

Trainer's Manual

Sharing Our Stories of Survival

Guide for Using *Sharing Our Stories of Survival* for
Training on Domestic and Sexual Violence Involving
Native Women

Developed June 2013



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Sharing Our Stories of Survival

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Workshop Directions

A product of the Tribal Law and Policy Institute

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About This Resource

The Trainer's Manual (Part II of the Instructor's Guide) is designed to correspond to the textbook *Sharing Our Stories of Survival: Native Women Surviving Violence* (Deer, Clairmont, Martell, and White Eagle 2007). The purpose of the textbook is to teach students the sociological issues that arise in the context of violence against Native women. A course on Violence Against Native Women might be taught in any number of disciplines: for example, social work, psychology, advocacy, history, legal studies, criminal justice, nursing, or medicine. However, a full semester or quarter-long course is not always feasible—learning may take place at conferences, meetings, community gatherings, or staff trainings. This manual is specifically designed to give guidance to presenters of workshops, conference plenary sessions, and staff and community training by domestic violence and sexual assault advocates.

What This Manual Can Do

Preparing and giving a workshop can often be very intimidating and time consuming. We encourage the use of this trainer's manual to alleviate some pressure for the inexperienced trainer and the experienced trainer. The person presenting this material is not required to be an "expert" on the topic, as the material for the workshop has come from "experts." However, the trainer should be a sexual assault or domestic violence advocate or have similar training.

The manual provides easy-to-understand directions and effective workshops based on material written by experts in the field. Objectives are clearly stated so an advocate could easily determine if the workshop meets her needs. The manual organizes complex material and provides directions on presenting the topic in an interactive fashion. It is designed for adult learning, although some of the workshops could also be effective with community youth. The manual can be a time-saving effective tool for advocates to use in educating the community, service providers, law enforcement officers, medical personnel, or other advocates.

We hope advocates will feel comfortable with this tool, expand their presentation topics, and experiment with different styles of presentations. We expect advocates will increase the number of local community learning sessions they provide and expand the variety of topics. We must educate our local communities on the many issues related to violence against Native women. Changes will not take place without knowledge and understanding in our communities. The local sexual assault and domestic violence advocates are in the best position to provide local learning opportunities. This manual can be an effective tool for them.

What This Manual Cannot Do

This manual does not provide all the information you need to present a workshop. It cannot stand alone. It is meant to be used in conjunction with *Sharing Our Stories of Survival*. Supplemental information may also be needed, and each chapter of the textbook contains the “Additional Suggested Reading” section, which provides a wealth of resources on the chapter topic.

Additionally, this manual should **not** be used by someone inexperienced with the dynamics of domestic violence and sexual assault. It is designed for sexual assault and domestic violence advocates or individuals with similar training.

How to Use This Manual

The manual provides eight workshops on chapter-specific topics. Many of the activities used in the workshops could also be used in a classroom setting, but are designed more for workshop, community meeting, or staff training. The presenter or facilitator must read the referenced chapter of the textbook *Sharing Our Stories of Survival* to properly prepare for the workshop, and additional readings are suggested at the end of the chapter in the textbook; however, the workshop design anticipates that the participants need not read the textbook chapter prior to the workshop.

Throughout the Trainer’s Manual there are references to pages in the textbook for greater context in the presentation. It is recommended that a copy of the textbook be provided to participants in the training, as the workshop will no doubt peak their interest and the textbook is a great resource for individual learning. However, it is possible to copy certain required pages that participants may need for a particular workshop. *Sharing Our Stories of Survival* is available for purchase through the AltaMira Press at www.AltaMiraPress.com or 800-462-6420.

The workshops may be used together or individually for training, using the chapter(s) as a resource for the facilitator or trainer for the workshop presentations. Each workshop closely follows a chapter in the manner material is presented in the textbook. Interactive activities, discussions, and, at times, short videos are included in the workshops. The manual provides up-to-date information on subjects developed into workshops.

The trainer needs to be an experienced domestic violence or sexual assault advocate or a professional with similar training. Although the instruction will provide organization and context, there is an assumption that the trainer has substantial background in sexual assault or domestic violence issues.

The Instructor's Guide promotes interactive workshops. Each workshop section contains the following:

- The topic (title),
- The workshop objectives, and
- The agenda with time estimates for each section.

The first three items appear on the first page of a workshop section, so that it could easily be copied and handed out to participants.

