Release to Understand Violence Against Alaska Native Women

By the Alaska Native Women's Resource Center (AKNWRC)

A story is shaped and presented by the storyteller. The new Alaska Native Women's Resource Center (AKNWRC) book brings a new voice providing the Indigenous understanding of violence against Alaska Native women.

After decades of advocating for survivors, the board and staff members of AKNWRC understand domestic violence and the sacred status of Alaska Native

women. The ongoing crisis of violence is linked to the colonization of the Indigenous peoples in Alaska. This story is generally missing in western literature but is increasingly presented by Indigenous women and peoples around the world and at the United Nations.

Violence is not traditional among Indigenous cultures. Native women were respected and honored. The safety and well-being of women were safeguarded. Today

Indigenous cultures continue, despite colonization, to be protective factors. “Alaska Native Women: Ending the Violence, Reclaiming a Sacred Status,” the title of AKNWRC’s new book, is a political statement and provides direction to the movement to make legal and policy reforms. Ending the violence against Alaska Native Women is organically linked to restoring the sacred status of women held within sovereign Indigenous nations. The new AKNWRC resource book is written to support Tribal leaders, advocates, and survivors in understanding the path forward to create the changes needed to end domestic and sexual violence.

AKNWRC recognizes the authority, responsibility, and right of Alaska Native women, children, and two-spirited relatives to be protected by their Tribal governments like others are by state and territorial governments. The book’s premise is that domestic violence was not traditional to Alaska Native peoples and offers the counterbalance view that Alaska Native culture offers protective and healing practices to support survivors and restore balance for families and communities. By identifying the origins of domestic violence and disrespect of Native women, the resource book offers a path forward that strengthens the solutions found in cultural healing and traditional knowledge for the Indigenous peoples of Alaska.

“Many villages, while lacking the resources to fully develop western justice systems, do have village traditional justice approaches that can be strengthened or be reestablished to create protections for women in the village.”

**—Mike Jackson, Keeper of the Circle,
Organized Village of Kake, Retired State
Justice Magistrate**

Within the Pages

The AKNWRC resource book is written from the perspective of Alaska Natives, including the explanation that violence against women stems from the Western legal and societal norms forced upon Alaska Indigenous Nations. The book exposes the raw facts about domestic violence going beyond individual acts of violence while

providing the context of why individual violence occurs at disproportionate rates against Alaska Native women, continuing generation after generation since contact.

“My mom told me she was molested by a man, and I thought, is this genetic? Passed on from my mom to me? And is it going to be passed on to my children? And then to my children’s children?”

—Survivor Statement, AKNWRC Roundtable

The first five chapters provide an overview of the current dangerous reality of violence threatening the safety and well-being of Alaska Native women, how the violence was introduced to Alaska Native villages, and the development of the movement within villages to support, respond and increase the safety of women from violence. This Indigenous perspective assumes violence against Native women was introduced by foreign governments to control and forcibly assimilate Alaska Native peoples for their labor and the taking of their lands and natural resources.

The following five chapters provide an understanding of the systemic legal and policy barriers embedded in the current political relationship between Indian tribes in Alaska and the United States. While violence is a reality in all communities, federal laws and policies deny Alaska Native women the same protections and resources from their respective Tribal governments that are available to others by their respective governments. This systematic exclusion explains how the laws and policies of the United States have created the conditions for the violence now prevalent for Alaska Native families. Because of this, AKNWRC argues, the current situation can be corrected by Congress, as demonstrated by the 2022 reauthorization of the Violence Against Women Act.

“At this moment, we acknowledge that it takes a “village to raise a child,” and Congress has heard the voices of those harmed by centuries of injustices from failed laws and policies that have created a crisis in our Tribal communities. With the inclusion of the Alaska Tribal Public Safety Empowerment section, VAWA 2022 recognizes the inherent authority of Alaska Native Tribes. While there is much work to be done, we want to pause and celebrate what VAWA 2022 can mean to our communities.”

**—Tami Truett Jerue, Executive Director,
Alaska Native Women’s Resource Center**

“I am a survivor of domestic violence. I was in and out of the shelter program for many years with my kids, and I didn’t want them to see me being abused. So, I said I am not going to take it anymore. Our movement is like a seed that has grown. I know if we organize ourselves as Alaska Natives, we can end the violence in our villages.”

