



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

October 2021 | Volume 18 | Issue 3



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# Letter from the National Indigenous Women's Resource Center

Dear Friends,

It is our pleasure to share with you the October 2021 *Restoration of Native Sovereignty and Safety for Native Women*. As we reflect on the past year, we want to take a moment to lift and honor you in collective prayer for all your heart-work and tireless efforts in your communities in support of the movement for the safety of Native women. There is no doubt that we are heightening the visibility of the spectrum of violence against Native women (VANW) and affirming Indigenous-based solutions to these crimes.

Despite our collective efforts, however, we were reminded that Indigenous issues, namely the high rate of missing and murdered Indigenous women, exist largely off the radar of greater society given the extreme media attention paid to the story of 22-year-old Gabby Petito, a young white woman who went missing and was found murdered in September. Our skepticism is not rooted in questioning whether Gabby's story deserved to be covered—it certainly should have, and the media can play an incredible, elevating role in bringing awareness and attention to issues of violence—but rather to call for equitable attention on cases of missing and murdered Indigenous women. We instead focus on the bias of national media outlets for not paying the same level of attention to all missing and murdered Black, Indigenous, and Peoples of Color (BIPOC) as they did for Gabby. As a society, we should all be so outraged when any child or woman is harmed, abused, or killed—that is the heart of our traditional teaching when we say, 'women and children are sacred.'

While this gap in the media remains, at least in this edition of *Restoration*, you will find a new section dedicated to the organizing efforts of the Missing and Murdered Indigenous Women (MMIW) crisis. Here, you will find the latest updates on implementation of the Not Invisible Act—including powerful testimony by Tribal leader Catherine Edwards calling the federal government to task for VANW, an analysis of the civil rights violations by state and local agencies for failing to act on MMIW cases, and our updated 6-Point Action Plan for Reform and Restoration to turn the tide on missing and murdered relatives once and for all. Together, we will not back down in this fight to demand justice and accountability for these crimes. We will not stop until we achieve systemic change for all our relatives. This change is possible.

Also in this issue, we hope you will enjoy a look back at a decade of our work as the National Indigenous Women's Resource Center as we celebrate our 10-year anniversary. As we recognize this milestone in November, we hope you will join us for our celebratory webinar on November 17. Please visit [niwrc.org/events](http://niwrc.org/events) to register. With that, continue to carry your medicine forward, and we will do the same.

In prayer and strength,



Ahéhee',

Lucy Simpson, Esq.  
Diné  
Executive Director



Mvto,

Cherrah Giles  
Muscogee Nation  
Board Chairwoman



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

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

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

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

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Published triannually by the



**NATIONAL  
INDIGENOUS**  
WOMEN'S RESOURCE CENTER

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U.S. President Joe Biden greets NIWRC Board Chairwoman Cherrah Giles (Muscogee Nation) at VOCA Signing in Washington, D.C., on July 22, 2021. (Photo courtesy Cherrah Giles, NIWRC.)

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# Editor's Note



In 2010, when the National Indigenous Women's Resource Center was formed, it took on the arduous task of shepherding the *Restoration Magazine* forward into the future.

*Restoration* was launched in 2003, during the campaign to reauthorize the Violence Against Women Act (VAWA) of 2005, when national organizations came together to take a stand, calling for the inclusion of a VAWA title for Tribal leaders, advocates, and Tribal communities to participate in the national movement fully, they needed continuous political briefings on issues impacting the safety of Native women and emerging legislation.

The first *Restoration* was explicitly written to be distributed during the NCAI Legislative Reception on the need to enact a separate tribal title within VAWA—Title IX, Safety for Indian Women. At the time, the magazine was a primer on violence against Native women.

On February 23, 2004, as Senators and Representatives entered room 902 of the U.S. Senate Office Building on Capitol Hill for a briefing on violence against American Indian women, they were greeted and handed a copy of the first *Restoration of Native Sovereignty and Safety for Native Women*.

We had no idea of the essential role *Restoration* would play in the coming years in providing an analysis for the movement for safety and a venue for discussion of emerging issues threatening to erode further protections Native women needed in their daily lives.

Since 2003, I have had the honor to be a member of the *Restoration* family—serving as co-editor with Terry Henry from 2004-2013, and since 2013 as the editor.

Oppression comes from the abuse of power and coercion, typically of the wealthy, using the government and often the military to justify achieving their end goals of self-enrichment.

It is achieved through the creation of myths and untruths to justify injustice and oppression.

Looking at the theft of the land and resources of Indigenous nations and the use of violence against Indigenous women in the United States, the questions to ask in the struggle for survival strategically is what goal is achieved through the oppression, and how we can win our struggle of resistance. Understanding the foundation of any emerging issue returns to these questions. Over the years, *Restoration* has contributed to understanding and answering these questions article by article, providing analysis to make systemic reforms, and working with the national movement to create the changes needed to the law or policies.

This struggle for safety and justice for Indigenous women will continue for generations to come.

*Restoration* can continue to support the movement by focusing the political lens on the reasons why, to understand the how—the path to move forward in the immediate, but more importantly, the strategic future to remove the barriers to safety and justice.

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The journey to develop *Restoration* with the NIWRC family and our national partners was an incredible honor and privilege. I look forward to the next phase of my life supporting *Restoration* as an editor for law and policy issues to continue building our national movement and as a sister in the struggle to increase safety for women and sovereignty of Indian Nations.

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Indigenous women are organically connected to their families, peoples, nations, and land. Restoring the safety of Native women through strengthening the sovereignty of Indian Nations is a strategy returning to the original Indigenous protections found in the beliefs and worldviews.

As the political publication of the National Indigenous Women's Resource Center, *Restoration* is now an institution with the strong support of Tribal leaders, advocates, and allies. The value of the publications is based on its role and contributions to the movement.

Having spent nearly two decades of my life growing *Restoration*, it seems a no better time than now to transition my role as editor to Mallory Adamski, the current managing editor of the magazine. The *Restoration* team and NIWRC's growth over the last decade are

inspirational. Mallory is an extraordinarily skilled and politically minded journalist with a strategic Indigenous worldview. She has managed *Restoration* for more than a year bringing the publication to a new level of depth and style as NIWRC's national publication.

The journey to develop *Restoration* with the NIWRC family and our national partners was an incredible honor and privilege. I look forward to the next phase of my life supporting *Restoration* as an editor for law and policy issues to continue building our national movement and as a sister in the struggle to increase safety for women and sovereignty of Indian Nations.

*Jacqueline "Jax" Agtuca*  
*Cherokee and Filipino Descent*  
*Editor, Restoration of Native Sovereignty and Safety for Native Women, 2013-2021*

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of Native Sovereignty and  
Safety for Native Women**

Sign up for print subscription at  
[niwrc.org/restoration](http://niwrc.org/restoration)



*U.S. President Joe Biden and Congressional champions at VOCA Fix Act Signing in Washington, D.C., on July 22, 2021. (Photo courtesy of Cherrah Giles, NIWRC.)*



## President Biden Signs the VOCA Fix to Sustain the Crime Victims Fund Act of 2021

### Action Needed to Create a Permanent Tribal VOCA Funding Stream

Deposits into the Crime Victims Fund (CVF) dropped dramatically in the last several years, leading to a substantial cut to the Victim of Crimes Act (VOCA) assistance grants.

On July 22, 2021, Cherrah Giles (Muscogee Nation), Chairwoman of NIWRC Board of Directors, joined President Biden and Vice President Harris at the signing of the “VOCA Fix to Sustain the Crime Victims Fund Act of 2021” to stabilize the future of the Crime Victims Fund.

“Tribal victims suffered the loss of services over the last few years as Tribal victim services organizations faced budget cuts, staff layoffs, and the threat of closures while demand for victim services grew,” said Chairwoman Giles.

The National Indigenous Women's Resource Center (NIWRC) joined with other national organizations representing thousands of victim service providers, survivors of crime, and others, to influence Congress to take immediate action to prevent expected catastrophic cuts to the Victims of Crime Act.

VOCA grants are the largest source of federal funding for programs providing services for victims of all types of crimes. VOCA funds can be used to support services for victims, including crisis intervention, safety planning, and peer-to-peer support. Depletion of the Fund resulted

in cuts to the awards of Tribes and states, resulting in fewer services for victims and possible closure of programs.

“The VOCA Fix Act will increase consistent funding to Tribal programs and services through a specific set-aside for Indian Tribes. We celebrate this victory in the Act’s passage; however, Indian Tribes still need and call for a permanent set-aside under VOCA.” —Cherrah Giles

The Tribal set-aside under VOCA is not a permanent authorization. In 2019, and each year since, Congress appropriated funds for a dedicated Tribal funding stream through the Commerce, Justice, Science, and Related Agencies Appropriations Act. As part of an appropriations bill, the Tribal funding is for the annual budget period. As a result, each year, the Tribal set-aside requires an annual appropriation and is not guaranteed.

“To become permanent, the Tribal funding stream must be authorized by a separate amendment to the VOCA. This lack of permanent funding is one of the many systemic barriers separating Tribal victims of crimes from all other population groups. To address the lack of services available to Native victims of domestic and sexual violence, Congress must amend VOCA to provide access for Indian Tribes permanently.”—Cherrah Giles

### Passage of the VOCA Fix Act

Senate and House champions led in the passage of the bipartisan, bicameral, VOCA Fix Act to address the ongoing crisis in VOCA funding. The VOCA Fix passed the House on March 17 and the Senate on July 20.

## In The News



President Biden signed the VOCA Fix Act into law on July 22, 2021.

President Biden's remarks before signing the Act into law, in part, are provided here.

*"Today, I think is a day of hope. And I mean that. A day of hope and healing for victims of crime and organizations that support those victims of crime."*

*"When someone commits a crime, it's—it's not enough to bring the predator to justice; we also need to support the victims."*

*"I'm convinced that women who are victims of domestic violence suffer from post-traumatic stress no different than a soldier being shot at regularly."*

*"And there are economic costs for survivors as well—medical costs, lost productivity from work, and navigating the court system. That's why the Victims Compensation Program helps victims and their families cover the cost they suffer from the crime. They can—there can be counseling and medical bills; lost wages because you couldn't work; paying for temporary housing for a family fleeing abuse; even fixing a broken door kicked down by an abuser. And, you know, the vast majority of children out in the street are the children who are, in fact, the children of abused women. It can also be a long-term support survivors need to heal, every time, in every single sense of the word."*

*"In 2019, these victim compensation funds went directly to over 230,000 victims—230,000. These funds also got*

*to states, territories, and Tribes to support thousands of victim services organizations."*

*"In 1984, I was proud to support the—the passage of the Victims of Crime Act, and created—that created this fund. I'm also proud to sign the law that significantly strengthened it today. This fund doesn't take a dime of taxpayers' money; it uses fines and penalties paid by convicted federal criminals. However, fines from what are called "non-prosecutorial agreements" or defendant--or "deferred prosecution agreements" did not go into this victim's crime fund in the past."*

*"Since there's been more and more of these agreements in recent years, the fund is being depleted. That meant dramatic cuts in the funding it could provide for victims and for organizations to support these victims."*

*"Between 2017 and today, the amount of money in these funds has gone down 92%, which has resulted in a 70% reduction in victims assistance programs and grants. This means that, for a lot of victims, the help they need isn't there any longer."*

*"This bill is going to allow us to make--make sure that all the fines and penalties that are from federal cases go into the victims--the crime victims fund to rebuild this fund, because it's badly needed."*

*"You know from experience you all can come together in a bipartisan, bicameral way and to pass this bill. We need to do the same to reauthorize the Violence Against Women Act without further delay."*

*"In closing, I want to thank those angels working on the front lines to help these victims, especially during this pandemic that's made the work both more difficult, more in demand, and more dangerous, and I want to thank the advocates who mobilized and bringing together these important changes in the law."*

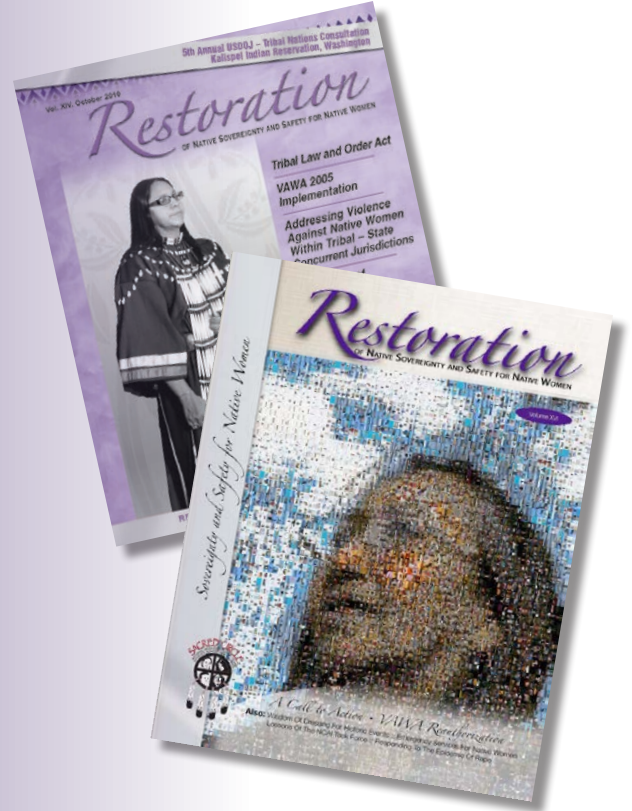
*"There are thousands of people out there who may not know about the work you did to get this bill passed, but they'll know that they are getting the help they need to put their lives back together and move toward healing and toward justice."*

View President Biden's full remarks at the signing of the VOCA Fix to Sustain the Crime Victims Fund Act of 2021: <https://n8ve.net/Ix76H>

# HONORING THE STRUGGLE FOR INDIGENOUS WOMEN'S SAFETY

## Restoration Magazines Transferred to the Obama Presidential Center

By Jacqueline Agtuca, Editor, Restoration Magazine



*“The Obama Presidential Center represents a historic opportunity to build a world-class museum and public gathering space that celebrates our nation's first African American president and first lady on the South Side of Chicago.”*

*“It will be a place to reflect and grow, connect and create; to tap into your own sense of purpose and discover the change you want to make in the world. It will be a place to honor our history while inspiring young people to write chapters of their own.”*

Violence against Indigenous women does not have to continue generation after generation. The systemic barriers, laws, and government policies that marginalize Native people can and must be changed.

To be born in the United States as an American Indian woman means to be born into the political reality of Indigenous women of sovereign nations. The rights of Indigenous peoples to their land, spirituality, languages, and familial structures were all prohibited by congressional acts, executive orders, and the Supreme Court. This political reality is ongoing.

During the Obama presidency, various legal barriers that diminished Tribal sovereignty and endangered the lives of Indian women were removed. These reforms resulted from a national grassroots movement and an administration that understood the connection between

the sovereign authority of Indian Tribes to protect women and their day-to-day safety.

“When one in three Native American women will be raped in their lifetimes, that is an assault on our national conscience; it is an affront to our shared humanity; it is something that we cannot allow to continue.”—President Barack Obama, July 29th, 2010, at the signing of the Tribal Law & Order Act of 2010.

While domestic violence and sexual assault are not isolated to American Indian women, the disproportionate rates of such violence are more than double that of any other population of women. As a result, many ask why such rates exist. Why my daughter? Why my mother? Why my grandmother? The answer and overarching connection across generations are the continuing laws and policies that separate American Indian women from all other women in the United States.

The Obama-Biden administration stood with Indian Nations and Native women to create the systemic changes needed to federal Indian law. These struggles for justice and safety of Indigenous women during the Obama presidency are found on the pages of *Restoration Magazine*.

“We welcomed and are honored to accept the invitation to contribute original copies of NIWRC’s *Restoration Magazine* to the Obama Presidential Center. The support



of President Obama in our struggle for justice will forever be remembered. The inclusion of the *Restoration Magazines* will ensure no one will forget that the greatest systemic barriers to the safety of Native women rest in federal Indian law—two of which President Obama removed forever.”—Lucy Simpson, *Diné*, NIWRC Executive Director

Under President Obama, the Tribal Law and Order Act of 2010 increased the authority of Tribal courts to sentence offenders, such as rapists, from one year up to three years. And the Violence Against Women Act of 2013 restored certain authority of Indian Tribes over non-Indians committing domestic violence against Indian women on tribal lands. After decades of perpetrators walking free because of federal legal loopholes, these two congressional acts were fundamental in restoring authority to Tribes to protect their communities and hold criminals accountable.

“This is your day. This is the day of the Advocates, the day of the survivors. This is your victory. Tribal governments have an inherent right to protect their people, and all women deserve the right to live free from fear. And that is what today is all about.” —President Barack Obama, March 7, 2013, at the signing of the Violence Against Women Act of 2013

The laws of a nation are commonly considered a reflection of their cultural beliefs. Violence against Native women occurs within the context of a culture of tolerance for violence against Indigenous women. While this culture of tolerance rests on a legal foundation that continues to separate Native women, it also has a continuing life of its own.

Creating the cultural changes needed to address violence against Indigenous women requires altering the culture of America. This ongoing process is being realized in

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**"The inclusion of the *Restoration Magazines* will ensure no one will forget that the greatest systemic barriers to the safety of Native women rest in federal Indian law—two of which President Obama removed forever."**

—Lucy Simpson, NIWRC Executive Director

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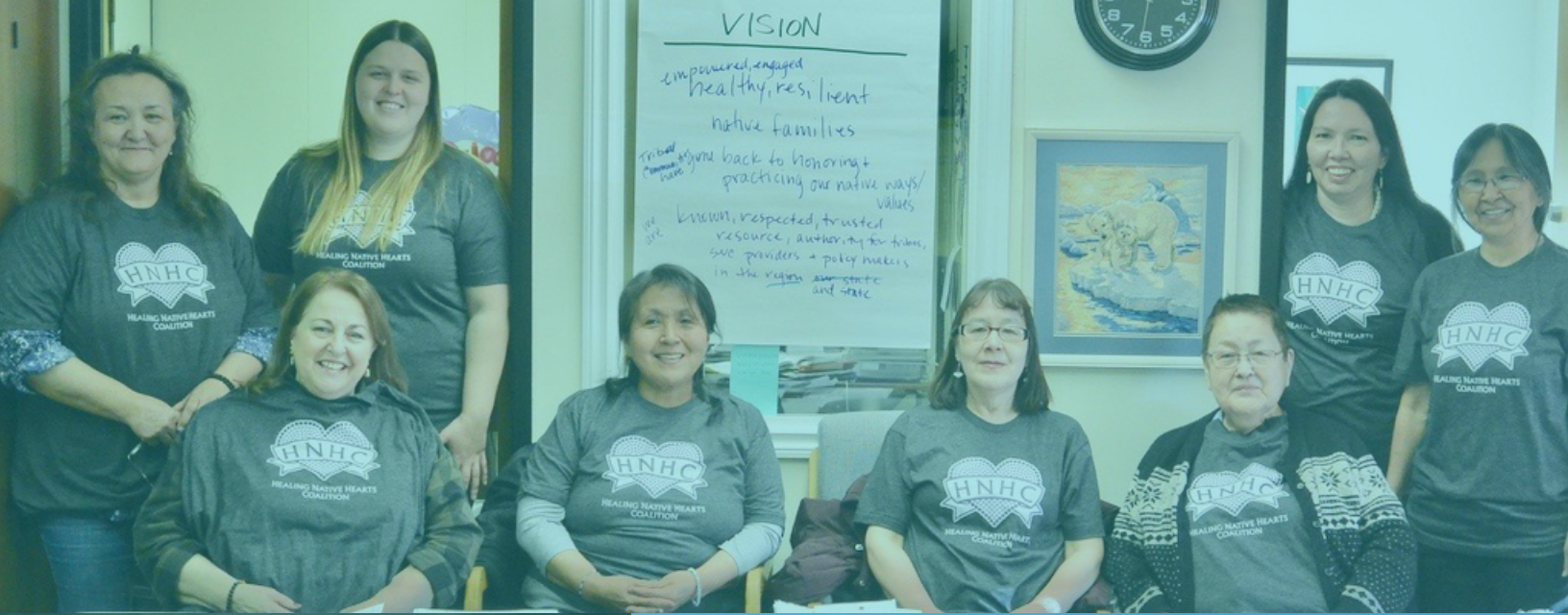
*Top: On July 29, 2010, Ta Wacinya Waste Win (Her Good Plume Woman) Lisa Marie Iyotte, shared her experience as a Rosebud Sioux woman survivor of sexual assault before introducing President Barack Obama at the White House during the historic signing of TLOA. Lisa currently works for StrongHearts Native Helpline. Bottom: On March 7, 2013, Dianne Millitch shared her experience surviving domestic violence by a non-Indian abuser as a Native woman. She then introduced Vice President Biden, before President Obama signed the VAWA into law. (NIWRC)*



the removal of cultural icons honored for crimes of genocide against Indian women and their children. It is also unfolding in the honoring and inclusion of the struggles of Indigenous women in public spaces—their struggles for justice and safety throughout history. The Obama Presidential Museum’s display of *Restoration* is an important example of the representation of Native women necessary for this cultural shift.