- Workshop Guide (specifically written for the trainer) includes:
 - a. Potential audiences. Ideas for participants are suggested, but the list is not all inclusive. Each facilitator should consider whether the workshop is suitable for a particular audience.
 - b. Estimates of time needed for workshop are provided. If you have a larger group, you may need additional time for small group discussion.
 - c. Supplies and technology needed for the workshop are listed. Although some of the workshops have Microsoft PowerPoint presentations, they usually could easily be adapted to white board and marker.
 - d.  **Caution trainer:** Workshops on violence topics can be a sensitive issue for survivors. Some of the workshops deal with very sensitive issues and may be disturbing. They could trigger memories or repressed feelings. You may wish to take all or some of the following suggestions that are provided in the "Support for Participants" section of this manual.
 - e. Workshop Road Map: The following is contained in each workshop.

- **Workshop Road Map:** The Road Map provides directions, key talking points, and activities in each section of the agenda. The trainer must read the chapter from *Sharing Our Stories of Survival* closely and supplement additional comments either from the chapter, the chapter’s “Suggested Further Reading” section, their own experience, or information solicited from the participants.
-  The time needed for each section of the agenda appears on the left side of the page at the beginning of each section of the agenda. Note that a section may include several slides or activities.
-  PowerPoint slide numbers are referenced on the left side of the page.
-  The pages in *Sharing Our Stories of Survival* that provide further information for the facilitator are included on the left side.
- The sections of the agenda with directions, key talking points, and activities appear in the main part of the document with each agenda section in an alternating color.
- Any handouts are at the end of each workshop.
- A workshop evaluation form is available at the end of the manual.

Support for Participants



Caution trainer: Workshops on violence topics can be difficult for survivors. Some of the workshops deal with very sensitive issues and may be disturbing. They could trigger memories or repressed feelings. You may wish to take all or some of the following suggestions to provide appropriate support.

- Inform participants that it is okay to take care of themselves, even if that means leaving the room for a period of time during the workshop to regroup.
- Encourage participants to seek help if needed after the presentation.
- Provide local numbers for resources, including the Nation Rape Crisis Hotline of 800-856-HOPE (4673). When they dial that number they will be connected to a local resource that has twenty-four-hour sexual assault counselors available.
- Provide sweetgrass or sage in the room, and inform participants that it is available if they want to use it. Be sure to clear the use of sage with the management at the venue.
- If the presenter is a sexual assault or domestic violence advocate, she could make herself available after the workshop to talk.
- If you are presenting in a Native community, it may be wise to have a safe room during the presentation manned by an advocate.

Effective Workshop Tips

Providing a valuable learning environment in a workshop setting is not something that comes naturally. Facilitators that present effective and interesting workshops are generally people who have continually worked at improving their methods and delivery. The following are a few suggestions to help with your delivery of the workshops in the Trainer's Manual.

- Find the right space for your group or if there is no choice on the room, check out the space before the workshop.
 - Is it an adequate size for your group? Not too big and not too small. If larger than needed, think about how you could create a smaller space within the larger room. People seem to always sit in the back of the room.
 - Think about the logistics.
 - Does the room fit with the visual aids you will use in your workshop?
 - If you are splitting up a larger group into smaller discussion groups, will that work in the space?
 - Will you need a microphone or is the room small enough to ensure your voice will be heard by all?
 - Is it conveniently located and easy to find?
 - If you need an internet connection for your workshop, is it available?
 - How do you want people to sit during the workshop: around a table, in a circle, in a classroom structure, etc.? What works best for the activities or discussion in your workshop?
- Set the goals for your workshop.
 - Each workshop in this manual has objectives, but in addition to these objectives, you may have a specific goal in mind. What is the reason you are doing this particular workshop? You may have a goal to educate law enforcement in your community or educate your staff on a particular topic. You may see your workshop as a step in some system change effort. Maybe your goal is to have the community focus on issues related to sexual violence by spiritual guides and identify changes that can be made in your community.

- Establishing your principal goal will help you in determining who to invite and may result in adjustments to the workshop to fit your goal.
- Decide who should attend.
 - The people that attend should be consistent with your goal.
 - Once you have decided who should attend your workshop, you may need a plan to encourage them to attend.
 - Attendees should know that you respect their knowledge and experience and anticipate that they will be actively engaged in the workshop. Attendees should learn from each other as well as from you.
 - Who attends also affects the type of support that may be needed for some of the workshop topics.
- Develop an agenda with time limits and stick to it. Be conscious of time, as you don't want to miss some key points in the presentation, because you spent too much time on another section of the agenda. Provide the attendees a copy of the agenda.
- Make sure you have all the supplies and equipment you need to conduct the workshop. You should ensure you know how to run any technology that is used or have a knowledgeable person assisting.
 - If you have a PowerPoint presentation, make sure it is set up appropriately.
 - If you are showing a video on the Internet, try it at the workshop location to ensure there are no problems in transmission.
- Get everybody in the room involved in the workshop. Keep it interactive. Engage the audience. Few people can sit and listen to a lecture for 90 minutes. People learn differently and most people do not learn by listening to a lecture. They learn through interacting with the information provided. Make the workshop fun and provide opportunities for participants to interact with each other.
- Practice your workshop beforehand. Read the material in *Sharing Our Stories of Survival*. Going through the workshop from start to finish will help you identify any weaknesses. It will also help you in clarifying your personal comments and additional comments from the textbook that will be necessary. A run through also helps with getting a feel for the right amount of time to spend on a topic.