**—Joann Horn, Director, Emmonak
Women’s Shelter**

the generations of Alaska Native women and children who have suffered abuse, are missing, or have lost their lives due to domestic and sexual violence.

The AKNWRC launched the book project three years ago to tell the story of violence against women from the view of Alaska Native women, advocates, Tribal leaders, and our communities. The outline and drafts of various chapters were provided as supporting resource materials during numerous AKNWRC-hosted roundtable discussions, Tribal court symposiums, village engagement sessions, and tribal coalition meetings. The pages carry the voices of these partners and community members. AKNWRC’s national partners—the National Indigenous Women’s Resource Center and Indian Law Resource Center—were involved in its development. The principal authors of the book are AKNWRC staff members Michelle Demmert, Debra O’Gara, Tami Truett Jerue, and Jacqueline Agtuca.



The book is dedicated to Shirley Moses, Inupiaq, a founding mother of the Alaska Native Women’s Resource Center who passed away on June 13, 2021, and

Alaska's Newest Congressperson, Mary Peltola, Makes History and Gets to Work

By Debra O'Gara, *Tlingit, Yup'ik and Irish*, Senior Policy Specialist, Alaska Native Women's Resource Center



Mary Peltola is sworn into U.S. Congress in Washington, D.C., on Tuesday, Sept. 13, 2022. (U.S. House livestream).

The voters of Alaska made history in 2022 with the election of Mary Peltola to the U.S. House of Representatives. The first victory came with a special election in August to fill the vacancy of the late Representative Don Young, until the general election. Peltola won, becoming the first Alaska Native elected to Congress.

In the November 2022 general election, early returns showed a split between Peltola and Palin. However, Peltola took the lead, winning a two-year term.

Peltola, a Yup'ik from Bethel, Alaska, is a unique politician, not only for her history-making victory, but for her direct, unapologetic pro-abortion, pro-fish, and pro-Alaska positions. She spoke throughout the campaign in a calm, commanding and respectful manner and ran a positive campaign. Peltola's manner is in stark contrast to other campaign strategies by not exhibiting hostile partisan bantering.

On the day Peltola was sworn into office, House Speaker Pelosi invited the Alaska delegation, Senators Lisa Murkowski and Dan Sullivan, to join her on the floor. As they stepped forward, a wave of congresswomen, of all colors and parties, surrounded Peltola to celebrate the historic moment.

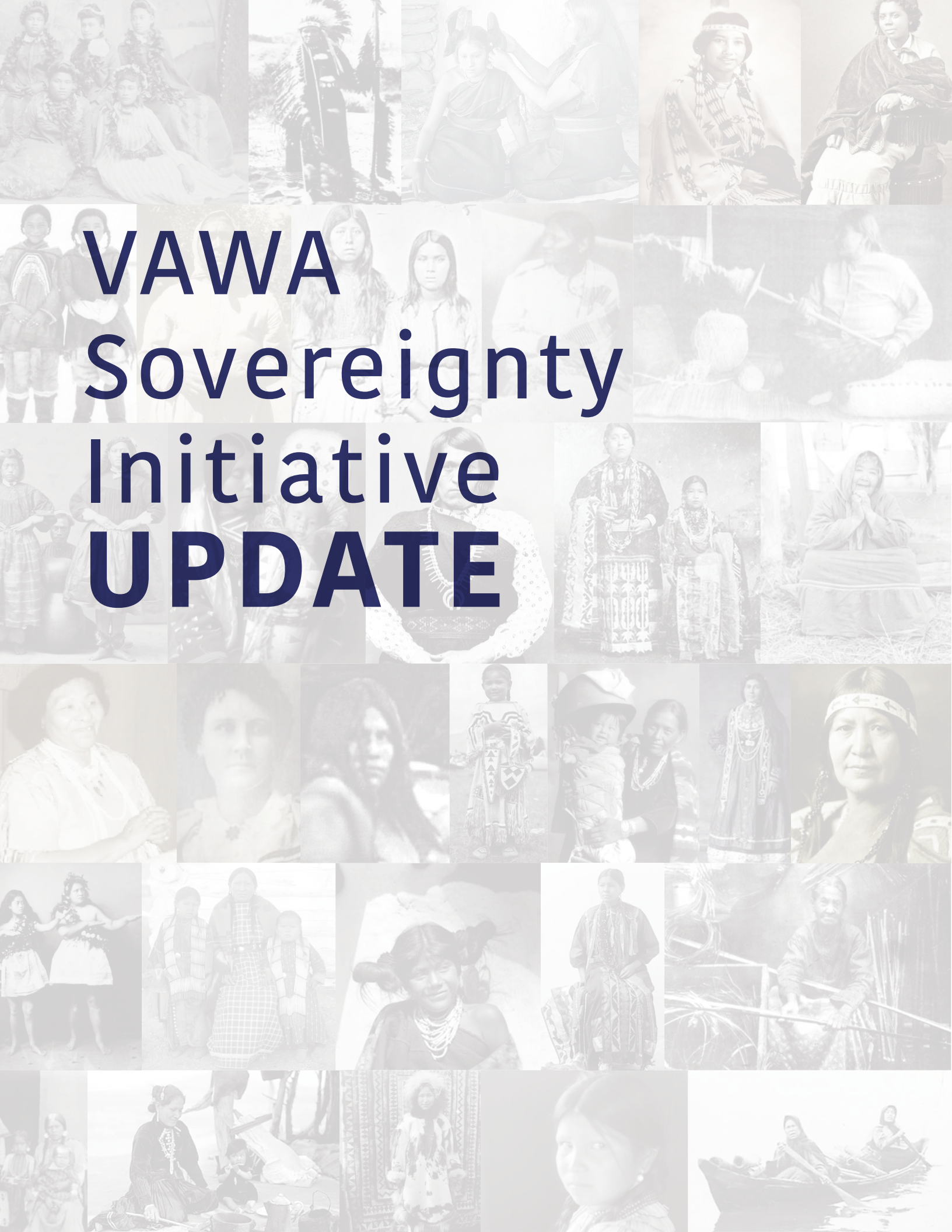
Peltola did not waste time, immediately refiling bills that had been championed by Rep. Young. She won passage of the Food Security for Veterans Act less than a month after taking office.