“Inclusion of *Restoration Magazines* documenting the stories of Indian women and their nations for justice and safety within the walls of the Presidential Obama Center is an announcement to the world that the lives of the original women of the United States must be honored. President Obama made a difference to our political reality and continues to support us in making the cultural change by placing our images, voices, prayers on the pages of *Restoration* within the Center. We send our prayers of thanks to President Obama.”—Cherrah Giles, NIWRC Board Chairwoman.

Passage of the Tribal Law and Order Act and the Violence Against Women Act of 2013 created historic watermarks of what can be done if there is the will to do so. President Obama stood with Indigenous women during his presidency to make the legal changes needed to provide justice and safety to Native women. Today, he continues to stand with Indigenous women to make the cultural changes required.



## In Honor of **SHIRLEY MOSES**

A Beloved Sister,  
AKNWRC Founding  
Member and Board  
Chairwoman



## By Tami Truett Jerue, *Native Village of Anvik*, Executive Director of the Alaska Native Women’s Resource Center

With great sadness, the Alaska Native Women’s Resource Center (AKWRC) says goodbye to our sister, friend, fierce advocate for women and children, and Chair of our Board of Directors, Shirley May Moses (1952-2021).

Today and for all the years to come, we will celebrate Shirley’s life and contributions to our movement to restore safety to Alaska Native women.

We lost Shirley in June to her battle with cancer. Throughout her treatment, Shirley never stopped caring and helping anyone who came to her for help. We will miss all that she brought to our movement to end violence against Indigenous women.

Shirley was an Inupiaq Eskimo, born in Nome, Alaska, and raised in the interior Native Village of Tanana, Alaska, with her siblings.

Shirley was a strong voice advocating for victim’s rights across the state of Alaska and nationally, including as a member of the NCAI VAW Task Force.

In 2006, Shirley helped to organize and staffed a shelter for Native women called “Our Grandmother’s House” in Fairbanks, Alaska.

In 2011, Shirley was appointed by US Attorney General Eric Holder to a National Coordination Committee on the American Indian/Alaska Native Sexual Assault

Examiner–Sexual Assault Response Team Initiative representing Alaska Native concerns and needs.

In 2015, Shirley helped to found the Alaska Native Women’s Resource Center. Shirley served as co-chair and then the chair of the AKNWRC Board of Directors until her passing.

In 2016, Shirley was a founding member and the first Director of Healing Native Hearts Coalition, a Tribal domestic violence and sexual assault coalition. She worked with the Healing Native Hearts Coalition until her passing.

She raised her five children with her husband Bergman, and her home was a safe place where she always welcomed many of her children’s friends. Her husband, five children and many more Shirley fostered, and five grandchildren survive Shirley.

Shirley spent 30 years working in the behavioral health field and taught grades K-8 in villages throughout Alaska. In addition, she worked with youth in residential and community settings.

Shirley will be greatly missed by all whose lives she touched.

Shirley was a staunch supporter of children and often said that, “children are our first responders.”

“Shirley, we are going to miss you and will continue to honor and love you.”—Tami Truett Jerue, Executive Director, Alaska Native Women’s Resource Center.

*Opposite page, clockwise from top:*

*(Top) As a founding mother of AKNWRC, Shirley worked tirelessly with fellow board members and the staff as a sister, many of whom she worked with over decades to increase the safety of Native women.*

*(Center right) Shirley’s dedication to Native women resulted in a life of constant travel to remote villages throughout Alaska to provide advocacy and technical assistance, and to represent at regional and national meetings. Pictured: Paula Julian, Senior Policy Specialist, NIWRC (center) and Tami Truett Jerue, Native Village of Anvik (left).*

*(Bottom right) Photo of Shirley Moses.*

*(Bottom left) Believing the changes needed to increase the safety of Native women would come from within Native villages, Shirley centered her movement efforts on her Indigenous beliefs, customs, and traditions. Pictured: Nettie Warbelow, Athabascan, Native Village Tetlin (left), and Joann Horn, Yupik, Native Village of Bill Moore’s Slough (right).*

*(Center left) Photo of Shirley Moses.*

*(Photos courtesy of AKNWRC.)*

“Shirley, my fierce strong hearted advocate sister, you live on in everyone you loved and protected.”  
—Paula Julian, Senior Policy Specialist, NIWRC

Three teenage Native girls smiling in regalia at a community powwow. (Photo courtesy of NIWRC / Ne-Dah-Ness Greene).



## NIWRC Awarded Thriving Women Grant from Seventh Generation Fund for NativeLove

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

This summer, the National Indigenous Women's Resource Center received a \$30,000 grant from the Seventh Generation Fund for Indigenous Peoples, Inc. for staffing and general operating funds to support NativeLove. This project aims to end dating violence and encourage healthy relationships by empowering Native youth.

In February 2015, NIWRC launched the NativeLove project, offering toolkits for youth and educators, along with a website to offer resources and inspirational videos. The project included a Social Media Challenge and Youth Ambassador program, encouraging youth to express what Native love means to them and advocate against dating violence. With the grant from Seventh Generation Fund, NIWRC intends to further expand NativeLove to offer an educational curriculum, virtual advocate trainings, and ongoing social media advocacy.

“We recognize youth can lead the way for positive change, and it is up to all of us to be a part of this change,” said Lucy Simpson (*Diné*), NIWRC Executive Director. “Our goal for NativeLove is focused on addressing dating violence by empowering Native youth to reclaim what healthy relationships mean for them. NativeLove creates a safe space for Native youth to talk about healthy relationships, and we are thrilled to see this project grow and thrive.”

Seventh Generation Fund's Thriving Women program addresses gender oppression by focusing on Native

women-led work that responds to, prevents, and remedies issues of violence against Native women and girls. Grants are awarded to Indigenous women-led, community-based projects that empower Native peoples to address gender violence and restore wellness for the individual, family, and community.

The Thriving Women program recognizes the inherent link between violence against Native women, girls, and two-spirit relatives, and the wellbeing of the Earth. Overall, the program nurtures healthy and thriving Native communities, with the vision of reclaiming a world without violence against Native peoples.

NIWRC will utilize the funds provided through the generous support of Seventh Generation Fund to develop a community-based healthy relationships and dating violence prevention curriculum and trainings, as well as to strengthen NativeLove's social media advocacy to reach Native youth.

### Grant Opportunity: Thriving Women

The Seventh Generation Fund for Indigenous Peoples invites proposals to the Thriving Women Program. Eligible projects for support are Indigenous community-organized, Women-led, and responding to gender-based violence against Native Women, Girls, and Two-Spirit Relatives. Deadline to apply is October 15, 2021. More information at [7genfund.submittable.com](https://7genfund.submittable.com) and select “Thriving Women.”



**CARRYING  
OUR MEDICINE  
FORWARD**



Highlighting NIWRC's First 10 Years of  
Resistance to Violence and Increasing  
Safety through Strengthening Sovereignty

# A LOOK BACK AT A DECADE OF COLLECTIVE ADVOCACY IN ACTION

**2011**

NIWRC Board and Staff and Staff Attorneys of the Indian Law Resource Center celebrate the introduction of the SAVE Native Women Act with Senator Daniel Akaka. The tribal provisions of the bill were later incorporated into the Violence Against Women Act of 2013.



**2011**

Terri Henry, Member, NIWRC Board, presents Restoration Magazine to Senator Akaka. The photo of the Senator speaking at a rally to include the tribal provisions in the reauthorization of VAWA was the cover photo.

**2012**

Lucy Simpson, NIWRC Executive Director walks the halls of the U.S. Capitol Building during the push for passage of the tribal provisions of VAWA 2013.



**2013**

NIWRC staff travel from across the country to meet at the home office in Lame Deer, Montana.



## 2015

On December 5, 2015, NIWRC organized a “Quilt Walk for Justice” in front of the Supreme Court building during oral arguments on the *Dollar General* case that challenged tribal civil jurisdiction. In partnership with Pipestem Law, NIWRC filed an amicus brief in the case which was joined by 105 national, regional and tribal organizations. NIWRC later launched the VAWA Sovereignty Initiative, which has filed eight amicus briefs to date.



## 2013

On June 12, 2013, NIWRC staff joined to celebrate the successful hosting of the 11th Women Are Sacred Conference in Albuquerque, NM.



## 2014

On March 12, 2014, Lynn Hootch (pictured left, NIWRC Board Member) rides train from Washington, DC, to New York to make a statement on violence against Indian women at the 58th Session of the UN Commission on the Status of Women.



## 2013

On March 7, 2013, then-President Barack Obama signed the VAWA 2013 into law, restoring partial jurisdiction over non-Indians to Indian Tribes. Joining the President were then-Vice President Biden and Deborah Parker, then-Vice Chair of the Tulalip Indian Tribes and a current NIWRC Board Member.



## 2013

NIWRC board and staff distribute *Restoration Magazines* during the NCAI Executive Session and signing of VAWA 2013 in Washington, DC.

## 2015

On September 22, 2015, NIWRC staff joined tribal coalitions from across the United States to tell the world that Water & Women Are Sacred and to support the Standing Rock Sioux Tribe. NIWRC later filed an amicus brief in support of Standing Rock.



## 2015

NIWRC launches youth-centered NativeLove project to address dating violence and healthy relationships.



## 2016

June 14, 2016, the United State of Women Summit was hosted by the White House in Washington, DC, focused on gender equality in the United States. NIWRC coordinated Tribal attendance and speakers.



## 2017

StrongHearts Native Helpline takes its first call as a collaborative project of NIWRC and the National Domestic Violence Hotline.

# PLANTING SEEDS OF CHANGE FOR FUTURE GENERATIONS







**2018**

NIWRC hosts 2018 Women Are Sacred Conference in Albuquerque, NM.



**2017**

On October 25, 2017, Carmen O'Leary, Director of the NWSGP and founding NIWRC Board Member testified before the SCIA in support of bills to assist Indian Tribes in responding to the MMIW crisis. The Not Invisible Act and Savanna's Act are now federal laws.

**2019**

StrongHearts Native Helpline celebrates 2nd anniversary and opens its official office in Eagan, MN.



**2019**

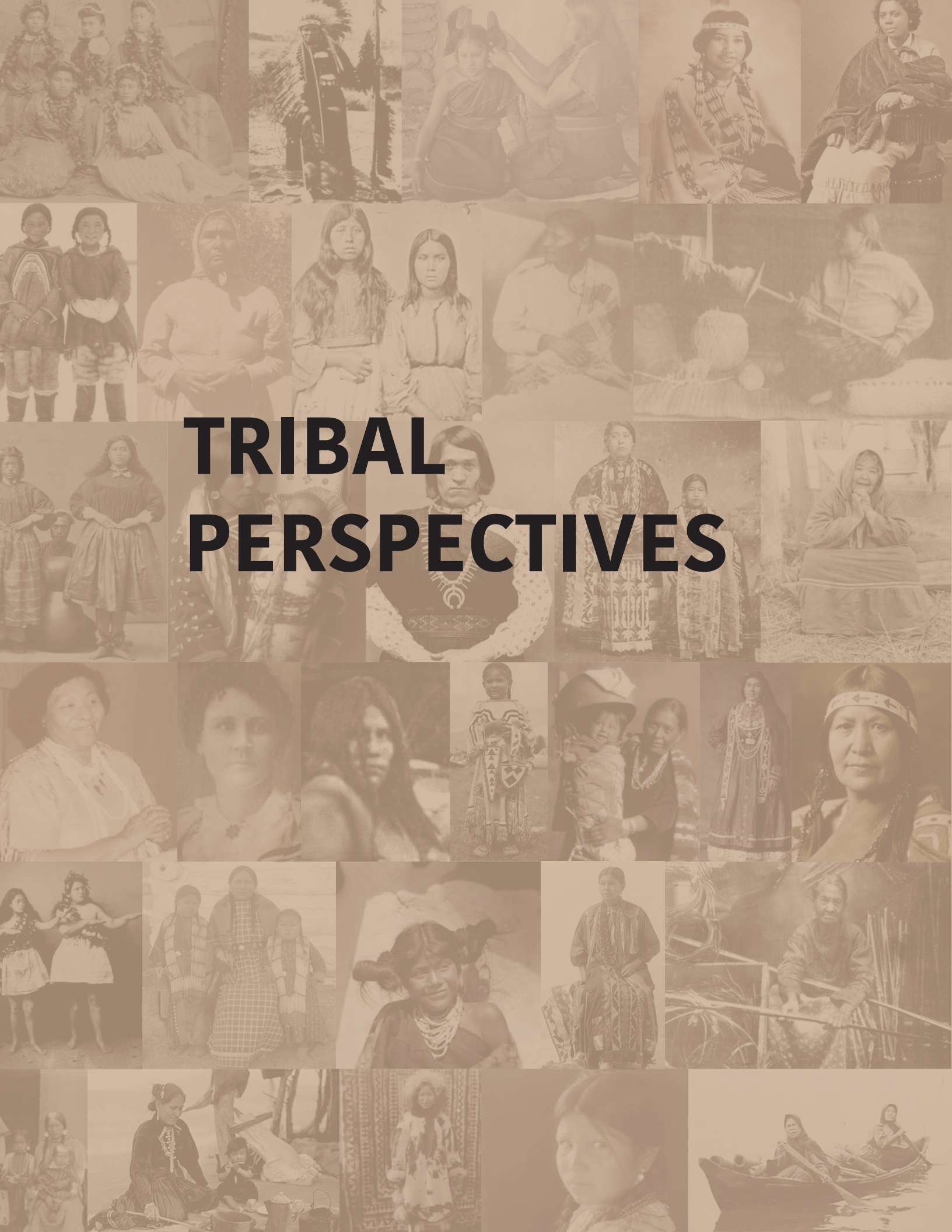
Staff and board of directors for NIWRC gather for annual planning retreat in Albuquerque, NM.

**2021**

NIWRC Executive Director Lucy Simpson opens first-ever virtual 2021 Women Are Sacred Conference.

## Register Now for NIWRC 10-Year Anniversary Webinar, November 17, 2021

This fall, NIWRC will mark its 10-year anniversary and re-dedicate our commitment to strengthening tribal responses to safety for Native women and their children. Join us for a live webinar showcase of NIWRC's support of the Indigenous movement for safety for Native women, including historical milestones and accomplishments of our technical assistance and training, resource development, and policy and systems engagement. Hear highlights of our advocacy over the past decade and reflections from our staff, board, and partners in this celebratory webinar. Learn how you can support the movement for safety for Native women and get involved with NIWRC's work to strengthen roots and plant seeds for change. Register for the webinar: [n8ve.net/6qaq1](https://n8ve.net/6qaq1)



# TRIBAL PERSPECTIVES



## Unci Tillie Black Bear October 1, Annual Women Are Sacred Day October is Domestic Violence Awareness Month

By Jacqueline Agtuca, Editor, Restoration Magazine

*Tillie Black Bear and movement sisters from South Dakota at the 1999 Millennium Conference on Domestic Violence in Chicago, where Unci Tillie was recognized as one of the founders of the domestic violence movement in the U.S. (Photo courtesy of NIWRC).*

In 1978, Matilda Black Bear emerged as the first Native woman to advocate for battered Indian women at the national level. She continued in the movement for safety until her passage in 2014. Known to the movement as “Tillie,” she was well recognized as the Unci (Grandmother) of the Battered Women’s Movement for her leadership spanning almost four decades. Her handprints rest on historic national legislation and the founding of organizations to advance safety for women and a national agenda for strengthening Indian nations’ sovereignty.

“The NIWRC honors Tillie as one of our founding mothers and as a grandmother of the battered women’s movement,” said Cherrah Giles, Board Chairwoman, NIWRC. “Unci Tillie provided leadership for more than four decades and at key moments of our struggle for safety and sovereignty.”

The struggle to end violence against Native women runs parallel to the colonization of hundreds of Tribal Nations in the United States. While all Indian Nations suffered the inhuman brutality of federal law and policies, each nation has a specific history of how colonization altered the lives and safety of women.

“At night, as young children, we kept watch for government agents so we could warn our families doing a sweat, purification. It was a crime to speak our language, practice our ceremonies, and be who we are as Indian people.”—Tillie Black Bear

believed in the teachings of White Buffalo Calf Woman. One of the first teachings White Buffalo Calf Woman brought to the Lakota people was that “even in thought, women are to be respected.” Tillie was given the Lakota name Wa Wokiye Win, which means “woman who helps everyone” in English, a name she fulfilled in life.

A part of the legacy of U.S. colonization is the cultural genocide committed against Indigenous peoples. For the movement to increase safety for Native women, it is reflected in the erasing of the leadership roles of Native women, their names, struggles, and victories. The public honoring of historic personalities shapes who we, as a society, uphold as cultural icons.

“The erasure of Indigenous women from the public eye is part of the continuum of dehumanizing Native women,” said Lucy Simpson, Executive Director, NIWRC. “NIWRC, as an organization, is committed to unraveling the cultural foundations of violence against Native women. Telling our story is part of decolonizing.”

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

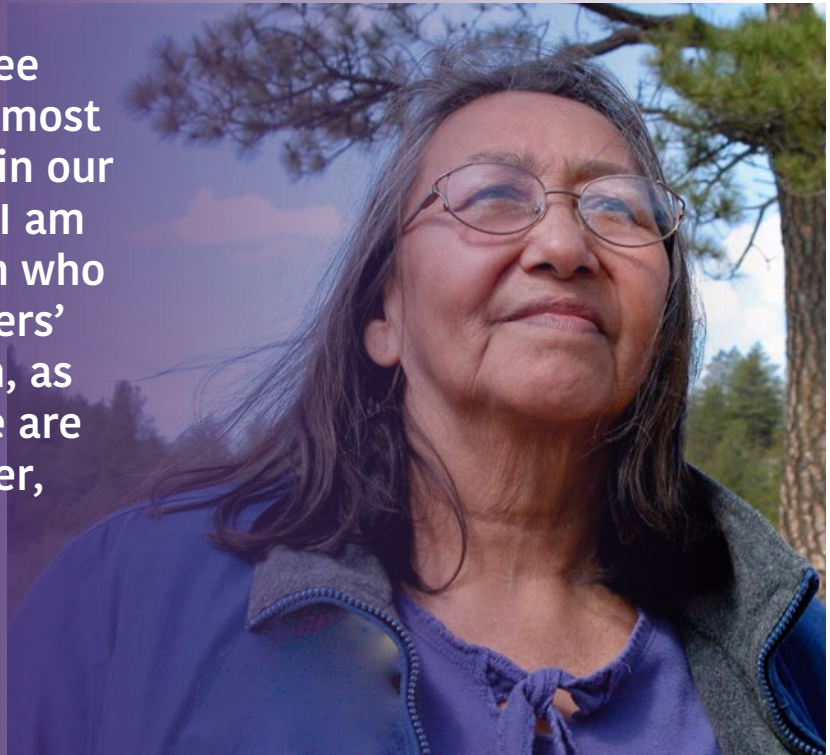
A citizen of the Rosebud Sioux Indian Tribe, Tillie In understanding the deep roots of violence against

"Looking back over three decades, having spent most of my life as a woman in our resistance movement, I am so proud of our women who went beyond the shelters' doors. As tribal women, as Indigenous women, we are helping to create a safer, more humane world."

-Tillie Black Bear,  
Sicangu Lakota, 1946-2014



Protect and respect  
Native women.



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

"Unci Tillie's understanding of social change, organizing, movement building, and making relatives are her living legacy. We honor her life and our movement by celebrating Women Are Sacred Day on the first day of the October Domestic Violence Awareness Month."—  
Lucy Simpson, Executive Director, NIWRC.