As a former state legislator, former executive director of the Kuskokwim River Inter-Tribal Fish Commission, and recent Orutsarmiut Tribal court judge, Peltola understands the issues and needs of rural Alaska. She is down-to-earth, easy to approach, and a thoughtful listener. Some believe Peltola's victory in a predominantly Republican state may help break the deadlocked partisan divide forcing congress to once again focus and debate on issues rather than blind party loyalty.

Without missing a beat, Peltola jumped in to show what cooperation and sticking to the issues can do by ensuring H.R. 9113 passed the House in support of Senator Sullivan's S. 3115, known as the *POWER Act*. See RM article on **page 29**. Both bills "address the appalling victimization rates among Alaska Natives and American Indians."¹

Alaska's new rank choice voting improves election choice and fairness. Alaska voters spoke by electing someone that will build bridges to create laws that are good for Alaskans and the entire country.

¹ n8ve.net/dg9KYR7f



VAWA Sovereignty Initiative UPDATE



VAWA Sovereignty Initiative Update

Brackeen v. Haaland

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

Through its VAWA Sovereignty Initiative (“VSI”), the National Indigenous Women’s Resource Center (NIWRC) monitors federal court litigation that could impact Tribal sovereignty and the ability of Tribal Nations to protect their women and children. If a case has the potential to undermine the ability of Tribal Nations to protect their women and children, the NIWRC files an *amicus* brief to educate the Supreme Court (SCOTUS). Since its creation in 2015, the VSI has made a significant impact in protecting and preserving Tribal sovereignty.

The NIWRC filed an *amicus* brief in August 2022 in *Brackeen v. Haaland*.¹ The SCOTUS heard oral arguments in November 2022. A decision will likely not be issued until June 2023, when the SCOTUS Term ends.

The plaintiffs’ case in *Brackeen* presents itself as a challenge to the constitutionality of the Indian Child Welfare Act (ICWA), but it is much more than that. The Plaintiffs argue that ICWA is unconstitutional because it

violates States’ rights under the Tenth Amendment and because “Indian” constitutes an unconstitutional race-based classification that violates the Equal Protection Clause of the Fourteenth Amendment as incorporated through the Fifth. The Plaintiffs present four arguments that: (1) Congress did not have the constitutional authority to enact ICWA; (2) ICWA’s placement preferences violate the Equal Protection Clause; (3) certain provisions of ICWA violate the anti-commandeering doctrine; and (4) one provision of ICWA violates the non-delegation doctrine. These arguments are not only incredibly erroneous, but they are also incredibly dangerous.

It is no coincidence that these anti-Tribal sovereignty arguments are presented by the same law firm that represented the Dakota Access Pipeline (DAPL) in the litigation brought by the Standing Rock Sioux Tribe, the Cheyenne River Sioux Tribe, and the Yankton Sioux Tribe. The Tribes brought this litigation to prevent DAPL from destroying burials and sacred sites, as well as the Tribes’ drinking waters and treaty-protected hunting territories. Gibson Dunn, the law firm representing the

¹ n8ve.net/LoqJ30kz

Plaintiffs (pro bono) in *Brackeen*, represented Dakota Access, LLC in the company's fight to eviscerate the treaty rights of the Tribes in North and South Dakota.

There is a lot at stake in this case. Nothing is more critical to ensuring the safety and welfare of Indian children than preserving the sovereignty of their Tribal Nations. This is why the NIWRC, Sandy White Hawk, Stephanie Benally, and eighty-eight victim advocacy, legal services, religious, and children's rights organizations filed an *amicus* brief arguing for the constitutionality of ICWA.

The NIWRC's *amicus* brief points out that ICWA is not alone in its use of "Indian" as a political classification. For the last forty years, everyone has understood these terms to be political classifications: "Indian" refers to a citizen of a Tribal Nation, and non-Indian refers to someone who is not a citizen of a Tribal Nation—regardless of that individual's race.

The Constitution itself refers to "Indians" and "Indian [T]ribes." The Constitution further states that treaties signed with Indian tribes and ratified by the Senate become the "Supreme Law of the land." Finally, the Constitution assigns Congress the task of administering the U.S.'s duties and obligations arising from signed treaties. The Constitution's framers, as well as the drafters of the Fourteenth Amendment's Equal Protection Clause, never envisioned a reality in which "Indian" would be a classification that violates the Constitution. Quite the opposite, the use of "Indians" and "Indian tribe" in the Constitution demonstrates that the Constitution requires Congress to use "Indian" as a political classification in federal legislation to ensure that the U.S. lives up to its obligations.

And as the Supreme Court and Congress have repeatedly recognized, these treaties created trust responsibilities that the U.S. owes to Tribal Nations. One of these duties is the duty of protection, specifically the protection of Indian women and children. Congress cannot effectuate its trust responsibilities if terms that refer to Tribal citizens are declared racial classifications subject to scrutiny under the Fourteenth Amendment.

Furthermore, because the Court in *Oliphant* declared that only Congress could restore Tribal criminal jurisdiction over non-Indian defendants, if "Indian" is transformed into a racial classification, then Congress



Mary Kathryn Nagle, Cherokee Nation, Counsel to NIWRC.
Photo courtesy of Mary Kathryn Nagle.

will be without the authority to fix a crisis of violence that this Court has declared only Congress can fix. Ultimately, if "Indian" is declared to be a racial and not a political classification, then the ability of Congress to "fulfill its treaty obligations and its responsibilities to the Indian Tribes" will be endangered—if not eliminated. Like ICWA and VAWA, *Savanna's Act*, and the *Not Invisible Act* utilize "Indian" as a political classification. These laws save lives. Prohibiting Congress from effectuating its trust responsibilities to Indian women and children only undermines public safety and disrupts the Constitution's separation of powers, keeping the branches of the republic in check.

Thanks to the efforts of the National Indian Child Welfare Association, hundreds of Natives and non-Native allies prayed for ICWA, Indian children, and Tribal sovereignty at the doorsteps of the Court during oral arguments in November.

Although it is unclear whether ICWA will be declared constitutional or unconstitutional, it is clear that this case will have huge consequences for Native women, children, and Native Nations. The NIWRC will continue to monitor this case and report when a decision is reached. In the meantime, let's keep our children in our prayers, as the ability of our Nations to protect them is under direct attack.



International UPDATE



International Advocacy Update

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



CERD Opening Session August 2022, Geneva, Switzerland. / Photo courtesy of ILRC.

Positive Signs in Efforts to Increase Global Awareness of Violence Against Indigenous Women in the U.S.

International human rights advocacy can raise global awareness about the crisis of violence against Indigenous women in the United States. “Besides offering new spaces for grassroots efforts to restore safety to Indigenous women and to gain strong federal responses, international advocacy helps Indigenous women and Indigenous organizations in the United States build global relationships,” states Chris Foley, senior attorney at the Indian Law Resource Center, “including with other Indigenous women and peoples, with other advocacy organizations, and with human rights bodies and experts that can monitor and pressure the United States to meet its human rights obligations.”