## Listen to Unci Tillie Black Bear's Stories of Movement Building

As we celebrate Domestic Violence Awareness Month, NIWRC is honored to share a two-part interview of Unci Tillie Black Bear on our movement's history to restore safety for Native women. Unci Tillie shares her inspirational story of grassroots organizing in the late 70s to form the White Buffalo Calf Woman Society Shelter on the Rosebud Sioux Reservation, the South Dakota Coalition Against Domestic Violence, and the National Coalition Against Domestic Violence. Unci Tillie discusses how the local organizing at the Rosebud Sioux Tribe's was anchored by the teachings of the White Buffalo Calf Woman, the ways of the čhaŋnúŋpa (cha-nu-pa), and seven sacred ceremonies. This history of our movement and these Tribal teachings hold increased significance in light of the struggle to develop tribally-based services for Native women. **Listen to Speaking Our Truth, Podcast for Change:**

- **Episode 6 - Tillie Black Bear Herstory, Part 1:** [n8ve.net/Pyq5P](https://n8ve.net/Pyq5P)
- **Episode 8 - Tillie Black Bear Herstory, Part 2:** [n8ve.net/FxiN2](https://n8ve.net/FxiN2)

# Unci Tillie Black Bear

## A Legacy of Movement Building

### Sacred Relationships to the Land, Our Families and All Relatives

By Amy Sparck, *Cup'ik of Chevak*, Policy Specialist, NIWRC; Rosemond Pettigrew, *Native Hawaiian*; Wendy Schlater, *La Jolla Band of Luiseno Indians*; Patricia Whitefoot, *Yakama Nation*

The safety, healing, and well-being of Indigenous women are linked to their beliefs and way of life and that of their families, clans, communities, and nations.

Unci Tillie Black Bear's contributions to building a national movement for the safety of Native women were from the worldview of a Sicangu Lakota woman. For Unci Tillie, and those continuing to build the movement, an Indigenous worldview determines how we explain, interact, and live in the world. While Unci Tillie's beliefs were specific to her experience as a Sicangu Lakota woman, her spirituality is shared across Indigenous peoples nationally and often internationally.

Uplifting the interconnectedness of sacred relationships is essential to restoring the natural relationships by which Native women can live free of violence and fulfill their life journeys. Honoring the sacred relationships of Indigenous peoples to the land, their families and clans, and respect for the honored status of relatives continues as a foundation to building our movement today and into the future.

*"If we can come back to a place where women are sacred, that gives us the foundation for building everything else up."*—Lucy Simpson, Executive Director, NIWRC

This October 1st, in honoring Unci Tillie and upholding Women as Sacred, NIWRC dedicated the annual Tillie Black Bear Women Are Sacred Day to understanding Indigenous beliefs and sacred relationships in the context of movement building.

*"This year, we wanted to create a space for Sisters to share how their indigenous beliefs are foundational to their struggles for safety and justice. Unci Tillie worked to create the October Domestic Violence Awareness Month, and it is fitting we begin the month in this way."*—Lucy Simpson

**Sister Rosemond "Loke" Pettigrew shared in the**

**struggle for the safety of Native Hawaiian women** and the sacred relationship of Native Hawaiian women and people to their lands.

**Sister Wendy Schlater, shared in the struggle for safety and justice for Native Two-Spirit, lesbian, gay, and transgender people** and the sacred relationship we have as relatives and the belief of respect for all peoples.

**Sister Patricia Whitefoot shared in the struggle for justice for missing and murdered Indigenous women** in the sacred relationship we have to our families, and the importance of honoring the voices of our families in the movement as we organize to create legislative reforms and new policies.

Restoring the safety of Indigenous women will require changes to federal laws and policies. It will also require a cultural shift in recognizing, acknowledging, and supporting the role and original protections for Indigenous women found in the beliefs and social structure of their nations and peoples.

Respect for and understanding relationships between people and the world in which they live as natural and interconnected is a way of life where the use of violence to control or for greed has no place. Spirituality is a natural extension of the way of being as Native women and peoples. In the 1970s and 1980s, tribal women carried into the developing movement sacred beliefs and values held by their tribes since their beginnings.

These beliefs were natural protections and community safeguards for women within their nations. The introduction of violence against Native women was part of the colonization of the Indigenous nations by foreign governments, including the United States. The very laws and policies of the United States endangered Native women and eroded these social protections for Native women. Unci Tillie understood our movement for safety as a resistance struggle to colonization and centered

our political eye on restoring original protections based on spirituality—*“Even in thought women are to be respected.”*

*“It is in the spirit of sacred connectedness and relationships that Native people endure and have survived. Weaving our creation stories with the sacredness of Native women and ancestral homelands is a way of honoring spaces and interconnectedness. Such connections impart the importance that all creation is related and dependent on everything in creation for their existence. We must continue to elevate our sacred ways and they must be acknowledged and honored. We must continue reclaiming the sanctity of Indigenous women who have breathed life into our very existence.”*—Rose M. *“Lashaawat” Quilt, (Yakama), Director of Policy and Research, NIWRC, Restoration June 2020*

### **Sister Loke Pettigrew, Member of Pouhana ‘O Na Wahine (Pillars of Women)**

Every morning when I leave my driveway, I call out to my ancestors and land, (take care, make right), aloha aina (love the land/connection to family). It is important to acknowledge your ancestors who came before you and whose mana (power) flows through you as their living descendant.

I live on the ocean side of a small valley in Molokai, Hawaii. The valley where I live is my “kupuna aina”—the aina (land) where my kupuna (ancestors) have lived and worked since ancient times.

When the land tenure system changed and it went from communal to private, my kupuna claimed that ‘ahupua’a (land division) which ran from the top of the mountain to the ocean.

Central to Native Hawaiian culture is the relationship with one another through Akua (God), na aumakua (guardian of the family), kupuna (ancestors), ohana (family), and aina (land). We are connected to the land because Hawaii is our homeland. It is where our roots as Hawaiians are connected. The overthrow of the Hawaiian Kingdom in 1893 and annexation of the Hawaiian Islands by the United States in July of 1898, disconnected us as the Keiki O Ka Aina (children of the land).

Colonialism created divisions within our communities and devalued the role of who we are as wahine (women). Where I come from, many of our women experience

domestic violence and other issues that take them away from being a Hawaiian woman, a mother, a sister, a daughter, an auntie, and their kuleana (responsibility) to family.

I am a domestic violence advocate on the island of Molokai. I would say approximately 98% of the women I work with are Hawaiian, and it is heartbreaking to see and hear the level of violence they experience and how vulnerable they are to the violence perpetrated against them. The sacredness of women to give birth to the descendants of the Hawaiian lahui (nation), and whose responsibility it is to nurture the keiki (children), and take care of the family, significantly diminished after contact.

Colonization led to the displacement of thousands of Hawaiians, resulting in increased vulnerability to trauma and oppression. Sacred land and spaces have been stolen and violated by colonizers who did not, or do not, understand the importance of the kupuna aina to Native Hawaiian people.

It is like the struggle to protect Manu Kea, from the construction of a 30-meter telescope. Our people are rising, standing, and coming together to protect Manu Kea as a sacred site. So, the way I see it, it is a movement to not only protect the sacredness of the sites but protecting the sacredness of women, family, and aina.

Aina is our land, and that's who we are. That's how we live. That's where we survive, through our lands and our teachings to protect that and to continue to teach the generations that maybe are disconnected, or were disconnected from who they are and where they come from.

*“Ua Mau Ke Ea O Ka Aina I Ka Pono –  
Life of the Land is Perpetuated in Righteousness”*

### **Sister Wendy Schlater, Vice Chair, La Jolla Band of Luiseno Indians, and Treasurer of the NIWRC Board of Directors**

My name is Wendy Schlater, and I identify as wehpotaaxaw, which means to walk with both female and male spirit/body.

A lot of you knew Tillie as Uinci (grandmother), or muske (sister), but I knew Tillie also as Ina (mother). Tillie shared with us the teachings of the White Buffalo Calf Woman and set the marker for our work. She reminded us

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**“If we can come back to a place where women are sacred, that gives us the foundation for building everything else up.”**

—Lucy Simpson, Executive Director, NIWRC

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to go back home and revitalized our creation stories. She was instrumental in starting our coalition and Avellaka Program on the La Jolla Indian Reservation. We honor Unci Tillie, for her leadership over decades and her love for Indigenous peoples and reminders of the teachings that we are all relatives and of the spiritual foundation of our movement.

It took me a long time to feel human, reclaim myself, feel grounded in my skin, and really love myself. Since third grade, I knew I was different from my cousins and friends. Growing up my relatives nicknamed me Wendell and Wendoe. Reflecting on my childhood, there were hints of being weh-potaaxaw, but never a teaching or rites of passage.

In 2015, as Director for my Tribe’s Safety for Native Women Avellaka Program, we developed our Rainbow of Truth Circle Project. We learned our language and developed material reconnecting us with our teachings defining our respectful relations with each other. These teachings are reflective of how we governed ourselves, maintaining law and order and promoting healthy living long before the United States.

I remember my cousin calling me in excitement as he looked over Harrington’s notes. John Harrington was a linguist and an ethnologist who came through our people’s area documenting us in the 1930s and 40s. My Cousin said, “Look, this is a reference for two-spirit, Weh-Potaaxaw. Weh means two, Po means he-she-them, and Taaxaw means body.”

After reclaiming my people’s term, I felt grounded, visible, valued and safe, as if I had come home from living in some foreign land.

To reform systemic barriers in laws and policy we face as Two-Spirit and Native LGBTQ peoples we must address and understand colonization as the root cause of violence within Indian Nations, including homophobia, biphobia and transphobia.

This requires we, as a movement, recognize our sacred relationship to the land, our families, and to each other as relatives and Indigenous peoples.

Over the last several years our Rainbow of Truth Circle Project partnered with NIWRC to develop resources for our Two-Spirit and LGBTQ relatives, and their families and friends who can help them with safety planning and provide validation, encouragement, and long-term support.

We are asking community members to connect with our traditional teachings and values of being a good relative and relationships to each other. Our goal is to encourage our relatives to remember their individual and collective responsibilities to support each other. As Unci Tillie often said, “to be a good relative.”

### **Sister Patsy Whitefoot, Yakama Nation**

Shix patchway, inmima tiinma. Inknash wanikshash Twapat, kuu pashtinwitkiy Patricia Whitefoot. (Good day, my friends and relatives across Indian Country. My Indian name is Twapat, (name of my great-great grandmother) and my English name is Patricia Whitefoot. I am a life-long resident of White Swan, WA on the Yakama Indian Reservation in south central Washington. As citizens of the Yakama Nation, our family has lived and continues our migratory way of life in the vast Columbia River basin of the Northwest. In following the traditional ways of ancestors, we are able to sustain our livelihood, where family roots are deeply embedded. In early fall of 1987, our youngest sister, Daisy Mae Heath, age 29, (Yakama Nation/Warm Springs Tribe) was reported missing. Daisy was the youngest of six sisters, who was raised by our maternal grandparents, along with extended family. As a ranching family being raised in Medicine Valley along the Cascade Mountains, we were nurtured in our Indigenous way of life. Daisy Mae and another younger sister, Beverly, who later passed away, lived with me and shared the responsibility in rearing my children and also helping with our many nieces and nephews.

As a lively young woman, it wasn’t unusual for Daisy to leave for extended periods of time to spend time with friends or family on the Yakama and the Warm Springs Reservation in Oregon. Daisy would travel to the Columbia River bordering Washington and Oregon to visit and fish with family. Or she would travel to play basketball or softball in the Northwest, where she

excelled in sports as an All-Star and MVP player. As an energetic and fiercely determined young woman, Daisy was able to fend for herself, if needed. On October 29, 1987, Daisy Mae was reported missing. She has been missing for over 30 years. During this time, there were several women from White Swan and the Yakama Reservation who were murdered or were missing.

In recent years, I have joined with many other families, communities, and national organizations to increase safety and seek justice for my sister and so many other families of MMIW. Our efforts have resulted in the federal government recognizing the crisis of MMIW as a national issue. We work to inform and organize to create changes that will make a difference in not one case, but across tribal communities for all women, and our future generations. This approach views the crisis of MMIW as a result of a spectrum of violence committed against Indigenous women. And we hold the federal government and churches responsible for the laws and policies that placed our lives in danger, and continue to make us vulnerable to violence.

As legislation is considered at the state and federal level, it's imperative that our family voices are shared, heard and respected, particularly as it pertains to our families and loved ones who endure this crisis daily, over years in silence.

As families of missing and murdered women, we simply seek calm and peace, sense of justice, and healing of our hearts.

### More on Sacred Relations

- Read: "A Native Hawaiian Call for Change," Restoration Magazine, June 2020: [n8ve.net/FnNvj](https://n8ve.net/FnNvj)
- Read: "Engaging Our Relatives: NIWRC Partners with Tribal Programs to Develop a Toolkit for Native 2S/LGBTQ Relatives Impacted by Domestic Violence," Restoration Magazine, Nov. 2020: [n8ve.net/8EuHG](https://n8ve.net/8EuHG)
- Listen to Patricia Whitefoot's, Women Are Sacred Talk on Missing Native women: [n8ve.net/lf10i](https://n8ve.net/lf10i)



## StrongHearts Native Helpline Launches Project in Michigan Expands Accessibility to Native American Domestic Violence Advocacy

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

StrongHearts Native Helpline is launching a project in Michigan to expand its existing domestic and sexual violence advocacy services to support Tribal programs and their contacts in that state. The project — a partnership with the Division of Victim Services at Michigan's Department of Health and Human Services, which is also providing the funding — has already begun.

A well-recognized issue throughout Tribal domestic violence advocacy and shelter work is that many Tribal programs are small with limited staff. As a result, their advocates may need to carry pagers or cell phones at all times in order to respond to victims, resulting in overtime and additional stress. Sometimes, advocates are not able to respond and victims calling after hours are simply advised to call back during office hours, which can create a safety issue for them. This project will give Native American victim-survivors in Michigan access to culturally-appropriate advocacy 24/7, even if they call their local Tribal program after regular operating hours.



“In general, urban Natives are underserved; and this is a cost-effective way for us to expand services to Native American victim-survivors wherever they may live in Michigan and especially in urban areas where we have determined there is a great need,” said Leslie O’Reilly, VOCA program specialist, Division of Victim Services, Michigan Department of Health and Human Services. “With this new initiative, we will be able to have an efficient infrastructure in place to maintain capacity while we are seeking to expand and provide even more services.”

The project will have three phases. During phase one, StrongHearts will announce the project to Tribal programs and establish a Michigan administrative office. Phase two will focus on establishing connections with Tribes that have agreed to participate in the project. Finally, phase three will concentrate on sustaining the project into the future.

By opting in, Tribal programs will be able to set their after-hours answering service to prompt callers to press one to transfer directly to StrongHearts Native Helpline advocates. As a result, StrongHearts advocates will be aware that the call is coming from a Tribal program in Michigan, but the call will be completely confidential and anonymous.

“It is important to StrongHearts that our advocates continue to learn best practices for supporting victim-survivors and all Native Americans impacted by sexual and domestic violence,” said Lori Jump (Sault Ste. Marie Tribe of Chippewa Indians), director, StrongHearts Native Helpline. “In this spirit and to ensure victim-survivors receive the best advocacy, StrongHearts asks participating Tribal programs to meet with our Michigan-based project coordinator to share their best practices, particular needs of their communities, and ensure StrongHearts advocates know the services and support available through their Tribal programs.”

“Since 1989, there has been a longstanding commitment by the state of Michigan to reach Tribal victims of crime, and there are now 8 out of 12 federally-recognized Tribes receiving VOCA grant funding through the Division of Victim Services and additional funding that we can access to meet the needs of Tribes,” said O’Reilly. “A very important goal for us is to help meet the needs of underserved Native American communities and, especially, in urban areas. We will now be able to meet this need and reach these communities.”



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

“Michigan has been a leader in working with Tribal Nations in that state and is to be commended for its commitment to serving all victim-survivors, no matter where they live,” said Jump.

“Ensuring all survivors have equal and equitable access to victim services is critical in their healing journey,” said Debi Cain, executive director, Division of Victim Services, Michigan Department of Health and Human Services. “We are proud to partner with StrongHearts Native Helpline on this project that will enhance access to services for Native Americans impacted by sexual and domestic violence throughout Michigan.”

### StrongHearts Michigan Project Coordinator

Roxanne Mannisto, LBSW, is an enrolled member of the Pokagon Band of Potawatomi Indians. She is the project coordinator for StrongHearts Native Helpline. Roxanne is helping StrongHearts service expansion in Michigan.

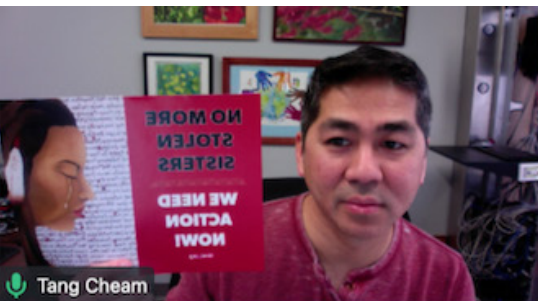
Prior to her position at StrongHearts, Roxanne earned her bachelor's degree in social work from Northern Michigan University, where she obtained a dual major in social work and criminal justice with a sociology minor.

Roxanne has experience working with youth, families, and victims of crime over a span of twenty-nine years. Her experiences as a social worker have taught her about the prevalence of domestic violence and its impact on children and families. Previously working for the Sault Ste. Marie Tribe of Chippewa Indians and the Keweenaw Bay Indian Community, Roxanne led teams in a supervisory capacity.

**Email: [rmannisto@strongheartshelpline.org](mailto:rmannisto@strongheartshelpline.org)**

# #MMIW

May 5, 2022 | Organize Actions for Justice!



Tang Cheam



Gwendolyn Packard



Kendra Root



Paula Julian



Rose Quilt



Zina Carroll



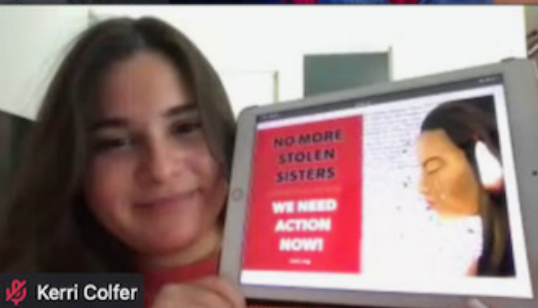
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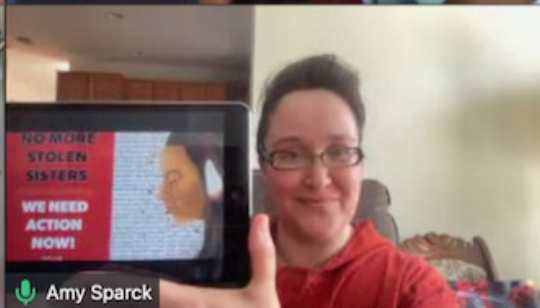
Mallory Adamski



Neviah Leer



Kerri Colfer



Amy Sparck



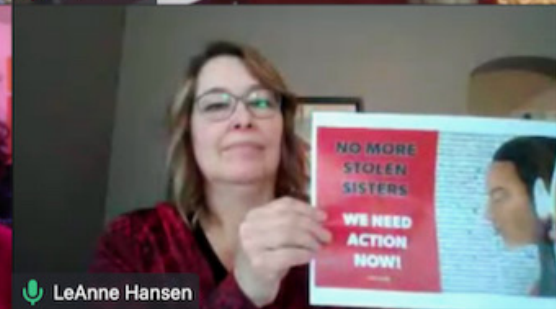
Brenda Hill



Annette Scalpcane



Tara Azure



LeAnne Hansen

# RISING FOR JUSTICE FOR MMIW

## A Call for Foundational and Permanent Change

Attention to the crisis of Missing and Murdered Indigenous Women (MMIW) is exploding nationally and internationally.

A “crisis” by definition typically shocks the senses. The families and communities of MMIW have felt this shock since contact—the loss, the grieving, and the reality that “help is not coming.”

Has the federal government felt the shock or after-shock and ready to take meaningful action?

While the list of congressional acts and presidential orders reversing past bad U.S. federal Indian law has grown, every day is a day too late in the suffering and injustice of Indigenous women.

NIWRC and six national organizations linked by years of our shared mission to end violence against women have issued a 6-point action plan. The plan addresses violence against Indigenous women on a systemic level.