Concluding Observations and Recommendations on U.S. Compliance with the International Convention on the Elimination of All Forms of Racial Discrimination

In August 2022, the Committee on the Elimination of

Racial Discrimination (CERD) reviewed the United States’ Combined Tenth to Twelfth Periodic Reports concerning its compliance with the International Convention on the Elimination of All Forms of Racial Discrimination (Convention), an important international human rights treaty adopted by the UN in 1965 and ratified by the United States in 1994. The Convention offers protections for Indigenous women and all other persons against racial discrimination in all its forms. Racial discrimination continues to be a major barrier throughout the world to the complete realization of human rights.

CERD is a body of experts that monitors state parties’ compliance with the Convention.

“In conjunction with its compliance reviews, CERD encourages alternative reports from civil society organizations to help it gain a fuller picture of serious human rights matters, in this case, the situation of Indigenous women in the United States with respect to violence,” notes Jana Walker, a senior attorney with the Indian Law Resource Center. “The Indian Law Resource Center worked collaboratively with Indigenous women’s

organizations on an alternative report, “Violence Against Indigenous Women in the United States, including the Crisis of Missing or Murdered Indigenous Women, and Lack of Safe and Adequate Housing for Indigenous Survivors.” The report was submitted to CERD by the Alaska Native Women’s Resource Center, the Indian Law Resource Center, the National Indigenous Women’s Resource Center with its project STTARS Indigenous Safe Housing Center, and Pouhana O Nā Wāhine.

Our report pointed out that recent legislative findings show little improvement since CERD’s last Concluding Observations in 2014. Violence against Indigenous women remains at unprecedented levels, and a recent federal report found that no one even knows how many Indigenous women are missing or murdered. “In this case, our efforts are intended to inform CERD so that they can help us push to improve the U.S. discriminatory legal system that limits Indigenous peoples’ right to protect their women and girls and fails to prevent or respond to crimes and rights violations,” noted Walker. “Crucial among those failures is the crisis of missing and murdered Indigenous women and girls.”

Following the review, CERD published Concluding Observations and Recommendations regarding the United States’ compliance with the Convention. The document serves as another tool that we can use to monitor the United States’ implementation of CERD’s recommendations and help hold the government accountable.

In paragraph 47 of the Concluding Observations and Recommendations, CERD expressed concern at the persistently disproportionate number of Indigenous women who are victims of violence, stating that:

“In the light of the Supreme Court’s ruling in *Oklahoma v. Castro-Huerta*, of 29 June 2022, the Committee reiterates its concern that Indigenous women are denied the right of access to justice and reparation, as a result of factors such as the failure to prosecute perpetrators at the state and federal levels because tribes lack full jurisdiction, in particular over non-Indigenous perpetrators. The Committee is further concerned at reports of a lack of adequate shelters and services for victims, including a lack of availability of post-rape care kits and trained staff at Indian Health Service facilities.”

CERD used strong language based on its prior 2000 recommendations:

“[T]he Committee reiterates its recommendation that the State party redouble its efforts to prevent and combat violence against women, particularly Indigenous women, migrant women and women of African descent, and ensure that all cases of violence against women are effectively investigated, perpetrators are prosecuted and sanctioned, and victims are provided with appropriate remedies. It also recommends that the State party ensure effective access to justice for all Indigenous women who are victims of violence, and access to adequate services and care, including shelters, health care and post-rape care kits. It further recommends that the State party recognize tribal jurisdiction over all offenders who commit crimes on tribal lands and increase funding and specific training for those working within the criminal justice system” (paragraph 48).

CERD was also troubled by a lack of adequate measures and funding to address the missing and murdered Indigenous peoples’ crisis (paragraph 49(e)) and recommended that the United States “[t]ake additional measures and provide funding to implement statutes and policies that address the crisis concerning missing and murdered Indigenous peoples” (paragraph 50(e)).

As a follow-up, CERD requests that the United States: provide, within one year, information on its implementation of recommendations in paragraph 50(e) that calls for additional measures and funding to address the missing and murdered Indigenous persons crisis (see paragraph 66); provide in its next periodic report detailed information on concrete measures implementing the recommendations on Indigenous peoples in paragraph 50 (see paragraph 67); and submit its next report by 20 November 2025.

Our Alternative Report and CERD’s Concluding Observations and Recommendations are posted on the UN Treaty Body Database for CERD’s 107th session, scroll down to the United States at n8ve.net/IfEf4c6q.

Convention on the Elimination of Discrimination Against Women (CEDAW) – Adoption of General Recommendation on Rights of Indigenous Women and Girls

The UN General Assembly adopted CEDAW in 1979 as a key human rights treaty regarding international gender equality. In 1981 after ratification by 20 member states, it took legal effect as the only binding treaty explicitly protecting women's rights. Countries that ratify CEDAW agree to work toward ending discrimination and violence against women through concrete steps in three areas: civil rights, reproductive rights, and gender relations.

Global support for CEDAW is broad. Although 189 of the 193 UN member states have ratified CEDAW, about a third did so with reservations modifying their commitments to CEDAW. The UN member states that have not yet ratified CEDAW include the United States, Iran, Somalia, and Sudan. The United States is the only member state that signed CEDAW in 1980, but more than two decades later, it has never ratified it. The Senate Foreign Relations Committee, responsible for ratifying treaties, has debated CEDAW five times since 1980, always failing to advance it.

The CEDAW Committee, a body of 23 independent experts on women's rights worldwide, monitors CEDAW and makes recommendations on issues affecting women that state parties should devote more attention to. During its 83rd session in October 2022, CEDAW adopted General Recommendation No. 39 on the Rights of Indigenous Women and Girls, CEDAW/C/GC/39 (26 Oct. 2022). An unofficial, advance version of the Recommendation is currently available at n8ve.net/LtoDnd4U.

Because CEDAW fails to mention Indigenous women and girls and imposes no obligations on state parties to address issues affecting them, General Recommendation No. 39 stands as an important interpretation of how to implement the rights of Indigenous women and girls within the context of CEDAW.

Report of UN Special Rapporteur on Violence against Women and Climate Change

One outcome of our parallel event during the 66th Session of the Commission on the Status of Women was submitting a Joint Statement on Climate Change and Indigenous Women's Rights: Brazil, Guatemala, and the United States to inform a report by the UN Special Rapporteur on violence against women and girls about violence against women and girls in the context of

climate change. The Report, A/77/136, was submitted to the General Assembly and is available at n8ve.net/s8m3aMUS.

Significantly, Section VI of the Report discusses at-risk groups of women, particularly Indigenous women. The report notes that: the Intergovernmental Panel on Climate Change recognizes that: Indigenous, elderly, and minority women are among those most vulnerable to climate change (paragraph 49); women defending their communities, livelihoods, or scarce resources are experiencing severe violence (paragraph 50); 70% of 122 reported attacks on human rights defenders worldwide were aimed at women environmental human rights defenders with one-third of all fatal attacks lodged against Indigenous peoples (paragraph 50); and Indigenous women and girls are at high risk of violence, especially those defending their communities and territories (paragraph 51). The Special Rapporteur specifically references our joint statement submission with respect to the violent and sometimes deadly impacts on Maya Ch'orti women of activities by extractive industries, mining companies, illegal logging, and farmers encroaching on their Indigenous territories in the Dry Corridor of Guatemala.

Cosponsors of the joint statement include the Alaska Native Women's Resource Center, Coordination of the Indigenous Organizations of the Brazilian Amazon, Indian Law Resource Center, International Mayan League, National Indigenous Women's Resource Center, Native Women's Society of the Great Plains, and Pouhana O Nā Wāhine.



MARCH 6-17, 2023

67th Session of the UN Commission on the Status of Women (CSW)

The CSW, the principal intergovernmental UN body focusing exclusively on the promotion of gender equality and empowerment of women globally, will meet in New York from March 6-17, 2023. Its priority theme is “innovation and technological change, and education in the digital age for achieving gender equality and the empowerment of all women and girls.” Its review theme is “challenges and opportunities in achieving gender equality and the empowerment of rural women and girls (agreed conclusions of the sixty-second session).” Paragraph 33 of those agreed conclusions recognizes that rural women and girls “are often disproportionately affected by the adverse impacts of climate change, extreme weather events and natural disasters and other environmental issues.”

To share information about violence against Indigenous women in the United States, the Indian Law Resource Center, in partnership with Alaska Native Women’s Resource Center, National Indigenous Women’s Resource Center, and Pouhana O Nā Wāhine filed a written submission with the CSW in October.