The six points look to systemic barriers rather than instances of individual wrongdoing. They focus on the responsibilities of the government rather than individuals in government positions who fail to respond and support safety for Native women. While individuals must be held accountable, the system itself continues to endanger the lives of generations of Indigenous women. By changing the rules, the legitimacy of individuals who

abuse their authority and do not serve Native women will be exposed and prevented.

The 6-point action plan is a pointed statement that the crisis of MMIW occurs in the context of a spectrum of violence against Indigenous women. A spectrum resting on the laws and policies of the United States toward American Indian, Alaska Native, and Native Hawaiian Nations and peoples. The six points connect to concrete reforms in law and policy that Congress and the Biden-Harris Administration can enact and adopt to reduce the current death toll of Indigenous women.

The increased attention to the calls for justice steadily rising across the country are a source of inspiration that the lives of nieces, sisters, cousins, daughters and mothers, granddaughters and grandmothers, will not be forgotten. The families, communities, and nations of MMIW are marching and calling for justice to hold governments and our society accountable.

“As preparation begins for May 5, 2022, MMIW National Day of Awareness, we encourage local, regional, national, and international actions for justice,” said Rose Quilt (Yakama), Director of Policy and Research, NIWRC. “We are planning to release a Special MMIW Edition of the Restoration Magazine to support grassroots organizing efforts. It will offer the experiences of families of MMIW, the dissection of government policies and laws failing Native women.”



# 6-Point Action Plan to Reform Systemic Barriers and Restore Safety of Indigenous Women in the United States

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

Traditionally, Indigenous women were respected and held sacred within their nations. Colonization eroded this status and dehumanized Indigenous women, destroying original protections within their nations.

The current spectrum of violence against Indigenous women is intertwined with systemic barriers embedded within the U.S. federal government. These barriers developed as the U.S. seized the homelands and natural resources of Indigenous peoples, forcibly removed and relocated Indigenous people, and creating living conditions where women are vulnerable to violence.

To fully address the current crisis of violence against Indigenous women, these systemic barriers must be removed and the sacred status of women restored. To that end, we urge the U.S. government to reaffirm and support Indigenous protective systems by:

- **Restoring the full authority of American Indian and Alaska Native Nations to protect Indigenous women**, including through the support of VAWA 2021's expansion of Special Domestic Violence Criminal Jurisdiction for Indian nations. #VAWA2021
- **Recognizing and respecting Indigenous responses of Native Hawaiian communities** and organizations to protect Indigenous women, including through the support of a Native Hawaiian Resource Center on Domestic Violence. #FVPSA2021
- **Ensuring adequate resources** for advocacy and services for Indigenous women, including by support of FVPSA 2021 Tribal funding increases and establishment of a permanent, dedicated funding stream for Tribes in the Victims of Crime Act (VOCA). #FVPSA2021
- **Removing the systemic barriers** facing families of MMIW including by supporting implementation of Savanna's Act and Not Invisible Act and the development and adoption of additional MMIW legislation in consultation with Alaska Native and American Indian Nations and Native Hawaiians. #MMIW
- **Implementing a thorough federal response to MMIW** by requiring every federal department to develop action plans with meaningful consultation with American Indian Nations and Native Hawaiians to address MMIW. #MMIWFedActionPlanNow
- **Recognizing that both land and Indigenous women are sacred** and connected, and that both require legislative and policy actions to protect them from extractive industries and corporate interests, such as the passage of the Save Oak Flat legislation, HR 1884/S.915. #SaveOakFlat #SaveMaunaKea #HaltClimateChange



# The Failed Response of State Justice Agencies to Investigate and Prosecute MMIW Cases

A Pattern and Practice in Violation of the U.S. Civil Rights Act

By NIWRC Team Members Rose Quilt, Paula Julian, Kerri Coffey, Amy Sparck, and Jacqueline Agtuca



MMIW awareness posters at Justice for Kaysera rally at Big Horn County Courthouse in Montana on August 27, 2021. (NIWRC)

Disrespect from lack of awareness or compassion for grieving families is clearly wrong. In the case of Indigenous women and their families, it is also a violation of protected rights.

In 1978, when Congress passed the American Indian Religious Freedom Act and earlier the U.S. Civil Rights Act of 1964, it was not intended to “specifically” address the context of today’s crisis of Missing and Murdered Indigenous Women (MMIW). Yet, the spirit and protections provided under these laws are applicable and offer guidance on the current systemic barriers confronting family members of murdered Indigenous women.

## The Civil Rights Act of 1964

*“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, 1963<sup>1</sup>*

The Civil Rights Act of 1964 prohibits discrimination based on race, color, religion, sex, or national origin. In addition, the Act gave federal law enforcement agencies

the power to prevent racial and sexual discrimination in the use of public facilities and the delivery of services.

The families of 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 one. This failed response represents a pattern or practice of local, state, and federal agencies not responding to cases of violence against American Indian women, as the number of suspicious deaths of American Indian women and girls that go uninvestigated—despite an inordinate amount of evidence that a homicide has occurred—is staggering.

In numerous cases, medical examiners, coroners, and prosecutors have wrongfully reported the cause of death of American Indian women as undetermined, possible suicide, or hypothermia in order to quickly close the case. Families have complained that the failure to properly investigate MMIW cases is based upon racial discrimination against Indian women. In many cases, the remains are cremated before a full investigation can occur, at times without the family's consent.

For decades, families of MMIW have been rebuffed by the federal and state/local justice responders despite

<sup>1</sup> <https://n8ve.net/a8z5V>

Tribal calls for justice, vigils, marches, and testimony before the Senate Committee on Indian Affairs, of the overwhelming number of cases the following provide glaring examples of the disregard for the lives of Native women:

- January 2020: Kaysera Stops Pretty Places' grandmother was told she died from a drug overdose, only to have the toxicology report come back with no indication of drug usage. Before a legitimate criminal investigation could be undertaken, the County Coroner cremated Kaysera's body against her family's permission
- June 2017: Ashley Loring Heavy Runner's sister Kimberly Loring Heavy Runner testified in 2018 before the Senate Committee on Indian Affairs concerning the failed law enforcement response.
- February 2015: Allison Highwolf's mother was told by one police officer, "Just because your daughter died, the world doesn't revolve around you."
- July 2013: Malinda Limberhand, mother of Hanna Harris, was told, "You can search for Hanna yourself. She has probably gone to Sturgis with a biker."<sup>2</sup>
- August 2006: June Lefthand, mother of Victoria Eagleman, was told, "Vickie is off partying."<sup>3</sup>

The Civil Rights Act is known for high-profile cases concerning the U.S. Department of Justice (USDOJ),

<sup>2</sup> Restoration, Vol. 16, June 2019. <https://n8ve.net/tKlEr>

<sup>3</sup> Restoration, Vol. VII, March 2008.

In May 2012, the U.S. Department of Justice Civil Rights Division opened an investigation into three law enforcement entities in Missoula, Montana. A year later, they issued findings for the Missoula Police Department and University of Montana Office of Public Safety that identified a pattern or practice of failing to adequately respond to and investigate allegations of sexual assault against women. Again, in February 2014, their findings of the Missoula County Attorney's Office identified a pattern or practice of failing to ensure unbiased, effective investigation and prosecution of reports of sexual assault by women.



*In August 2019, 18-year-old Kaysera Stops Pretty Places (Crow) was murdered in Big Horn County, Montana. Two years have passed since her murder, and the Federal Bureau of Investigation, Big Horn County Sheriff's Office, and the Montana Department of Justice have done nothing to undertake a criminal investigation into her death. (Photo courtesy of Grace BullTail).*

such as the investigations into the murders of George Floyd and Breonna Taylor committed by local law enforcement. It has much broader applicability. Just as local law enforcement agencies have exhibited discrimination by systemically and routinely targeting people of color with unlawful acts of violence, local law enforcement agencies across the United States have exhibited a systemic and routine practice of not investigating or prosecuting the individuals who continue to murder American Indian women and girls.

Civil rights laws apply to essentially 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 numerous complaints of discriminatory practices and denial of services by the families of murdered Indigenous women, is \$16 billion in total, of which nearly \$9.25 billion comes from the United States Treasury.<sup>4</sup>

"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."<sup>5</sup>

<sup>4</sup> <https://n8ve.net/QwVVa>

<sup>5</sup> Section 601 of Title VI of the Civil Rights Act of 1964 (codified at 42

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**Ceremony and traditions have meaning in the lives of those who have passed and their loved ones who remain in this world. The inherent right to believe, express, and exercise traditional religions is connected to the ceremonies and traditional rites of passage and departure of a loved one from this world.**

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In the context of the U.S. Department of Justice (USDOJ), Congress created additional nondiscrimination provisions for specific federal grant programs. For example, the state of Montana receives numerous grants from the Office of Justice Programs and 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 grant programs.

### **USDOJ Investigation of Missoula Law Enforcement Agencies**

One example of the broader applicability of the Civil Rights Act is the 2014 USDOJ findings resulting from a 2013-2015 investigation of the Missoula Police Department, Missoula County Attorney's Office, and University of Montana Office of Public Safety. In May 2012, the USDOJ Civil Rights Division opened an investigation of these three law enforcement entities in Missoula. It focused on gender bias in the handling of sexual assault complaints.

In May 2013, the division issued findings letters for the Missoula Police Department and 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 February 2014, the division issued a separate findings 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*

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U.S.C. 2000d), DOJ implementing regulation: Subparts C and D of 28 C.F.R. Part 42.

*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.”<sup>6</sup>*

Many states, like Montana, 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 American Indian women because of racial bias reflects a pattern or practice of denial of equal services.

### **American Indian Religious Freedom Act**

The American Indian Religious Freedom Act (AIRFA) affirmed freedom of religion is an inherent fundamental right guaranteed to all Americans by the First Amendment to the United States constitution.

The AIRFA provided that the religious practices of American Indians are an integral part of their culture and formed the basis of Native identity. Accordingly, it mandated that the federal government protect and preserve American Indians' inherent freedom to believe, express and exercise their traditional religions.

One concern of many families of murdered Indigenous women is the reality that county coroners have cremated the remains of their loved one without, and in most instances, against their consent (for instance, the case of Kaysera Stops Pretty Places, Crow Tribe).

In other circumstances, mothers or next of kin are not allowed to view the remains of their loved one. (Allison Highwolf, Northern Cheyenne)

And in other cases, the cremated remains are mailed

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<sup>6</sup> <https://n8ve.net/wFpyF>

One concern of many families of murdered Indigenous women is the reality that county coroners have cremated the remains of their loved one without, and in most instances, against their consent as in the case of Kaysera Stops Pretty Places (Crow Tribe). In other circumstances, mothers or next of kin are not allowed to view the remains of their loved one, as was the case for Allison Highwolf (Northern Cheyenne).



Participants and supporters gather for Justice for Kaysera 5K walk/run at Crow Agency in Montana on September 11, 2021. (NIWRC)

back to grieving families.

What is the connection to the American Indian Religious Freedom Act in the case of a murdered Indigenous woman?

*“On and after August 11th, 1978, it shall be the policy of the United States to protect and preserve for American Indians their inherent right of freedom to believe, express, and exercise the traditional religions of the American Indian, Eskimo, Aleut, and Native Hawaiians, including but not limited to access to sites, use and possession of sacred objects, and the freedom to worship through ceremonial and traditional rites.” 42 U.S.C. § 1996 (2011).*

Ceremony and traditions have meaning in the lives of those who have passed and their loved ones who remain in this world. The inherent right to believe, express, and exercise traditional religions is connected to the ceremonies and traditional rites of passage and departure of a loved one from this world.

How one enters and leaves this world are two points in

the life of a human being that are encompassed in the beliefs of the specific people and their ways of life.

The concept of women as sacred is ignored and violated when her family’s beliefs, ceremonies, and wishes for a Native woman’s burial are not considered and observed.

How a family completes the ceremonial rites of passage and grieving process in recognition of the loss of a loved one is damaged, and in some cases, destroyed.

The very spirit of the AIRFA is violated in the ongoing disregard of families for handling the remains of their murdered loved one. Such violations and disregard for AIRFA cannot continue. While AIRFA contains no penalty provisions, the impact of the mishandling of the remains on the ceremonial and traditional rites of the woman and her family must be acknowledged and prevented in the future.

In 1978, the AIRFA created a path forward by including a policy mandate for federal departments. Section 2 states: “The president shall direct the various Federal departments, agencies, and other instrumentalities





MMIW awareness T-shirts at Justice for Kaysera rally at Big Horn County Courthouse in Montana on August 27, 2021. (NIWRC).



MMIW awareness posters at Justice for Kaysera rally at Big Horn County Courthouse in Montana on August 27, 2021. (NIWRC).



At August 27 Justice for Kaysera rally at Big Horn County Courthouse in Montana, a MMIW awareness poster calls for attention on the suspicious death of Henny Scott, a 14-year-old girl who was found murdered on the Northern Cheyenne Reservation on December 28, 2018. (NIWRC).

responsible for administering relevant laws to evaluate their policies and procedures in consultation with Native traditional religious leaders in order to determine appropriate changes necessary to protect and preserve Native American religious cultural rights and practices. Twelve months after approval of this resolution, the President shall report back to the Congress the results of his evaluation, including any changes which were made in administrative policies and procedures, and any recommendations he may have for legislative action.

In June, 2021, six national organizations issued a 6-point plan of action to respond to MMIW. Point five of the action plan is consistent with the spirit of the AIRFA and calls for federal action: “Implementing a thorough federal response to MMIW by requiring every federal department to develop action plans with meaningful consultation with American Indian Nations and Native Hawaiians to address MMIW.”<sup>7</sup>

The local, state, and federal agencies that failed these women in life are also failing and desecrating them after their deaths. Those departments and agencies

<sup>7</sup> Restoration, June 2021, p. 49. <https://n8ve.net/3EaII>

complicit in this denial of religious freedoms must be held accountable.

### When States and Counties Fail

The USDOJ has a responsibility to investigate state/local agencies with a pattern or practice of inadequately responding to cases of MMIW based on a demonstrated pattern of discrimination against American Indian women and girls.

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

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

It is urgent that the new missing and murdered unit at the Department of Interior develop guidelines and informational materials, including:

- Guidelines for state/local and federal departments, including training, charged with responsibility for handling the remains of murdered Indigenous women, including offices of the coroner.
- A fact sheet on the legal process and rights of family members of murdered Indigenous women after her remains are found.
- Guidelines for federal departments, including training, in responding to missing and murdered Indigenous women cases, including that her family’s wishes must inform the process. Given the urgent nature of the crisis of MMIW, every missing case must be given priority as a potential homicide.

Artwork by  
Danielle  
Fixico.

# NIWRC Updates MMIW State Legislative Tracker

By Zinaida Carroll,  
IT Support and  
Communications  
Assistant, NIWRC

The new Missing and Murdered Indigenous Women (MMIW) State Legislative Tracker is a navigational database offered by NIWRC to assist the national movement in monitoring and understanding pending local legislation addressing the crisis of MMIW.

“The NIWRC is pleased to launch the Missing and Murdered Indigenous Women (MMIW) State Legislative Tracker,” said Lucy Simpson (Diné), Executive Director, NIWRC. “As the grassroots movement continues to organize locally and nationally, there is an increase in legislative reforms to respond to this crisis. We hope the Tracker will support these efforts for social justice to monitor state legislation.”

The MMIW State Legislative Tracker is a continuation of the MMIW Monthly Legislative Summary, previously released as part of our monthly legislative update. Now in the form of a navigational database tracker, it is a tool to support tribal grassroots leaders, the family and community members of MMIW, grassroots advocates, and state and local legislators to easily search legislation relating to MMIW within their state and across the country.

“There are currently over 30 pieces of legislation related to MMIW at the state level moving through the process or already signed into law within this legislative session,” Simpson said.

This educational policy tracker is a compilation of current legislation (2020-2022) at the state level focused on addressing the crisis of MMIW. While the tracker

does not promote, advocate, or provide analysis on any specific MMIW legislation, it does include summaries of the legislation, its status, links to relevant news articles, and more. You can access the tracker at [niwrc.org/mmiw-state-tracker](http://niwrc.org/mmiw-state-tracker).

## How To Use the Tracker

The Tracker is ordered alphabetically by state. In each state with MMIW legislation, you can find the bill number, status, important dates, the bill title, a summary of the bill, links to the full text and summary, and relevant news articles. Simply scroll up and down to move through the different pieces of legislation, and left to right to learn more about a piece of legislation.

- To read more information about a piece of legislation: click on the double arrow icon in the right corner of each cell to expand.

STATE	Count	Bill No.	Bill Title	Summary	Text
AZ	2	SB1819	Budget procedures; budget reconciliation; 2021-2022.	This budget procedure/budget reconciliation includes language that extends the Arizona study ...	<a href="https://aocs.azleg.gov/Bills/Status/BillOverview.aspx?BillID=SB1819">https://aocs.azleg.gov/Bills/Status/BillOverview.aspx?BillID=SB1819</a>
AZ		SB1823	General Appropriations Act; 2021-2022	General Appropriations Act; 2021-2022	<a href="https://aocs.azleg.gov/Bills/Status/BillOverview.aspx?BillID=SB1823">https://aocs.azleg.gov/Bills/Status/BillOverview.aspx?BillID=SB1823</a>

- Search for legislation: use the magnifying glass in the top right corner of the Tracker to search for your state or a bill (using the bill number or title). For example, if you are from Arizona, search “AZ”.
- Use the filter tool: click on the icon with three lines in the top left corner if you want to limit the type of legislation you are looking for. For example, if you are only looking for bills that have passed, choose “Status” is “Passed”.

STATE	Where	Status	is	st Action	Date Pass
AZ		Passed			

## Help Update MMIW Legislative Tracker

If you have any information or updates about legislation relating to MMIW in your area, fill out this form: [bit.ly/3mVdFuy](http://bit.ly/3mVdFuy)

# Pouhana 'O Na Wahine Joins Hawai'i State MMIW Task Force

## Pouhana, NIWRC, and AKNWRC Launch New Organizing Curriculum Project

By Paula Julian, Senior Policy Specialist, NIWRC



*Pouhana 'O Na Wahine logo. (Pouhana).*

“The Pouhana joined the Task Force to center the voices of families of missing and murdered Native Hawaiian women and grassroots Native Hawaiian advocates in the Task Force’s findings and recommendations,” said Rosemond “Loke” Pettigrew, the Pouhana ‘O Na Wahine’s Board President. “We know that the violence against Native Hawaiian women that we see today is a direct result of the overthrow of our Hawaiian monarchy, the disrespect of our customs and traditions, and a reflection of the U.S. claiming our homelands as a part of the U.S. We must balance the solutions to the violence between reforming the state and federal responses to violence against Native women and restoring Native Hawaiian protections for our women, our people, our land and resources, and our spirituality and ways of living.”

The Task Force was created by a resolution passed in May 2021 by the Hawaii State Legislature to conduct and submit a study to the legislature including:

- Identification of the cause of the problem;
- Identification of current databases and data collection methods;
- Identification of barriers to data collection and information sharing;
- Creation of partnerships to increase reporting and investigations; and
- Recommendations for any legislation necessary to improve data collection and sharing to eliminate harm to Indigenous women and girls.

“We attended the first meeting of the MMIW Task Force on August 19, 2021,” said Pettigrew. “It is a step forward, and we are hopeful our voice will make a difference and increase the response to MMIW.”

Since 2013, the National Indigenous Women’s Resource Center (NIWRC) has worked closely with Native Hawaiian advocates to identify how best to coordinate

activities to address the needs of Native Hawaiians that experience domestic violence and gender-based violence. Like American Indians and Alaska Natives, Native Hawaiians experience the highest health, social, and economic disparities, including domestic/dating violence, sexual assault, and sex trafficking.

This partnership created the Pouhana ‘O Na Wahine (Pouhana), translated to Pillars of Women, a group of long-time Native Hawaiian advocates from across Hawaii. The collective selected “pouhana” because the pouhana is the central wood pole used in traditional Native Hawaiian homes. Without the pouhana, the house falls apart, and wahine, like pouhana, are the strength of the family. The Pouhana ‘O Na Wahine is dedicated to helping Native Hawaiians address domestic violence and related injustices through restoring their Native way of life rooted in their cultural beliefs, practices and ceremonies (or voices, languages, and teachings) and securing resources for a Native Hawaiian Resource Center on Domestic Violence. The Pouhana’s mission is to provide technical assistance and training; partner at the community, statewide and national levels; and develop policies and cultural resources to stop, prevent, and eliminate domestic violence and help victims and their family members increase their safety.