The Center is organizing a parallel event, Violence Against Rural Indigenous Women: Guatemala, Peru, and the United States. Confirmed partners for this event include the Alaska Native Women’s Resource Center, NIWRC, the Native Women’s Society of the Great Plains, the Pouhana O Nā Wāhine, and the International Mayan League. We anticipate that our event will feature a panel of Indigenous women from Guatemala, Peru, and the United States who will discuss how violations of Indigenous peoples’ land rights and right of self-government expose their women and girls to racial discrimination, gender-based violence, and other human rights violations and how living in rural communities intensifies these problems.

Further information about the session will be posted when available at n8ve.net/3dZ3jjmS.

Upcoming International Events

APRIL 17-28, 2023

22nd 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 17–28, 2023, and address the theme “Indigenous peoples, human health, planetary and territorial health and climate change: a rights-based approach.”

Official documents and other Session information will be available at n8ve.net/irH0scFd.

*UN Headquarters, Geneva, Switzerland.
Photo courtesy of ILRC.*



Advocacy in Action: Restoring Safety of Indigenous Women



Contributors



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515 Lame Deer Avenue
Lame Deer, MT 59043

www.niwrc.org

2023 National Week of Action

Schedule of Events (Mountain Time Zone)

MONDAY, MAY 1, 2023

- Launch of the National Week of Action, Traditional Opening, **12 pm**
- Special Podcast by Family Advisor, NIWRC, **12:30 pm**
- Mana Mauli Ola Nā Wāhine: The Strength of the Breath of Life/ Power of Healing Women, Hosted by Pouhana O Nā Wāhine, **2 pm**
- Launch of STTARS MMIW Awareness Toolkit

TUESDAY, MAY 2, 2023

- Indian Law Resource Center, **11 am**
- Special Podcast by Family Advisor, NIWRC, **12:30 pm**
- Mana Mauli Ola Nā Wāhine: The Strength of the Breath of Life/ Power of Healing Women, Hosted by Pouhana O Nā Wāhine, **2 pm**

WEDNESDAY, MAY 3, 2023

- Special Podcast by Family Advisor, NIWRC, **12:30 pm**
- Alliance of Tribal Coalitions to End Violence, **1 pm**
- Mana Mauli Ola Nā Wāhine: The Strength of the Breath of Life/ Power of Healing Women, Hosted by Pouhana O Nā Wāhine, **2 pm**

THURSDAY, MAY 4, 2023

- MMIW Spotlight, Hosted by Alaska Native Women's Resource Center, **11 am**
- Special Podcast by Family Advisor, NIWRC, **12:30 pm**
- Mana Mauli Ola Nā Wāhine: The Strength of the Breath of Life/ Power of Healing Women, Hosted by Pouhana O Nā Wāhine, **2 pm**

FRIDAY, MAY 5, 2023

- Housing As A Mitigating Factor For MMIW, STTARS, **10:30 am**
- Special Podcast by Family Advisor, NIWRC, **12:30 pm**
- Twitterstorm, **1pm**
- Mana Mauli Ola Nā Wāhine: The Strength of the Breath of Life/ Power of Healing Women, Hosted by Pouhana O Nā Wāhine, **2 pm**

FRIDAY, MAY 5 - SUNDAY, MAY 7, 2023

- MMIWG/R Run/Walk, hosted by Rising Hearts

SAVE THE DATE

WOMEN ARE SACRED 2023

JUNE 26-28, 2023



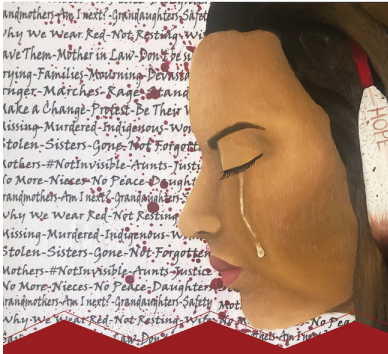
For conference updates and more information, visit

niwrc.org/was





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SPECIAL EDITION ON MISSING AND MURDERED INDIGENOUS WOMEN AND GIRLS



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OF NATIVE SOVEREIGNTY AND SAFETY FOR NATIVE WOMEN

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


February 2023 | Volume 20 | Issue 1

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



**NATIONAL
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ISBN 9780985656614



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