To assist with developing Native Hawaiian specific solutions to domestic and gender-based violence, NIWRC and the Alaska Native Women’s Resource Center (AKNWRC) are excited to announce that we have partnered with the Pouhana to develop an organizing curriculum. Through this partnership, we expect to support the development of the Pouhana’s organizational capacity to lead, organize and partner for social change within Native Hawaiian communities and moku (districts/land divisions). The curriculum is titled “E ho‘oulu pono ka mana‘olana, ka mauili ola a me ka ‘ikena no ka lāhui i ka leo kalaheha aloha: No ka wā i

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**“We know that the violence against Native Hawaiian women that we see today is a direct result of the overthrow of our Hawaiian monarchy, the disrespect of our customs and traditions, and a reflection of the U.S. claiming our homelands as a part of the U.S. We must balance the solutions to the violence between reforming the state and federal responses to violence against Native women and restoring Native Hawaiian protections for our women, our people, our land and resources, and our spirituality and ways of living.”**

–Rosemond “Loke” Pettigrew, Board President,  
Pouhana ‘O Na Wahine

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hala, ka wā nei a no ka wā e hiki mai ana,” which means “Using the voice of our people to bring hope, healing and knowledge for our people: Past, present and future.”

The curriculum will serve as a roadmap to support community organizing efforts to address the unique challenges facing Native Hawaiians responding to violence against women, and the crisis of MMIW resulting from this spectrum of violence. Specific topic areas include but are not limited to:

- using Kanaka Māoli (Native Hawaiian) voices, language, and teachings to address victim/community safety and abuser accountability,
- grassroots organizing and systems advocacy and social change, including participating in the Hawaii MMIW Task Force,
- understanding federal and state laws and policies and the history of violence against Native Hawaiian women, and
- Indigenous, federal and state responses to violence against women.

“Just as NIWRC partnered with Alaska Native advocates and Tribes to support the creation of the Alaska Native Women’s Resource Center which has served as the Alaska Native Tribal Resource Center on Domestic Violence, we are now partnering to support the creation of a Native Hawaiian Resource Center on Domestic

Violence through the Pouhana ‘O Na Wahine. Elevating Alaska Native and Native Hawaiian issues as issues of national concern and not solely local or state concerns have and will help shift the culture and hold the federal and state governments accountable,” said Tami Truett Jerue, Executive Director, Alaska Native Women’s Resource Center.

This partnership and curriculum project provides the unique opportunity to develop and actualize the following point from the national 6-point action plan released by NIWRC, the Pouhana, and five other sister organizations this past May: “Recognizing and respecting Indigenous responses of Native Hawaiian communities and organizations to protect Indigenous women, including through the support of a Native Hawaiian Resource Center on Domestic Violence.”

“We are excited to begin organizing discussions with our sisters at NIWRC and AKNWRC. This is the beginning of a long overdue journey of healing and restoration for our people,” said Rosemond Pettigrew, Pouhana ‘O Na Wahine’s Board President.



# The Not Invisible Act Implementation

## How Will Systemic Barriers Foundational to the MMIW Crisis Be Removed? How Will the Changes Needed Become Reality?

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

October 10, 2020 will be the one-year anniversary of the passage of two bills intended to address the crisis of Missing and Murdered Indigenous Women (MMIW)—Savanna’s Act and the Not Invisible Act (NIA).

This legislation was enacted in response to the cries of mothers for justice for their daughters and the calls for action by grieving family members of disappeared and murdered Indigenous sisters. The statutes are in response to the spilled blood and suffering of Indigenous women that continues to be tied to the vulnerabilities of federal Indian law and under-resourcing of Indian nations; and the harsh reality of the spectrum of violence created by centuries of Federal Government policies meant to diminish and destroy Tribal sovereignty.

“We will not be silenced,” said Juana Majel Dixon, Pauma Band of Luiseño Indians. “As Tribal leadership, we have a responsibility to raise our voices for those who cannot speak. The Savanna’s and Not Invisible Acts are the result of the families, Tribes, communities, and grassroots movement calling for justice. We must hold the government accountable for meaningful implementation of these two acts.”

Savanna’s Act is named in honor of Savanna LaFontaine-Greywind, a 22-year-old pregnant citizen of the Spirit Lake Nation in North Dakota who was viciously murdered in August 2017. The Act aims to improve MMIW data collection and accessibility and directs the Department of Justice to review, revise, and develop law enforcement and justice protocols to address missing and murdered Indigenous peoples. The NIA complements the Savanna’s Act, with its purpose to identify and combat violent crime against Indians within Indian lands by creating an advisory commission on reducing violent crime against Native people.

### Participation of Families and Advocacy Organization in the NIA Commission

“The grassroots organized to make the issue of MMIW a national priority,” said Carmen O’Leary, Director,

Native Women Society of the Great Plains. “Clearly, the barriers that exist cannot be solely fixed by the current system, or we would not have the crisis of Native women going missing and being murdered. The success of the Not Invisible Act is tied to the active involvement and support of the families, advocates, and Tribes who have worked to hold federal law enforcement agencies accountable.”

The success of the Violence Against Women Act (VAWA) 2005 mandated consultation holds valuable lessons, including the important connection to the federal government with Tribal advocates and the grassroots movement to end the spectrum of violence against Native women. These brave women have informed the government to create systemic changes found in VAWA, the Tribal Law and Order Act (TLOA), and the Family Violence Prevention and Services Act (FVPSA).

Families, advocacy organizations, Tribes, and communities understand the roadblocks and systemic barriers that must be removed. Accordingly, grassroots advocates and families worked hard to ensure their representation on the NIA Commission as a statutory mandate.

The NIA establishes an advisory committee of Tribal and federal stakeholders to make recommendations to the Department of Interior (DOI) and Department of Justice (DOJ) on actions the Federal Government can take to

### NIA Federal Registry

On August 5, 2021, the DOI Bureau of Indian Affairs released a notice for nominations for the Not Invisible Act Joint Commission on Reducing Crime Against Indians. The Federal Registry is available at [n8ve.net/zqDaE](https://www.n8ve.net/zqDaE).

identify, coordinate, and combat violent crime on Indian lands and against Indians including disappearances, homicide, violent crime and trafficking. In addition, the NIA mandates the participation of two family members of murdered Indian people and two family members of missing Indian people, and not fewer than three Tribal advocacy organizations focused on violence against women and children. Unfortunately, serving on the commission is not compensated.

“We recommended at the NIA Consultation that the family members and non-federal Tribal organizations be compensated for their time,” said Majel-Dixon. “How does the DOI and DOJ think family members will participate? Take leave from their jobs? Sacrifice family income to pay the expenses they will incur while serving on the Commission? It is incomprehensible that the government thinks the family and the advocacy organization can sit on the commission without compensation. Covering travel expenses falls short of the federal responsibility under the NIA.”

The DOI and DOJ must coordinate to identify resources specifically to compensate Tribal members for the significant time expected as commission members. The family and Tribal members of the commission should not be based on who can afford to sit on the commission.

*“What about the women?”—Tillie Black Bear*

Since the NIA was signed into law, a growing concern has centered on confusion about the focus of the NIA and its connection to the crisis of MMIW.

It is essential to understand the connection between domestic, dating, sexual, and trafficking violence and the high incidence of missing and murdered Indigenous women in the United States. This spectrum of violence is specific to Native women. DOJ research shows the disproportionate rate of violence committed against Native women including the lethality and severity, which often requires increased medical care, more so than other populations victimized by violence.

Will the NIA Commission acknowledge this reality? Will the DOI facilitate a process to deepen its understanding of the barriers that must be removed to specifically address MMIW? If so, this process requires addressing the comprehensive needs of Native women who suffer domestic and sexual violence and further offer support for culturally appropriate advocacy services for Native



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women. The process of healing is unique to each survivor. But it is crucial that as Native women access services on their journey to healing, that it is recognized that they were victimized not only because they are women, but because they are Native women. For that same reason, prevention efforts must also be culturally based.

To achieve meaningful recommendations, the commission must begin, be guided by, and end with a central focus on the entire spectrum of violence faced by Indigenous women. The commission must listen to family members, advocates and Tribes to attain significant law and policy reforms needed to address the MMIW crisis.

While these two bills are a small step forward in addressing the crisis of MMIW, the NIA Commission offers the possibility of real change. This possibility is not absolute, a given, or guaranteed. It will be a difficult road, with ongoing challenges to overcome the systemic view of minimizing violence against Native women—because they are Native and because they are women.

### **Not Invisible Act Consultation**

In efforts to engage Tribal and stakeholder input, the DOI hosted a consultation about the implementation of the Not Invisible Act. However, with short notice, little coordination with Indian Tribes and a scheduling conflict with the Family Youth and Services Bureau (FYSB) Tribal Consultation, Tribal leaders and stakeholders had to scramble to prepare and participate amidst the on-going pandemic.

“The Tribal response to the NIA consultation is not a

It is crucial that as Native women access services on their journey to healing, that it is recognized that they were victimized not only because they are women, but because they are Native women. For that same reason, prevention efforts must also be culturally based.

mystery. It had short notice, but more importantly, the development of the consultations did not actively involve the Tribal stakeholders. Going forward, this must change,” said Majel-Dixon.

In 2005, like the 2020 NIA, Tribal grassroots advocates organized with their Tribal Leaders to inform and influence congressional champions and federal departments about violence against Native women. Again, meaningful government-to-government consultation served as an essential link to the successful and full implementation of the VAWA Tribal provisions.

Like the federal response to MMIW, the response to domestic violence, sexual assault, and trafficking reflects a system-wide failure beyond that of individual employees. It is clear that meaningful consultation is essential. The inclusion of consultation and mandated Tribal representation in the VAWA and NIA is not a coincidence. The purpose of VAWA and NIA are linked because the crisis of MMIW is the predictable outcome of the lack of protections afforded Indigenous women since contact.

“Since the passage of the Tribal Title of the VAWA 2005, the consultation process has matured,” said Majel-Dixon. “There are pre-consultation scoping calls about scheduling, site selection, selection of the facilitator,

agenda, and other items. We also created a 120-day notification mandate to ensure a meaningful consultation process. As a result, the process allows for preparation, attendance, and robust engagement of Tribal leaders.”

### **The NIA Commission Has the Potential to Create Systemic Changes Needed**

Both Savanna’s Act and the Not Invisible Act are small victories for Tribes across the country. Increased attention to the issue of MMIW helped push the bills across the finish line. Secretary Haaland, in her former congressional capacity and Sharice Davids (D-KS) on the House side and Senators Lisa Murkowski (R-AK) and Catherine Cortez Masto (D-NV) on the Senate side led the charge alongside Tribal leaders and long-time grassroots advocates who organized tirelessly to get the MMIW crisis recognized and addressed at the federal level.

Building on that momentum, the NIA can become a historic step forward to address and remove systemic barriers Indigenous women face in the United States. As Rose Borkowski, a Yup’ik elder and lifelong advocate for Native women, often said during her life, “Nothing is impossible, everything is possible.”



# Not Invisible Act Consultation, September 10, 2021

## Statement of Catherine Edwards, Central Council Tlingit and Haida Indian Tribes of Alaska



Catherine Edwards, Central Council Tlingit and Haida Indian Tribes of Alaska. (NIWRC)

I am Catherine Edwards, the first Vice-President of the Central Council Tlingit and Haida Indian Tribes of Alaska. We represent 22 villages in Southeast Alaska and 3 urban populations in Anchorage, Alaska, California, and Washington, with more than 32,000 citizens. Thank you for the opportunity to provide comments on the Not Invisible Act—Gunalcheesh! I would like to say that I am honored to be here and honored to be a representative of my people. Though after many years of being involved with this work and testifying in various federal consultations each year, I continue to hope that someday we could stop repeating the same messages and requests.

I will respond to your questions, but before I do, I want to make a strong case to have significant representation from Alaska stakeholders. Far too often our situation is overlooked and misunderstood given the challenges that our communities face with the lack of law enforcement in many of our communities, the remote locations, extreme weather exacerbated by global warming and the extractive industries effects on our communities.

Our communities, both rural and urban, continue to lack basic services that would help to increase the safety for our women, children, and families. My goal in testifying again and again to federal agencies is to give voice to the voiceless and remind you that violence against women in our communities is in crisis. Each and every day, as these meetings are taking place, violence is happening to our families and our communities are suffering. It is my hope that you will listen, not just to our stories, but also think about what resources should be provided to us and then visit us, listen to us. We know what to do. We simply need help with resources and partnerships.

I am also the co-chair of the Tlingit and Haida Violence Against Women Task Force that was established in 2017. The Task Force is a community-driven response to end domestic violence and to address cases of missing Alaska

Native women. It is charged with studying, analyzing, reporting, and providing recommendations on how to:

- Improve criminal justice system to better serve and protect Alaska Native women;
- Increase criminal justice protective and investigative resources for reporting and identifying murdered and missing Alaska Native women;
- Identify rates of violence against women and reduce incidences through continuing efforts to connect state, tribal and federal resources;
- Address issues relating to public safety and law enforcement that create barriers for responding timely to violent crimes against Indigenous women in rural Alaska communities;
- Identify effective tribal justice methods used to reduce violence against Alaska Native women; and
- Create partnerships with local, state, and national organizations for resource development (such as the Alaska Native Women's Resource Center, National Indigenous Women's Resource Center and NCAI's VAW Task Force.

Why do we need such a group? Because the Federal government has and continues to fail the trust responsibility to our Tribal communities, especially in providing necessary resources to decrease violence and increase safety from domestic violence and sexual assault.

In the 1960's my Grandmother's sister, Auntie Butch was beaten, raped and, left in a ditch where my Uncle, 15 at the time, had to claim the body, and the local police wouldn't do anything about it or help him, because she was Alaska Native. Two years ago, my daughter fled our homelands because of a stalker. When she attempted to seek help through the State court, the Judge not only





Anchorage 2018 rally to raise awareness of violence against women in Alaska Native communities co-sponsored by Tlingit & Haida. (Photo courtesy of Tlingit & Haida)

allowed her stalker to question her, and denied her request for a protective order, saying she was simply too nice. All of this in spite of the fact that the perpetrator was in court just two months prior, also for stalking another woman—he is now running for School Board!

Alaska continues to rank in the top five in the rate of women murdered by men and we know this rate is higher for American Indian/Alaska Native women. We know that women killed by men are most often killed by someone they know, and more than half are killed by an intimate partner. Here we are in 2021 and we still have Native women beaten, raped, and left in ditches and law enforcement isn't helping. In 50, 60 years we really haven't come very far. We as Alaska Native women represent 50% of sexual violence and while American Indians are overrepresented in DV/SA, Alaska Natives are among the most victimized nationwide being victimized 2x the national average and in some areas even higher. They say 1 in 3 American Indian or Alaska Native women have experienced sexual assault and

domestic violence. However, I have yet to sit in a group of my Tribal sisters and find the 2 out of 3 that have not been sexually assaulted or beaten. We really haven't come very far.

We continue to remind the federal agencies, year after year, that in Alaska we do not have adequate law enforcement and lack the resources to remedy this situation on our own. In addition, we currently have a Governor who continues to cut law enforcement funds and support for the Tribes. Tlingit and Haida Tribe has run the Village Public Safety Officer program in Southeast Alaska, however, only has the funding to provide VPSO in a small number of our 22 communities. Due to the budget cuts and retention difficulties, a VPS officer is the only law enforcement presence, often on call 24/7 and not well paid. These officers also do not have arrest authority and are not allowed to carry firearms. This explains the low retention rates and recruitment difficulties.

The last fifteen months, with the COVID-19 Pandemic, we have seen conditions and safety in our villages drastically worsen. Lack of adequate housing, an issue before COVID, has forced victims and children to remain in the homes of their abusers. Many of the rural villages throughout Alaska thus do not have shelters or safe houses that can provide refuge and safety. The lack of sufficient funding for preventive services and resources prevents our communities from teaching how to live in safety and unlearn violence. Safety, wellness and eliminating violence for our tribal communities and citizens continues to be our top priority.

Also, do not forget about the Department of Justice State of Emergency in Rural Alaska Declaration. On June 28, 2019, DOJ stated an emergency in rural Alaska existed and provided some resources—primarily to the state to back-fill the state cuts. We need on-going support and assistance to build the necessary infrastructure to address the dire jurisdictional issues that are truly health, safety and welfare issues and such assistance is required by the federal trust responsibility.

Again, Alaska is often overlooked or misunderstood about the extreme conditions that many of our communities face and we need strong VOICES, not VOICE, but VOICES at the table.

We believe the NIA Commission should review and adopt these recommendations:

- Implement NCAI recommendations regarding the tribal set-aside from the crime victim fund to assure that the resources reach victims, survivors, and their families;
- Fully implement the 2005 reauthorization of the VAWANIJ research program and specifically provide Tribal Nations information regarding missing and murdered AI/AN women;
- DOJ and DOI should review, revise, and create law enforcement and justice protocols appropriate to the disappearance of AI/AN women and girls, including interjurisdictional issues as provided by the Savanna's Act and Not Invisible Act;
- Support efforts of the Government Accountability Office to prepare and submit a report on the response of law enforcement agencies to reports of missing or murdered Indians, including recommendations for legislative solutions as provided by the Studying the Missing and Murdered Indian Crisis Act of 2019;
- Develop protocols, in consultation with Tribal Nations, which recognize the inherent right of

American Indians and Alaska Natives to exercise their traditional practices in response to MMIW. These protocols must address the current violations of tribal beliefs, religious, and cultural practices of the murdered woman and the disrespectful handling of her remains. The protocols must address the following:

- The denial of request by mothers and other immediate family members to see the bodies of their loved ones. In many cases, the requests of family members to see the remains of the AI/AN woman have been denied without explanation.
- Develop law enforcement toolkits that provide for a thorough investigation and answer the necessary questions so coroners can correctly identify the “manner of death.”
- Mailing and shipping remains without notice to the family and sometimes without proper clothing and modesty covers. In many cases, mothers and families have received the naked remains of their loved ones in cardboard boxes and plastic bags.
- In adjudicated cases, return of the victim's personal effects and belongings to the family, if desired, for proper disposal and/or burial consistent with cultural practices.
- Coordinate efforts across all federal departments to increase support for tribal responses to missing or murdered AI/AN women and girls as required by Savanna's Act;
- Coordinate efforts in consultation with Tribal Nations to increase the response of state governments, where appropriate, to cases of the disappearance or murder of AI/AN women and girls; and
- We recommend the federal departments under the VAWA mandated consultation support this investigation and allow Indian Tribes to use VAWA grant funds to participate in relevant meetings at the United Nations and with United Nations' bodies.

Now to answer your questions:

1. What, from these topics, is a priority that would most benefit your Tribe and/or community? We need a comprehensive plan that includes mapping out the origin of the violence, the various intersections of domestic violence, stalking and trafficking and map out what works and hasn't worked—what resources have been provided and what ones are needed now to make a difference? For example, we know that our children are



Anchorage 2018 rally to raise awareness of violence against women in Alaska Native communities co-sponsored by Tlingit & Haida. (Photo courtesy of Tlingit & Haida)

disproportionately represented in child welfare because often, the state does not understand our communities and removes our children from our communities. These children are disproportionately targeted by traffickers. Eventually they come into the judicial system and are viewed as criminals rather than as the ongoing victims of racist institutions. This is just one example of the mapping that is needed.

b. Are there other topics related to the Commission's objectives that you wish the Commission to consider? Yes, we need to look at the grant solicitations that leave out our Alaska communities. For example there is a grant called, FY 2019 Law Enforcement-Based Victim Specialist Program. With the increased VOCA funding for Tribes, the Alaska Native Women's Resource Center proposed working with Tribes to get a victim-based specialist with all Village Public Safety Officers (VPSO's). We thought this would be a great start to providing more services. Sadly, our VPSO's did not meet the definition of "law enforcement" so we could not pursue this track. These VPSO's are the closest thing we have to law enforcement and to exclude our communities based on this poorly drafted definition shows how so often we are shut out of available programs.

Every Agency that provides grants and programs to Tribes should have a meaningful tribal group to administer the program. OVW is the only program that has a statutorily mandated tribal group in DOJ or HHS programs, but administratively this could be accomplished. FVPSA does a great job with so little funding—their example should be replicated. Director Shawndell Dawson and Deputy Commissioner Powell just held a two-day consultation and by day two they announced changes and promised quick responses to other questions.

2. Implementation of the Act requires that the Commission include representation from and coordination across several federal agencies. Are there agencies, bureaus, offices, or programs you believe should be represented on the Commission that are not listed in the Act? Yes. The CDC should be part of the federal programs. Again, there are so many intersections of issues and services needed. In Alaska, we need to have the state Attorney general involved in policy change—I am sure other PL 280 states may have similar issues with roadblocks by their AG's as well.

Gunalchéesh—Háw'aa—Thank you for taking the time to listen to our concerns; and we will be submitting written comments.

# SCOTUS UPDATE

## Update on *United States v. Cooley*, United States Supreme Court

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

On Tuesday, June 1, 2021, the United States Supreme Court unanimously found in *United States v. Cooley* that a Crow Tribal police officer had the authority to search and detain a non-Indian, Joshua James Cooley, suspected of committing a crime on a highway crossing through the Crow Reservation. Cooley had challenged the authority of Tribal law enforcement to stop and detain non-Indians suspected of committing crimes within the borders of a reservation. In the majority (and unanimous) opinion authored by Justice Stephen Breyer, the Court overturned the Ninth Circuit Court of Appeals' decision which concluded that Tribal law enforcement may only stop and detain a non-Indian suspect if it is "apparent" or "obvious" that a crime is being committed. The NIWRC filed an amicus brief in support of the United States as part of its VAWA Sovereignty Initiative, arguing that if the Ninth Circuit's decision was allowed to stand, it would significantly impair the ability of Tribal law enforcement to address domestic violence crimes perpetrated by non-Indians in Tribal communities, and ultimately if left unturned, the Ninth Circuit's decision would only exacerbate the crisis of Murdered and Missing Indigenous Women and Girls ("MMIWG").

### The District Court and Ninth Circuit Decisions

At the district court level, Cooley sought to suppress evidence of contraband seized by a Crow Nation police officer who came across Cooley while patrolling the Crow Reservation. While on a routine patrol late at night, a Crow Nation police officer stopped at Cooley's truck, which was parked on the side of a state highway that runs through the reservation, and questioned Cooley regarding his travel plans. The officer noticed two firearms in the front passenger seat of Cooley's truck and a child sitting in the back. The officer also noticed that Cooley's eyes were bloodshot. When Cooley began feeling around the inside of his pockets, the officer

ordered Cooley out of the car for a search. The search resulted in the seizure of a handgun, glass pipe, and a bag containing methamphetamine. Cooley was taken to the Crow Police Department for further questioning and subsequently indicted by a federal grand jury on drug and gun offenses.

Cooley's argument before the District Court was that the evidence of contraband seized by the Crow police officer during the search was inadmissible because the Tribal officer did not possess the requisite authority to seize him. The District Court agreed with Cooley's argument and found it is unreasonable for a Tribal police officer to seize a non-Indian suspect on "a public right of way that crosses the reservation unless there is an apparent state or federal law violation." Even though the officer observed that Cooley's eyes were bloodshot and watery, and two firearms were in plain view in his truck, the District Court concluded that none of these factors individually, or cumulatively, were enough to constitute an "obvious" state or federal law violation, and therefore the Tribal officer had no authority to seize the contraband. The District Court then granted Cooley's motion to suppress the drug evidence and the United States appealed the decision to the Ninth Circuit Court of Appeals.

On appeal, the Ninth Circuit agreed with the District Court and adopted the same confined view of Tribal sovereignty, holding that it is beyond the authority of a Tribal officer on a public right of way crossing a reservation to detain a non-Indian "without first attempting to ascertain his status" as an Indian or non-Indian. The Ninth Circuit issued a "probable-cause-plus" standard for Tribal police authority over non-Indians on public rights of way which cross reservation boundaries. The "probable-cause-plus" standard issued by the Ninth Circuit meant that Tribal police, such as the Crow officer who searched James Cooley, would have to

inquire from a suspect whether they were Indian before proceeding with a search. The Ninth Circuit’s two-step process would begin with an initial determination as to whether or not the stopped individual was an Indian, and if the individual was non-Indian, the Tribal police would have to release the suspect unless it was “obvious” or “apparent” that federal or state law was violated.

The United States filed a petition to have the Ninth Circuit panel’s “probable-cause-plus” opinion reheard en banc (before the full circuit court as opposed to a three-judge panel). The Court of Appeals denied this petition as well. Several Ninth Circuit judges issued a dissenting opinion to this decision, stating that the panel’s “extraordinary decision in this case directly contravenes long-established Ninth Circuit and Supreme Court precedent, disregards contrary authority from other state and federal appellate courts and threatens to seriously undermine the ability of Indian Tribes to ensure public safety for the hundreds of thousands of persons who live on reservations within the Ninth Circuit.”

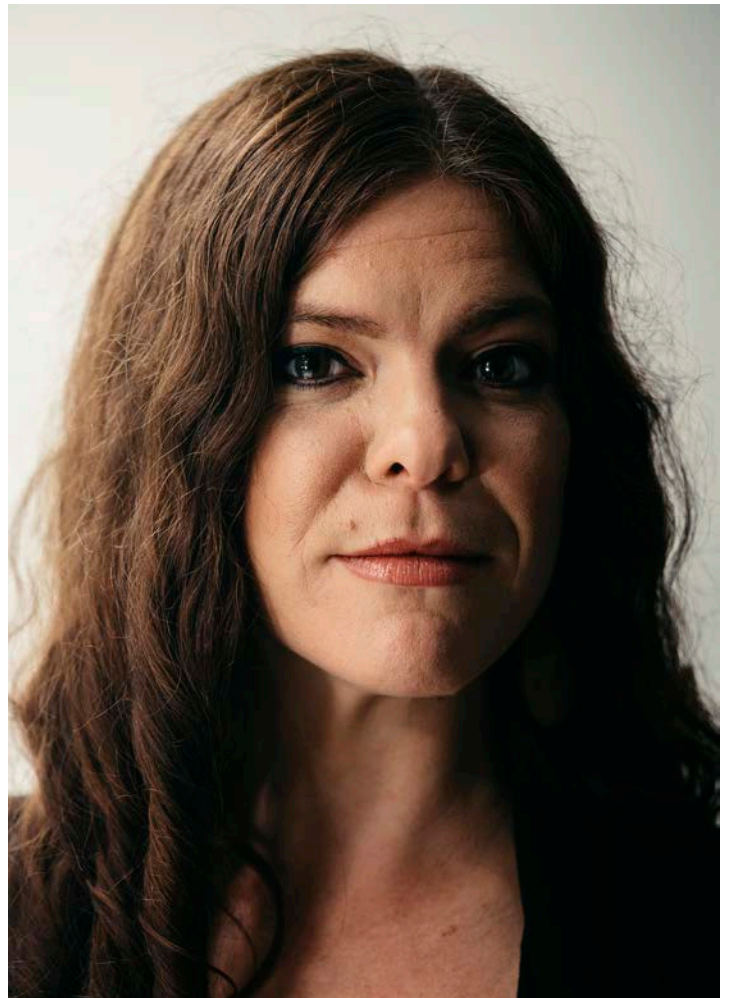
The Crow Nation led dozens of Tribal amici curiae in support of the United States’ petition for certiorari in the United States Supreme Court. On July 24, 2020, the NIWRC filed a key amicus brief in support of a grant of certiorari, asserting that:

NIWRC’s work to eliminate domestic violence against Native women and children is directly implicated by the Ninth Circuit Court of Appeal’s decision eliminating the authority of tribal law enforcement to conduct a reasonable suspicion Terry stop on a non-Indian traveling within reservation borders. According to the new standard now articulated by the Ninth Circuit, until or unless tribal law enforcement witness an obvious or apparent violation of state or federal law, tribal law enforcement remains without the requisite authority to briefly stop and conduct a limited investigation of a non-Indian when there is reasonable suspicion they have committed a crime.

The Supreme Court granted the United States’ petition for a writ of certiorari to review the Ninth Circuit’s decision on November 20, 2020.

### **The NIWRC’s Amicus Brief**

On January 15, 2021, the NIWRC, joined by 11 Tribal Nations and 44 non-profit organizations committed to justice and safety for Native women, filed an amicus



*Mary Kathryn Nagle, Pipestem & Nagle Law. (Pipestem & Nagle Law)*

brief in the United States Supreme Court in support of petitioner United States in *Cooley*. Notably, the family of Kaysera Stops Pretty Places, an 18-year-old Crow citizen murdered in Big Horn County, Montana in August of 2019, also signed onto the NIWRC’s brief. The brief was the NIWRC’s eighth amicus brief filed pursuant to the VAWA Sovereignty Initiative, aimed at educating federal courts, including the United States Supreme Court, on the connection between sovereignty and safety for Native women and protecting the Violence Against Women Act’s restoration of Tribal sovereign authority to prosecute non-Indian offenders.

The NIWRC began its brief by noting the Supreme Court’s own recognition in *United States v. Bryant* (2016) that “‘compared to all other groups in the United States,’ Native American women ‘experience the highest rates of domestic violence.’” Though recent advocacy efforts have resulted in the restoration of three categories of inherent Tribal criminal jurisdiction over non-Indians in the Violence Against Women Act (VAWA) 2013, the NIWRC argued that the Ninth Circuit’s decision in *Cooley* threatened to preclude Tribal law enforcement from fully implementing restored criminal jurisdiction

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**Because many reservations are home to a predominantly non-Indian population, including many of the 26 VAWA-implementing Tribal Nations, the Ninth Circuit’s unworkable standard for Tribal law enforcement in effectuating stops of non-Indians suspected of committing a crime on reservations threatened to jeopardize Native women’s safety further.**

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over non-Indians due to the unworkable “probable-cause-plus” standard. If left untouched, the brief argued, the Ninth Circuit standard would be nearly impossible to implement consistently and would serve only to incentivize criminals to lie about their identity.

The brief argued that not only was the “probable-cause-plus” standard impractical, but the legal reasoning behind the Ninth Circuit’s decision was flawed. The Ninth Circuit justified its new standard on the flawed premise that Tribal Nations exercise no criminal jurisdiction over non-Indians after the Supreme Court’s 1978 ruling in *Oliphant v. Suquamish Indian Tribe*. However, VAWA 2013 directly contradicts this assertion because in VAWA 2013, Congress unmistakably acted to close jurisdictional loopholes by restoring the ability of Tribal Nations to exercise criminal jurisdiction over non-Indians for crimes of domestic violence, dating violence, and criminal violations of protective orders. Even though Congress recognized in VAWA 2013 that the Tribal police of a VAWA-implementing Tribe have full authority to arrest non-Indians who commit domestic violence crimes on a reservation, the Ninth Circuit standard in *Cooley* would leave an open-ended question as to whether Tribal police would have to ascertain the suspect’s Indian status before effectuating a Terry stop, even if they had reasonable suspicion that the suspect committed a crime of domestic violence.

The NIWRC argued the “apparent” and “obvious”

requirement of “probable-cause-plus” was ungrounded in any state or federal legal doctrine and not taught to law enforcement at training academies. The brief asked the court to consider “...if a law enforcement officer is patrolling Fort Peck’s Reservation—where the Tribe has implemented VAWA’s SDVCJ—and he sees a Native woman with severe bruising on her face and extremities, does that make the situation sufficiently ‘apparent’ or ‘obvious’ to detain her non-Indian husband for questioning? Or must the officer wait until the Native woman suffers a more serious injury, such as a stab wound or broken leg, or a homicide before the commission of the crime becomes sufficiently ‘obvious’”? In issuing a standard which would force Tribal law enforcement to wait until domestic violence became “apparent” or “obvious” to execute a search, the Ninth Circuit’s decision threatened the lives of Native women.

The NIWRC’s brief in support of reversal highlighted the fact that significant portions of many reservations across the United States consist of non-Indian fee lands, and the Ninth Circuit was incorrect to characterize the checkerboard nature of reservations as unique or particular to the western United States and the Crow Reservation. Because many reservations are home to a predominantly non-Indian population, including many of the 26 VAWA-implementing Tribal Nations, the Ninth Circuit’s unworkable standard for Tribal law enforcement in effectuating stops of non-Indians suspected of committing a crime on reservations

threatened to jeopardize Native women's safety further. The brief argued that this is plainly seen in the perils many Tribal Nations face because of the Missing and Murdered Indigenous Women and Girls (MMIWG) crisis on Tribal lands. Tribal Nations cannot rely upon federal authorities to solve MMIWG cases (because they routinely decline to investigate homicides of Native women on and near Tribal lands) and the "probable-cause-plus" standard would significantly undermine the inter-jurisdictional cooperation among Tribal, state, and federal law enforcement which Congress recently mandated in Savanna's Act. As the NIWRC pointed out, the very highway where Crow police stopped James Cooley runs through Big Horn County, where cases of 32 and counting missing or murdered Native women or girls have occurred, making Big Horn County one of the counties with the highest rates of homicide of Native women and girls in Montana, and among the highest nationwide.

Finally, the NIWRC's brief argued that the Ninth Circuit's decision intruded upon the exclusive authority of Congress to manage Indian affairs. The Supreme Court has held consistently in many prior cases that there is a unique trust relationship between the United States and Tribal Nations and as a result, Congress has the sole authority to limit a Tribe's ability to police and exercise jurisdiction within reservation boundaries. The NIWRC pointed out that with this authority, Congress is currently taking action to affirm—not restrict—Tribal authority. VAWA 2013 is a powerful representation of Congress's continued position that the high rates of violence against Native women must be curtailed with increased Tribal criminal jurisdiction over non-Indians. Congress purposefully extended VAWA jurisdiction not only to lands held in trust, but all lands within the bounds of a reservation. Through Savanna's Act and the Not Invisible Act, both signed into law in 2019, Congress reaffirmed its commitment to empowering Tribes to better protect their communities on Tribal lands and throughout "Indian country" jurisdiction. The NIWRC argued that ultimately the Ninth Circuit's decision would impede the policy goals Congress has issued in combating violence against Native women, and Native women and girls would suffer as a result.

### **The Supreme Court's Opinion and Impact**

On June 1, 2021, the Supreme Court issued a decision overturning the Ninth Circuit's decision, and ultimately, upholding the inherent authority of Tribal Nations to stop and detain individuals on a reservation when reasonable

suspicion arises that they have committed a crime—regardless of whether they are Indian. Specifically, the Supreme Court ruled that the Ninth Circuit's standard was impractical, and that Tribal police officers may search and temporarily detain non-Indians suspected of breaking federal or state laws within reservations. The Supreme Court expressed doubts about the "workability" of the Ninth Circuit's ruling, noting that requiring Tribal police to ask suspects a threshold question regarding whether they were Indian "would produce an incentive to lie." Further, the Court found the "apparent" violation standard would introduce a wholly new standard into search and seizure law with no guidance as to how the standard would be met. The Court then cited the NIWRC's brief, which contained the statistic that more than 70% of residents on several reservations are non-Indian, to support that "because most of those who live on Indian reservations are non-Indians" problems with interpreting when the "apparent" standard is met "could arise frequently."

Interestingly, the Court did not merely reject the "probable-cause-plus" standard which the Ninth Circuit issued. Instead, Justice Breyer's opinion went further, and re-affirmed the constitutional authority of Congress to restore the Tribal jurisdiction that *Oliphant* previously erased, once again concluding that "[i]n all cases, tribal authority remains subject to the plenary authority of Congress." At a time when NIWRC and so many others are working hard to get a bipartisan VAWA through the Senate, it is highly significant that the Supreme Court, once again, has confirmed Congress's constitutional authority to restore Tribal jurisdiction over non-Indian defendants.

In response to the Supreme Court's unanimous decision in *Cooley*, the NIWRC's Executive Director, Lucy Simpson (Diné), praised the decision and stated: "Domestic violence is rarely 'obvious' until it turns lethal, and then it's too late. The unworkable standard the Ninth Circuit created would have significantly impaired the ability of Tribal law enforcement to address crimes of domestic violence and assaults perpetrated by non-Indians in Tribal communities." Though the Ninth Circuit decision threatened to impede the work of the NIWRC and other advocates of increased Tribal criminal jurisdiction, the *Cooley* decision is a welcome reminder that the NIWRC's VAWA Sovereignty Initiative constitutes a powerful tool for educating members of the United States' Highest Court on the critical relationship between sovereignty and safety for Native women.

# ***Roe v. Wade*** **in Danger** Advocates and Native organizations partner on amicus brief in *Dobbs v.* *Jackson Women's Health* *Organization*

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



*United States Supreme Court Building. (Shutterstock)*

This November, the United States Supreme Court will be hearing a case, *Dobbs v. Jackson Women's Health Organization*, that could overturn *Roe v. Wade*, which upholds the constitutional right to access an abortion as part of reproductive health as a right to privacy. The state of Mississippi has filed its brief, and it calls for the complete overturn of *Roe v. Wade* which would allow individual states to completely ban abortion.

In response to the threat on reproductive justice and body sovereignty, an Indigenous team including Cecilia Fire Thunder, Lael Echo-Hawk, Sarah Deer, Lauren van Schilfgaarde, Abigail Echo-Hawk, Kaeli Flannery, and Elise Higgins, an abortion rights scholar who provided research assistance to the project; and Native organizations including the Native American Community Board and the National Indigenous Women's Resource Center organized to file an amicus brief in this case. They, along with 32 organizations and 225 individuals, are filing the brief on behalf of Native birthing peoples to provide the U.S. Supreme Court with written arguments about how overturning *Roe v. Wade* would substantially harm Native women, girls, and birthing people.

"All women have a right to body sovereignty, and this case is a threat to our sovereign rights over our bodies as women," said Lucy Simpson, *Diné*, Executive Director of the National Indigenous Women's Resource Center. "Conversations about reproductive rights have left out Indigenous women's voices and perspectives for far too long, and it's past time for our voices to be heard."

Native reproductive health could be uniquely impacted by *Dobbs v. Jackson Women's Health Organization*,

because of federal obligations to provide safety and healthcare to Natives and because of devastating shortcomings to the fulfillment of that obligation that has resulted in massive harm. When the Hyde Amendment, a restriction on the use of federal dollars to fund abortion services, was challenged in 1980, Native women were not mentioned in any of the oral arguments or briefs.

The Hyde Amendment was upheld, and this is the primary reason that Natives cannot typically access abortion through the Indian Health Service today.

"Historically Indigenous women have always had the knowledge to determine the size of our families or even if we wanted to have a family, those decisions were always respected," said Charon Asetoyer, Comanche, Founder and Chief Executive Officer of the Native American Community Board." As an Indigenous woman, it is our right to have access to safe, free, and/or affordable abortions, with confidentiality and free pre- and post-counseling."

The amicus brief, titled *National Indigenous Women's Resource Center-Native American Community Board-Fire Thunder*, will be submitted this fall as part of the case, *Dobbs v. Jackson Women's Health Organization*. This case is expected to be argued before the U.S. Supreme Court in the 2021 Term.

If you have questions or further interest in this case, individuals can contact [NativeAmicus2021@gmail.com](mailto:NativeAmicus2021@gmail.com). Supporters can also watch NIWRC's website for further updates at [niwrc.org/news](http://niwrc.org/news).





# LEGISLATIVE UPDATES

# LEGISLATIVE UPDATE: VAWA and FVPSA

## Reforms and Increased Resources to Remove Barriers to Safety and Justice

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

### Violence Against Women Act (VAWA)

On March 17, the House voted 244 to 172 to pass the Violence Against Women Reauthorization Act of 2021 (H.R. 1620). The bill, which was last reauthorized in 2013 and expired in 2018, was reintroduced on March 8 by Representatives Sheila Jackson Lee (D-TX), Brian Fitzpatrick (R-PA), and Jerrold Nadler (D-NY). This bill would build on the progress of the 2013 VAWA reauthorization by reaffirming the inherent sovereign authority of Tribal Nations to hold non-Indian perpetrators accountable in cases involving child abuse, sexual assault, stalking, and sex trafficking, ensuring victims of these additional crimes have access to the same protections that Congress extended to domestic and dating violence victims in 2013.

The bill, which was developed in partnership with national and tribal advocacy organizations, also includes critical resources for Tribes to implement VAWA, as well as language creating opportunities for Tribes in Maine and Alaska to exercise Special Domestic Violence Criminal Jurisdiction (SDVCJ).

As of September, the Senate has yet to introduce its own VAWA bill, but a reintroduction is expected during the month of October. To ensure VAWA is reauthorized this year with provisions aimed at providing tribal governments with the resources and authority they need to bring safety and justice to their communities, call to meet with your Representatives and Senators to let them know VAWA is important to you and that it must include these important tribal provisions.

### Family Violence Prevention Services Act (FVPSA)

On July 15, the House Committee on Education and Labor marked up H.R. 2119, the Family Violence Prevention and Services Improvement Act of 2021 (FVPSA). The bill advanced out of Committee by a vote of 26-20.

On July 21, the Senate Committee on Health, Education, Labor, and Pensions also marked up S. 1275. The bill advanced out of Committee by voice vote.

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

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

- Increasing the overall funding authorization level to address very low per-program funding levels and provide access to FVPSA funds for more Tribes and programs not currently funded.
- Authorizing recognition and meaningful funding for tribal coalitions to provide Indian Tribes and tribal organizations with technical assistance and training on developing responses to domestic violence.
- Authorizing recognition and permanent funding for the currently funded Alaska Native Women's Resource Center.
- Authorizing recognition and permanent funding for the currently funded StrongHearts Native Helpline to serve as the national Indian domestic violence hotline.

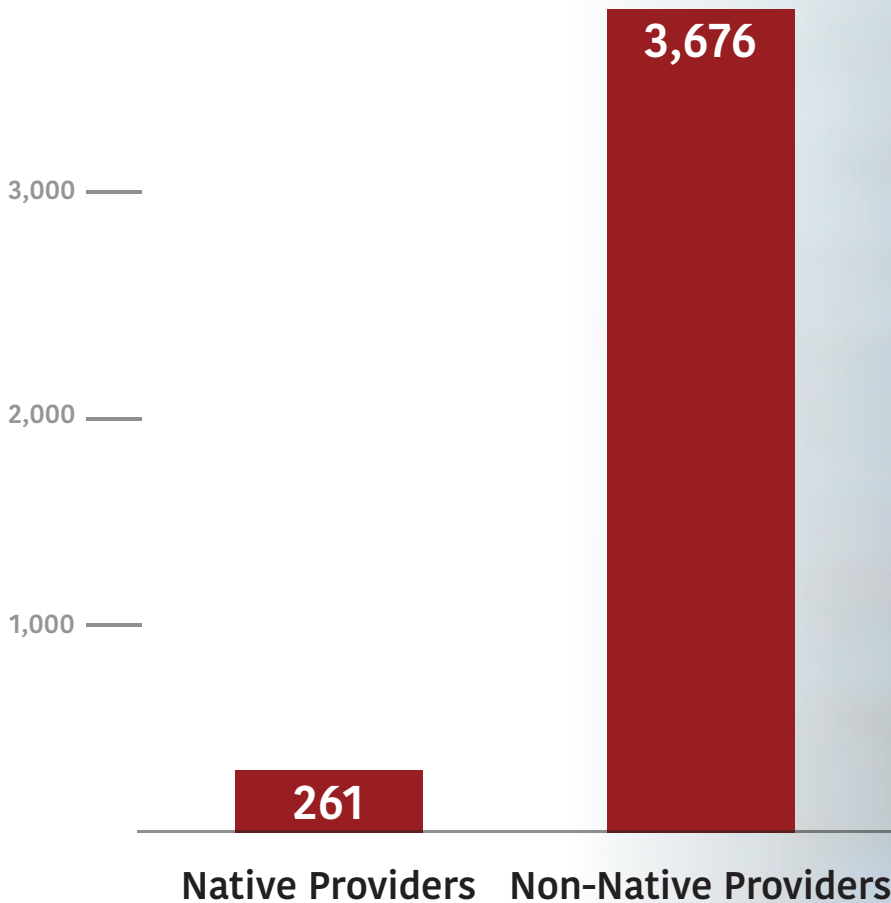
The House will vote on FVPSA during the week of September 27, 2021.



*Kerri Colfer,  
Tlingit, Senior  
Native Affairs  
Advisor,  
(NIWRC)*

# More than 1 in 3 Native female victims of violence face unmet service needs.

Service Providers in the U.S.



Sources: Resource Disparity Summary, StrongHearts Native Helpline, Violence Against American Indian and Alaska Native Women and Men, National Institute of Justice.

**Reauthorize #FVPSA.  
Increase Tribal Set-Aside.**

# Family Violence and Prevention Services Act 2021 Reauthorization

## Tribal Consultation Confirms Urgent Need to Increase Funding for Shelter and Services

By Paula Julian, Senior Policy Specialist, NIWRC



*Paula Julian, Senior Policy Specialist, NIWRC.*

Authorization for the Family Violence Prevention and Services Act (FVPSA), the only federal grant program dedicated to domestic violence shelter and services, expired in 2015. As 2021 comes to an end, a final push is needed to bring the years of work to reauthorize FVPSA across the finish line.

FVPSA funding provides lifesaving support for Native domestic violence shelters, training and technical assistance centers, children's services, emergency response hotlines, and so much more. Indian Tribes use FVPSA funds to provide help at the dangerous moment when a woman has left her abuser, often with children at her side, and needs safe shelter and services to begin a new life.

Indigenous women face some of the highest rates of domestic violence, yet there is a distinct gap in the culturally-based services available for Native women. For over two years, a coalition of national organizations worked closely with congressional champions to draft an enhanced version of a bill to reauthorize FVPSA in 2021. The Tribal enhancements agreed upon by the national coalition were discussed and have the strong support of Tribal leaders.

### **Tribal Leaders Call for FVPSA 2021 Reauthorization**

On September 8-9, 2021, HHS held a Tribal consultation on FVPSA. Tribal leaders provided clear statements during the consultation on the need for the Tribal enhancements in the FVPSA reauthorization bills and other concerns.

### **Call to Support FVPSA Reauthorization (H.R. 2119, S. 1275)**

"FVPSA is an important piece of legislation, which supports AI/AN women and children in Indian Country, yet the law today remains unauthorized. Tribal Nations and Tribal organizations have worked with our allies for several years to craft meaningful FVPSA reauthorization language with key Tribal improvements. Today those key Tribal improvements can be found in the Family

Violence Prevention and Services Improvement Act of 2021, H.R. 2119 and S. 1275. DHHS and FYSB should fully support both bills, which include the following Tribal improvements:

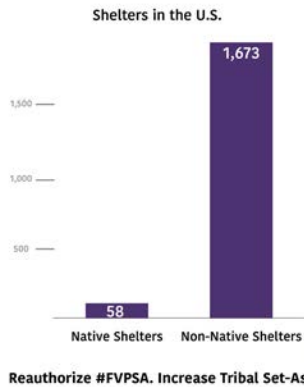
- Increasing the Tribal Nation formula set aside from the current statutory 10% allocation to a 12.5% allocation;
- Providing funding for nonprofit Tribal coalitions;
- Codifying a National Indian Domestic Violence Hotline; and
- Codifying an Alaska Native Tribal Resource Center on Domestic Violence.

All of these improvements are supported by Tribal Nations and the NCAI Task Force, including a 2014 NCAI resolution and should be supported by DHHS and FYSB. The NCAI Task Force also calls on Congress to pass the Family Violence Prevention and Services Improvement Act of 2021 as soon as possible."—Juana Majel-Dixon, Traditional councilmember for the Pauma Band of Luiseño Indians, Secretary for NCAI, and a co-chair of the NCAI Task Force on Violence Against Women.

### **Call to Support Tribal Nations' Population Data Preference**

"FYSB currently uses federal data (U.S. Census Data and the Bureau of Indian Affairs Population and Labor Force Report) over Tribal Nation data to determine Tribal population size when distributing FVPSA funding. FYSB should immediately change this policy and defer to each Tribal Nation's data preference for purposes of FVPSA funding. While some Tribal Nations may prefer to use U.S. Census or BIA data, others may prefer to use the Tribal Nations' own data to properly showcase the need in their communities. Many Tribal Nations have shown that federal data often undercounts Tribal populations, and the lack of accurate data currently impacts the distribution of FVPSA funding to Indian Country."—Shannon Holsey, President of the Stockbridge-Munsee

**There are only 58 Native domestic violence shelters nationwide for 574 federally recognized Indian tribes.**



FYSB consults with Tribal Nations again to provide the opportunity for additional feedback.”—Shannon Holsey

**Call for Increased Funding for Tribal Domestic Violence Shelters**

“The less than 60 Native shelters and less than 300 Tribal programs addressing violence against women cannot be the markers for providing women with the comprehensive assistance they need. NCAI’s 2003 resolution calling for a federal grant program to build shelters and transitional housing remains an outstanding need for which we call on the federal government to support. These shelters offer not solely bed space but can be the difference between a Native woman going missing and being murdered. They offer the immediate and long-term support a woman and her children need. If we want to prevent MMIW and stop further trauma of our children and grandchildren, Native women and their children need shelters, housing and the range of crisis and long-term supportive services that advocates and shelters provide. We call on HHS, DOJ, and other federal agencies to support the Tribal enhancements in the reauthorization of FVPSA including the increase in FVPSA Tribal resources, including the Tribal set aside increase from 10% to 12.5% of total appropriations, funding for a dedicated national Indian domestic violence hotline and a separate set aside for Tribal coalitions. We also ask for other federal agencies to share what resources they have available that could possibly assist with shelters and supportive services.”—Michael Williams, Sr., Chief of the Akiak Native Community, a Yup’it Village in Alaska

Band of Mohican Indians, Treasurer of NCAI, and a co-chair of the NCAI Task Force on Violence Against Women.

**Call for Annual Consultation on Implementation and Administration of FVPSA**

"In consultation with Tribal Nations, the Family and Youth Services Bureau (FYSB) should develop and publish a consultation policy for an annual consultation on the implementation of FVPSA, including the administration of Tribal funds, and increasing and strengthening the response to domestic violence in Indian Country.

The annual FVPSA consultation policy should fulfill the requirement of meaningful consultation by providing Tribal Nations with more than the current Department of Health and Human Services (DHHS) policy of 30 days notice. The new FVPSA consultation policy should include the 120 days notice, which Tribal Nations have called for in past VAW Tribal consultations. The 120 days notice of a government-to-government FVPSA Tribal consultation will allow for fully informed engagement in the consultation process.”—Juana Majel-Dixon

**Call for Additional Information Concerning Proposed Minimum Grant**

“The NCAI Task Force will defer to Tribal leaders to answer FYSB’s formula question. However, FYSB should provide a chart showing Tribal awards using at least three base amounts, including \$55,000, \$100,000, and \$150,000. This funding chart will help Tribal Nations better understand the impacts and possibilities under FYSB’s proposed formula. After the chart is distributed to Tribal Nations, the NCAI Task Force recommends that

**Less Than Half of Federally Recognized Tribes Receive FVPSA Funding**

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

Given the increased grassroots and governmental support to address the injustice of Missing and Murdered Indigenous women (MMIW), we are long overdue for the Tribal enhancements proposed in the FVPSA 2021 reauthorization. These amendments will ensure that women have the shelter and supportive services they need to prevent abductions and homicides.



# TRIBAL VAWA

The 2021 annual virtual consultation marked more than a decade of annual consultations between Indian Tribes and federal departments on violence against Native women. These consultations have driven federal legislative and policy reform and resulted in major changes to increase the safety of Indian women.

At the 2021 virtual consultation Indian Tribes presented the legal, policy, and administrative issues preventing their Tribal governments from safeguarding the lives of Indian women. Many of the barriers identified by Tribal leaders were legal ones—existing laws passed by Congress, U.S. Supreme Court rulings from decades ago, or administrative policies of federal departments.

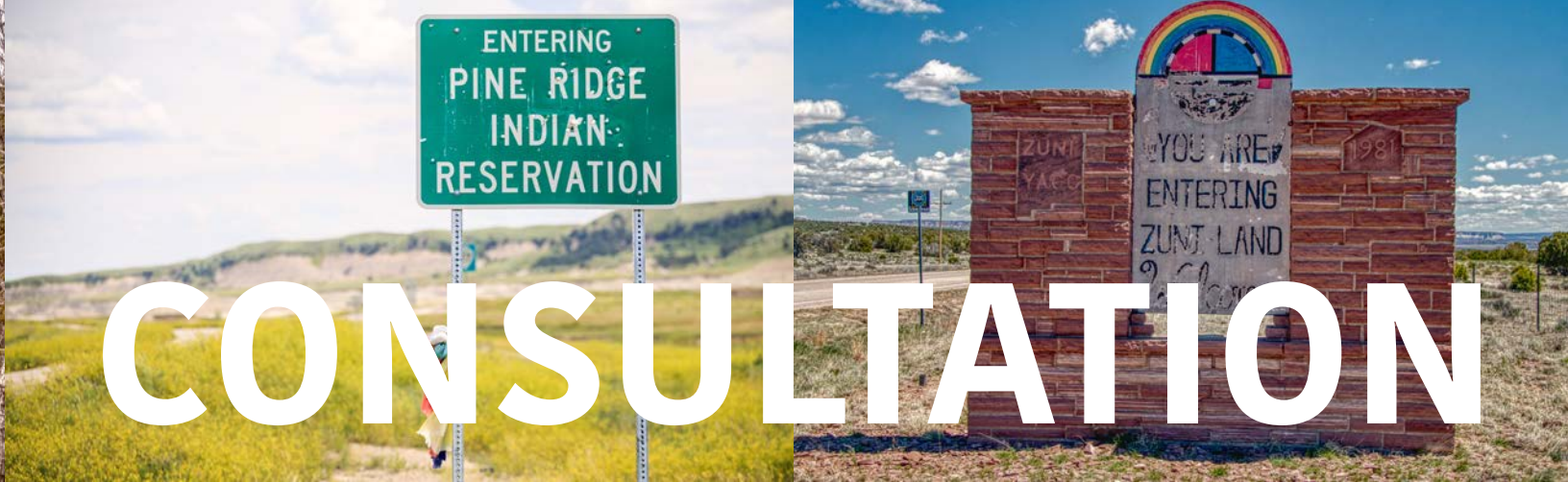
A review of statements made by Tribal leaders during consultations over the past 16 years demonstrate that many of the issues illustrate the complicated systemic barriers embedded in the layers of federal Indian law. These issues are monitored on an ongoing basis and are compiled by the NCAI Task Force on Violence Against Women (“NCAI Task Force”). Highlights of two of the Tribal concerns and recommendations of the 2021 consultation are provided below.

**Tribal Jurisdiction Over Non-Indian Offenders and Special Domestic Violence Criminal Jurisdiction (SDVCJ).** The lack of Tribal jurisdiction over non-Indian offenders on Tribal lands continues to be a key reason for the perpetuation of disproportionate violence against AI/AN women. The 2013 reauthorization of VAWA addressed this issue for certain crimes of domestic violence, dating violence, and protection order violations for some Tribal Nations. While a step forward, the 2013 reauthorization failed to make the changes needed for Tribal Nations to fully protect AI/AN women from abusers, rapists, traffickers, and predators. It also did not address protections for Tribal children and public safety personnel in the context of domestic violence

crimes. The 2013 VAWA reauthorization also failed to include 228 Tribal Nations in Alaska and Tribal Nations in Maine. For Tribal Nations that are implementing the 2013 VAWA jurisdiction provision, funding and resources are a significant problem. Tribal Nations are confronted with costly health care costs for non-Indian inmates sentenced by Tribal courts, often straining their limited budgets.

The Departments of Justice and Interior (DOI) should support the following Tribal jurisdiction fixes identified in the Violence Against Women Reauthorization Act of 2021 (H.R. 1620) and other legislation as follows:

- Restore Tribal criminal jurisdiction over non-Indian perpetrators of domestic violence, sexual assault, dating violence, stalking, and sex trafficking for all federally recognized Indian Tribes;
- Support the inherent authority of Tribal Nations in the State of Maine to fully exercise Special Domestic Violence Criminal Jurisdiction (SDVCJ);
- Create an Alaska pilot project under which Tribal SDVCJ will extend over non-Indian perpetrators that commit domestic violence, sexual assault, dating violence, stalking, and sex trafficking on all lands within any Alaska Native Village. Similar to VAWA 2013, all 228 Alaska Native Villages will then be eligible to fully exercise SDVCJ after the Alaska pilot program ends;
- Extend protections to children and public safety personnel on Tribal lands as also provided in the Native Youth and Tribal Officer Protection Act; and
- Restore Tribal authority to prosecute non-Indians in cases of sexual assault, sex trafficking, and stalking as provided by the Justice for Native Survivors of Sexual Violence Act.
- Increase funding for Tribal Nation implementation of SDVCJ.
- DOJ and DOI should support the Tribal reimbursement program established in HR 1620,



which will help Tribal Nations cover unexpected costs under VAWA.

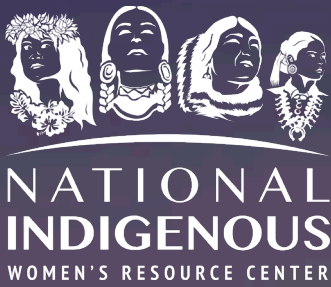
**Outstanding Injustice of Missing and Murdered Indigenous Women (“MMIW”).** The federal response to the MMIW crisis is a breach of the federal trust responsibility and a human rights violation as reflected in the statistical disparities documented by the National Institute of Justice (“NIJ”). According to the 2018 DOJ Indian Country Investigations and Prosecutions Report, the ninety four offices of federal prosecutors, respective Federal Bureau of Investigation (“FBI”) offices, and Bureau of Indian Affairs (“BIA”) offices are responsible for responding to crimes for 200 Tribal Nations, which represent less than half of all federally recognized Indian Tribes. An adequately resourced local Tribal response to prevent abductions and murders is critically important in Indian Country. In 2018, the DOJ noted in their report to Congress that “[i]t is the Department’s position that prioritization of initiatives in Indian country, including the effort to build capacity in Tribal courts, will lead to enhanced public safety for Native Americans.” AI/AN women are missing and/or murdered with little to no response from law enforcement. The lack of response is exacerbated by the federal government’s failure to adequately fund Tribal services and Tribal law enforcement.

MMIW often occurs at the intersection of domestic violence, dating violence, sexual assault, stalking, and sex trafficking. It is essential that the Office on Violence Against Women (“OVW”), the Family Violence and Prevention Services Program, and the Indian Health Service (“IHS”) increase Tribally based victim advocacy services for the families and community members of abducted, missing, or murdered AI/AN women. These increases should include but not be limited to the following services: increased accountability of law enforcement agencies where these crimes occur;

counseling for the children of the victim; burial assistance; community healing such as walks for justice and to honor the missing or murdered; community meals and gatherings; and other Tribal-specific activities.

The recommendations to DOJ, DOI, and DHHS include the following:

- Implement NCAI recommendations regarding the Tribal set-aside from the crime victim fund to assure resources reach victims, survivors, and their families;
- Fully implement the 2005 reauthorization of VAWA NIJ research program and specifically provide Tribal Nations information regarding missing and murdered AI/AN women;
- DOJ and DOI should review, revise, and create law enforcement and justice protocols appropriate to the disappearance of AI/AN women and girls, including interjurisdictional issues as provided by the Savanna’s Act and Not Invisible Act;
- Support efforts of the Government Accountability Office to prepare and submit a report on the response of law enforcement agencies to reports of missing or murdered Indians, including recommendations for legislative solutions.
- Develop protocols, in consultation with Tribal Nations, which recognize the inherent right of American Indians and Alaska Natives to exercise their traditional practices in response to MMIW. These protocols must address the current violations of Tribal beliefs, religious, and cultural practices of the murdered woman and the disrespectful handling of her remains. Coordinate efforts across all federal departments to increase support for Tribal responses to missing or murdered AI/AN women and girls as required by Savanna’s Act; and
- Coordinate efforts in consultation with Tribal Nations to increase the response of state governments, where appropriate, to cases of the disappearance or murder of AI/AN women and girls.



# Give to the National Indigenous Women's Resource Center

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safety and the defense  
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# INTERNATIONAL UPDATE

# Violence Against Indigenous Women Migrating to the United States

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

Violence against Indigenous women is a global crisis that takes many forms and is further intensified when women are forced into migration. And while it is crucially important to focus on crimes committed against individuals by specific perpetrators, we must also understand that this violence is rooted in the systems of discrimination and exploitation that colonialism established in our territories. Colonialism seeks to undermine our traditional forms of governance in order to make it easier to seize our lands and resources, sending Indigenous peoples into exile or poverty. Colonialism uses various forms of violence against women to further weaken our nations, justifies this violence by dehumanizing Indigenous peoples, and then denies us the human rights that non-Indigenous people enjoy.

In the United States, we see this happen when Indigenous women on Indigenous lands are assaulted by non-Indigenous perpetrators, and our Tribal governments are prohibited by law from responding to these crimes unless our Tribes meet the stringent requirements in VAWA. This discriminatory legal structure leaves Indigenous women less protected than all other women in the United States and, in many cases, completely unprotected. It denies our Tribal governments' sovereign authority over our territories, and allows perpetrators to commit crimes with impunity, as if Indigenous women were not humans with rights protected by U.S. and international law.

This same violence takes many different forms under today's realities where Indigenous women, particularly those living in Mexico, Central and South America are forced into migration due to human rights abuses and desperate economic pressures at home. On May 23, 2018 in Rio Bravo, Texas, a United States Border Patrol

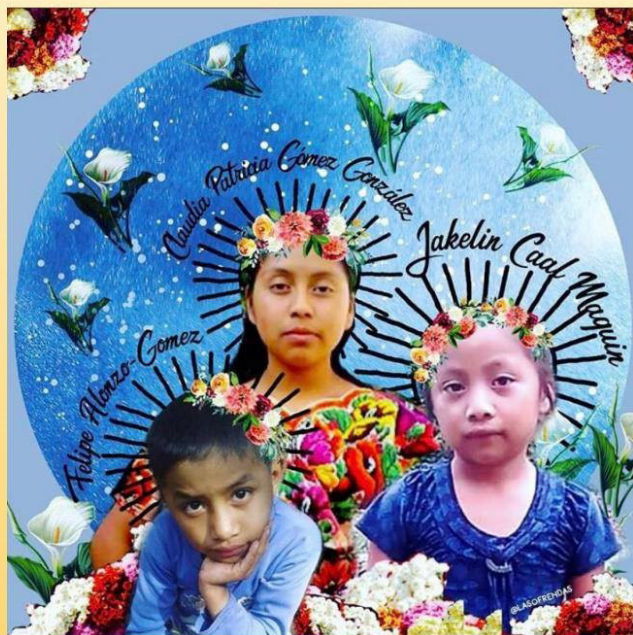


(Left to right) Dr. Cintli (Macehual, Mexico) and Antonio Ramirez (Diné) at the 2019 Maya Maiz Roots Conference prayer run in Tucson, Arizona to honor missing and murdered Indigenous women (MMIW) victims, including Claudia Patricia Gomez. (Photo courtesy of Indian Law Resource Center.)

agent shot Claudia Patricia Gómez González in the head and killed her. Claudia Patricia was a 20-year old Indigenous woman. She was Maya Mam, from San Juan Ostuncalco, Quetzaltenango in Guatemala. Her tragic death exemplifies the overlapping forms of violence Indigenous women in the Americas face. Claudia lived in poverty in a village in the highlands of Guatemala. According to Juanita Cabrera Lopez, Executive Director of the International Mayan League, "Guatemala still perpetuates human rights violations, systemic oppression and exclusion of indigenous peoples at all levels of society. There are debilitating inequalities in land ownership, control, and management. The forced migration of my people from Guatemala is a symptom of the underlying causes derived from not only decades but from over 500 years of land theft, oppression, racism,

# INVISIBLE NO MORE

## For Peace, Life and Justice for the Maya People



2019 International Mayan League poster drawing attention to the government-sanctioned violence at the U.S. border. Claudia Patricia Gómez González died on May 23, 2018. Jakelin Amei Rosmery Caal Maquin, Maya Q'eqchi', 7 years old from San Antonio Secortez, of the Damascus microregion of Raxruhá in Alta Verapaz, died December 7, 2018. Felipe Gomez Alonzo, Maya Chuj, 8 years old from Nentón, Huehuetenango, died December 24, 2018. (Photo courtesy of Indian Law Resource Center.)

and institutionalized exclusion of the predominant indigenous peoples. For indigenous girls and women, the exclusion and racism is worse.”

To escape this poverty, lack of opportunity, and violence in her home country, Claudia Patricia was forced to migrate to the United States. While migration itself is very dangerous, Indigenous migrants face particular obstacles due to the intersection of identity, gender, racism, and language. This places them at extremely high risk of being trafficked or sexually assaulted during their journey, and because of Indigenous language exclusion, often leaves them unable to seek help. Despite these obstacles, Claudia Patricia arrived in the United States. And then, apparently within minutes of her arrival, she was shot to death by the U.S. Border Patrol. And then nothing happened.

Three years after Claudia Patricia’s death, there have been no prosecutions. A civil suit against the officer alleged to be responsible for her death is paused while the FBI investigates. In 2019, on the first anniversary of her death, Claudia’s father said, “These days have been so difficult, so many people have been calling me, asking what is our message? What do we want people to know? We are tired. There comes a point when I just don’t know what to say anymore. As more time goes by,

it is more difficult for us, we miss her so much. But what I ask is that there is justice for her. This is what I have always asked, JUSTICE. We want answers.”

It is this search for justice, in all of its forms, that is behind so much of the work that we do. Whether we are working to reform federal law or change the policies at our local police department; to run a shelter, or, like Claudia Patricia’s father, to fight the terrifying culture of silence and impunity that is behind the MMIW crisis, what we are seeking is justice. We seek justice for our sisters who experience violence so that we can understand what happened and why. We seek justice against the perpetrators of these crimes so that future acts of violence can be prevented, and so that wrongdoing can be publicly denounced. We seek justice for our Tribes and nations so that we can build communities that can protect our families by protecting all of our human rights.

For more information about the human rights situation of Indigenous migrants to the United States, contact the International Mayan League (Mayan League) or visit their website at [www.mayanleague.org](http://www.mayanleague.org). The Mayan League is a grassroots, Indigenous women-led Maya organization founded in 1991 by Maya refugee men and women with allies from the Sanctuary Movement.

Their work and priorities are guided by the vision and practices of their spiritual and traditional leaders, elders, and authorities. They work to promote, preserve, and transmit the culture and contributions of the Maya to create solutions against current threats and violations affecting Indigenous peoples in Mesoamerica and the United States. The Mayan League works to address the immigration crisis at the border and throughout the U.S., and Indigenous peoples' human rights.

As part of this work, the Mayan League led the advocacy effort to secure a National Congress of American Indians Resolution, "Calling to Protect and Advance the Human Rights of Indigenous Peoples Migrating to the U.S." In this resolution, NCAI called upon the U.S. Departments of Homeland Security and Justice to "conduct an independent, exhaustive, and transparent investigation concerning the deaths of all Indigenous children in U.S. custody and by U.S. Border Patrol employees at the southern border, and hold all those responsible accountable for the deaths." The full text of this resolution is available at <https://bit.ly/3yFJmtM>.

Currently, some 281 million people, or about 3.6% of the world's population are living outside their country of origin. In July 2021, the UN Human Rights Council passed a resolution on the human rights of migrants, available at <https://bit.ly/3mUJPWM>. Among other things, the resolution recognizes that migrants are human rights holders whose rights to safety and dignity must be protected and respected, that each State may determine its own national migration policy within its jurisdiction consistent with its obligations under international law, and that States are responsible for protecting the human rights and fundamental freedoms of all migrants present in their territory and subject to their jurisdiction. The resolution also expresses deep concern for the growing numbers of migrants who have lost their lives or gone missing while attempting to cross international borders and calls on the Office of the High Commissioner for Human Rights to convene a one-day panel discussion on the human rights of migrants with a summary report to the Human Rights Council at its 50th session. For additional information about the violation of the human rights of migrants at international borders, visit the UN Office of the High Commissioners migrants webpage at <https://bit.ly/2WLa1YN>.

# CAL



UNITED NATIONS  
HUMAN RIGHTS COUNCIL

## September 13-October 1, 2021 48th Session of the UN Human Rights Council

The Human Rights Council is an intergovernmental body within the United Nations (UN) consisting of 47 states responsible for strengthening the promotion and protection of human rights globally and for addressing situations of human rights violations and making recommendations. The 48th Session runs from September 13-October 1 at the UN Office in Geneva. This annual half-day discussion of Indigenous rights will take place on September 28, 2021, from 10 a.m.-Noon (CET), followed by an interactive dialogue with the Special Rapporteur on the rights of Indigenous peoples from noon-2 p.m. (CET). The theme of the panel discussion will be the situation of human rights of Indigenous peoples facing the COVID-19 pandemic, with a special focus on the right to participation. The Indian Law Resource Center submitted a written statement, "Violence against Indigenous Women in the United States A Human Rights Scourge Exacerbated by the COVID-19 Pandemic." The Alaska Native Women's Resource Center and National Indigenous Women's Resource Center supported the statement. In addition, the Center plans to offer an oral video statement to inform the Council further about violence against Indigenous women in the United States, particularly Alaska Native women. Live webcasts are available on UN WEB TV at <https://bit.ly/3kPzJnH>. Details and documents for the session will be available at <https://bit.ly/2YdccVP>.

# ENDAR

UPCOMING  
INTERNATIONAL  
EVENTS

## November 1-12, 2021 UN Climate Change Conference (COP26)

The COP26 will take place from November 1–November 12, 2021 in Glasgow, Scotland. The summit is intended to bring parties together in order to speed action towards the goals of the Paris Agreement and UN Framework Convention on Climate Change. Originally scheduled to take place a year earlier, the COP26 was postponed due to the COVID-19 pandemic. For additional information about the conference, visit <https://bit.ly/2WHI7NF>.



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

The CSW is the UN's principal intergovernmental body that focuses exclusively on the promotion of gender equality and the empowerment of women globally. CSW66 is scheduled to take place on March 14-25, 2022. The priority theme of the 66th session is “achieving gender equality and the empowerment of all women and girls in the context of climate change, environmental and disaster risk reduction policies and programmes.” The session's review theme is “women's economic empowerment in the changing world of work.” The outcome of the session will be agreed conclusions relevant to these themes. Online registration for the session usually opens in October. A critical element of the CSW's work is the active participation of non-governmental organizations (NGOs). NGOs in consultative status with the Economic and Social Council may also submit written statements from September 24 to October 15, 2021. For additional information, visit the CSW66 website at <https://bit.ly/38wCBjg>.

## December 10, 2021 Human Rights Day

Human Rights Day is observed annually on the 10th of December. On this day in 1948, the UN General Assembly adopted the Universal Declaration of Human Rights, a milestone proclaiming inalienable rights that everyone is entitled to as a human being.



*United Nations at Geneva. (J. Walker, Indian Law Resource Center)*

# VAWA National Tribal Baseline Study Update

## Gearing Up for Field Work in Tribal Communities

By Ada Pecos Melton, *Pueblo of Jemez*, President, American Indian Development Associates, LLC



Ada Pecos Melton. (Photo courtesy of American Indian Development Associates, LLC.)

Research is a multifaceted endeavor with many aspects in motion at the same time or in sequence. It involves extensive preparation before a study team hits the ground to conduct onsite data collection.

### When Does Fieldwork Preparation Begin?

Preparation begins with the research design, which describes all the aspects or components the study involves. It includes a literature review describing what we know about the study area, the knowledge gaps, and what the study will examine or hope to discover. The research design states the study purpose, objectives, and expected outcomes. It lays the foundation for data collection, including developing the questionnaire or survey instruments and methods for review and approval. Finally, the design describes strategies for selecting the target population, often referred to as human subjects, respondents, or participants. Some Tribes use “relatives” to refer to individuals participating in a study.

A history of research abuses with Tribes and Native people exists.<sup>1</sup>

Acknowledging ongoing concerns for culturally relevant and respectful research, the 2005 Violence Against Women Act (VAWA) Section 904 includes a statutorily mandated Federal Advisory Task Force. This legislation authorizes the National Institute of Justice (NIJ) to conduct the National Baseline Study

(NBS).<sup>2</sup> The Task Force’s role is to assist in developing pertinent research questions, provide feedback on NIJ’s violence against Indian women-related research, and assist with recommendations resulting from study findings.<sup>3</sup> This legislation elevated standards requiring concrete strategies for Tribal participatory methods and approaches in Tribal research studies receiving federal funding.

It is crucial that researchers acknowledge past research abuses and misconduct with Tribes or Native peoples and incorporate ways to involve them in meaningful ways. AIDA includes research designs that incorporate participatory approaches to ensure Native input and perspectives. AIDA implemented the fieldwork for the Tribal youth victimization pilot study (TYVS)<sup>4</sup> and is responsible for the NBS fieldwork.

### TYVS Participatory Methods

AIDA set up a Tribal advisory group (TAG) composed of Tribal experts to review the study design and instruments and provide guidance. The transition from identifying topical areas to developing what questions to use for a national survey of Native youth incorporated the TAG’s input. The objective was to obtain clarity concerning definitions, priority areas, and the scope of data collection. The TAG’s review

<sup>2</sup> For more NBS information, see <https://bit.ly/3qpVv2w>

<sup>3</sup> Crossland, C., J. Palmer, and A. Brooks (2013). NIJ’s program of research on violence against American Indian and Alaska Native women. *Violence Against Women* 19 (6) 771-790.

<sup>4</sup> For information on victimization studies, see <https://n8ve.net/bkNb1>

enabled an effective balance of pertinent issues for inclusion in the questionnaire. Their contributions helped the study team gain a comprehensive perspective on violence and victimization affecting Native youth. The TAG's comments included recommendations for culturally relevant and respectful approaches for Tribal engagement. Their suggestions included participatory methods for obtaining Tribal approvals, community outreach and education, hiring Indigenous field staff, and recruiting Native youth.

Research designs describe methods to provide information about the study as it starts, during data collection, and as data findings and results become available. The data collection plan is a critical research design component. The main objective of fieldwork is data collection using the created tools or instruments and methods. It also documents the data collection experience, which yields a compilation of lessons learned. During data collection, the NBS includes in-person computer-assisted interviews using the study questionnaire. AIDA used this method for the TYVS, which included transmitting the encrypted data to a data center.

## Fieldwork or Implementing the Data Collection Plan

Table 1. TYVS Fieldwork Tasks and Activities	Cognitive	Pilot
Preparing informational materials.	X	X
Preparing site-specific protocols and resource list	X	X
Scheduling meetings with tribal leadership to obtain approval for the tribal participation in the study	X	X
Scheduling meetings with non-profit organizations to enlist TYVS sponsorship and site for interviews	X	X
Presentations with tribal councils before testing and closeout	X	X
Arranging and conducting stakeholder meetings to obtain study endorsement		X
Arranging and prepping safe interview locations with private rooms	X	X
Travel logistics to selected sites in three states.	X	X
Recruiting field staff	X	X
Interviewing and hiring field staff		X
Conducting field staff background checks		X
Training field staff		X
Assisting field staff to obtain human subjects protection certifications	X	X
Prepping a replacement site		X
Preparing and implementing site visit logistics	X	X
Recruiting youth participants and obtaining parent consent	X	X
Obtaining youth assent, conducting interviews, and disbursing incentives	X	X
Conducting field staff debriefings through in-person, teleconferences, and virtual meetings	X	X
Conducting closeout meetings with field staff, tribal leaders, and organizational leaders	X	X

The TYVS consisted of three phases: 1) design of a Tribal youth survey, 2) cognitive testing of the survey, and 3) pilot testing the final draft Tribal youth survey. The fieldwork components included: 1) recruiting Tribal or organization participants, 2) recruiting, hiring, and training local field staff, 3) recruiting youth participants, 4) conducting computer-assisted interviews and interviewer debriefings, and 5) conducting closeout meetings with field staff, Tribal councils or representatives, and organizations where onsite data collection occurred.

The AIDA study team performed the fieldwork for Tribal or organization recruitment—recruiting, hiring, training field staff—and closeout meetings. The TYVS field staff recruited youth participants, obtained parental consent and youth assent, and conducted in-person computer-assisted interviews.

The data collection at three sites for each testing phase occurred at multiple locations simultaneously or overlapped. Altogether, the fieldwork for each stage involved the tasks and activities listed in Table 1.

### NBS Data Collection

The NBS data collection plan involves extensive onsite data collection that includes similar fieldwork tasks and activities. Careful preparation and documentation are necessary for each step in Table 1. AIDA assisted the NIJ and the Research Triangle Institute (RTI) International with the NBS cognitive and pilot tests.<sup>5</sup> The study team applies the lessons learned from the TYVS and earlier NBS study components to current NBS efforts.

### Research Realities

#### *Life Happens with Tribal Research*

Targeted research in Tribal communities is often a test of willingness to compromise and finding creative solutions to challenging problems. It includes the ability to stay true to the main fieldwork objective—to collect data onsite. Fieldwork is the essential component connecting instrumentation development with data analysis. Fieldwork gives life to research methods, like the TYVS and NBS questionnaires and the Tribal engagement methods for recruiting Tribes, study participants, and community involvement. It provides the data for analysis, thereby supporting the end goal for new knowledge and a better understanding of Native people's experiences.

<sup>5</sup> For more information, see <https://n8ve.net/KJVXj>

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A history of research abuses with Tribes and Native people exists. It is crucial that researchers acknowledge past research abuses and misconduct with Tribes or Native peoples and incorporate ways to involve them in meaningful ways.

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Both the TYVS and NBS have and are experiencing many interruptions, delays, challenges, and setbacks. Federally funded national studies are entangled by government-controlled decisions and changes. During TYVS, a federal government shutdown changed NIJ's involvement level and the government's approval requirements. These decisions delayed and hindered progress. Tribal government setbacks during the TYVS included natural disasters with flooding and public health emergencies, causing two Tribes to withdraw, one during cognitive testing and the other during pilot testing. The study period prohibited site replacement for cognitive testing. The team recruited a Tribal replacement for the pilot testing. While study extensions were considered, it was not possible due to legislation limiting one of the federal funding sources to allow no-cost funding extensions. Despite a seemingly endless stream of challenges and impediments, the TYVS fieldwork for cognitive and pilot testing at three sites was completed within eight months.

Another public health emergency, the COVID-19 pandemic, is affecting the NBS fieldwork for Tribal recruitment. The AIDA study team is conducting multi-site Tribal recruitment virtually. The full impact of the pandemic on fieldwork is unknown, but the team anticipates start-up delays.

### ***Perseverance Happens with Tribal Research***

The pandemic presents challenges requiring the NIJ and the study team to rethink the research design, fieldwork study methods, and approaches for Tribal recruitment. The study team employs several ways to communicate with Tribes through phone calls, emails,

and different virtual meeting platforms. The team works with Tribal staff to prepare Tribal approval documents and information materials using virtual methods. Many Tribes now have secure COVID-related virtual systems supporting government operations, which the study team follows.

The onsite activities involve recruiting households and study participants and conducting in-person interviews with those who volunteer. It also includes extensive onsite interaction among the study team and field staff and possibly each tribe's designated Tribal point of contact. The study has several COVID-related protocols addressing personal health protection and safety during household recruitment, in-person interviews, facility preparation, equipment sanitizing, and meetings among field staff and with Tribal representatives or the community. These protocols follow national standards and will incorporate Tribe-specific requirements.

### **Summary**

Although the pandemic raises serious concerns for the safety of participants and the field staff, it is vital to stay focused on the study's purposes and end results. The NBS is still an urgent and critical study. The pandemic adds to the urgency of the study. American Indian and Alaska Native Tribes are resilient. We stand on the shoulders of Native leaders and activists such as the NIWRC constituents, who are called upon to help the study continue by encouraging Tribal leaders to approve the study when it comes to your Tribe.





# **VIOLENCE IS NOT OUR TRADITION**

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# Safety and Justice Require Action



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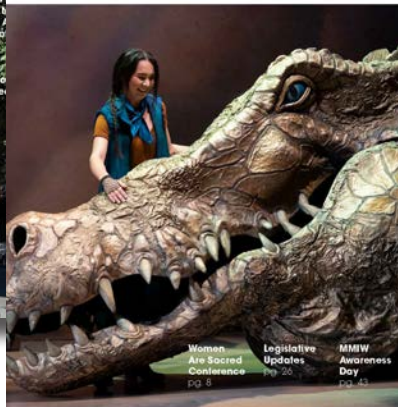


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**“Even in thought,  
women are to be  
respected.** We teach this  
to our children. We teach  
it to our grandchildren. We  
teach it to our kids so that  
the generations to come  
will know what is expected  
of them. Those generations  
to come will also know  
how to treat each other as  
relatives.”



Tillie Black Bear,  
September 7, 2006  
Rosebud Sioux Indian Reservation



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



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ISBN 9780985656614

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