- Be animated, motivational, and enthused about your topic. Do not read from your Trainer's Manual or from slides unless you are quoting somebody. You can easily highlight things in your manual to keep you on track or write your own outline for the workshop. Figure out how you can easily glance at something to remember key points.
- If you are extremely nervous about the presentation, make sure you have prompts (notes/outline/PowerPoint), so you keep on track. Ask someone to help you with tracking time, as it is easy to lose track of time when you are nervous. Co-presenting can also be helpful for a nervous person, provided each presenter understands their role. A co-presenter providing comments during the presenter's talk can provide a more casual atmosphere that may help in participants' sharing. Extra practice before the workshop will be very helpful in building confidence. Recording your practice presentation and listening to the recording is a great way to understand how effective your presentation is and how to improve it.
- Learn from your past workshops. Read the evaluations and determine how you can improve your next workshop. Evaluate yourself at the end of the workshop, and note how you might improve next time you present.

Workshop 1

Topic: The Impact of Colonization on Native Women

Based on Chapter 1 of *Sharing Our Stories of Survival*, “Beloved Women: Life Givers, Caretakers, Teachers of Future Generations” by Jacqueline Agtuca.

Objectives

As a result of participating in this workshop, you will be better able to:

- Explain the role Native women played in their communities prior to colonization and the impact of colonization on Native women.
- Describe the events in history that disrupted traditional roles of Native women and men.
- Describe the impact of the laws and policies of the U.S. government on the lives of Native women.
- Describe the obstacles that make it difficult for tribes to protect Native women.

Agenda

- Welcome and introductions (5 minutes)
- Overview of workshop (5 minutes)
- Native women prior to colonization: activity (30 minutes)
- Mini-talk on colonization (10 minutes)
- Video and discussion: Native women today (20 minutes)
- Mini-talk on recent attempts to protect Native women (15 minutes)
- Wrap-up and *Eagle’s Wings* by Petra L. Solimon (Laguna/Zuni) (5 minutes)

Guide: Workshop 1

Potential Audiences:

- Non-Native service providers
- State and federal personnel
- New tribal service providers
- Advocates
- Community groups
- Older adolescents

Time needed: Ninety minutes. If you have more than fifteen people in the audience, anticipate more time for small group discussion and reports back.

You will need:

- Computer and projector for a PowerPoint presentation.
- This workshop could be done without the PowerPoint using a white pad or board and a little extra preparation.
- White pad and markers.
- Paper and pens for small group work.
- Internet connection and sound system for video.



Caution trainer: Workshops on violence topics can be difficult for survivors. Some of the workshops deal with very sensitive issues and may be disturbing. They could trigger memories or repressed feelings. You may wish to take some of the suggestions on page 8 to provide appropriate support.

- **Workshop Road Map:** The Road Map provides directions, key talking points, and activities in each section of the agenda. The trainer must read the chapter from *Sharing Our Stories of Survival* closely and supplement additional comments either from the chapter, the chapter's "Suggested Further Reading" section, their own experience, or information solicited from the participants.
-  The time needed for each section of the agenda appears on the left side of the page at the beginning of each section of the agenda. Note that a section may include several slides or activities.
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- Any handouts are at the end of each workshop.
- A workshop evaluation form is available at the end of the manual.

Workshop Road Map



5 min.



p. 2

Welcome and Introductions

- Arrange for an opening blessing or read poem *Native Women* by Jayci Malone (Stockbridge-Munsee Mohican).
- Introduce yourself and have participants introduce themselves.
- Even if the group works together you could ask a question that might help people improve their connection. It is a good way to get everybody participating from the beginning. If the group has more than fifteen people, you will not have time for individual introductions and participants could be asked later to introduce themselves when they are in small groups.



5 min.



2

Overview of Workshop

- Review the objectives.
- Review the agenda.



30 min.



3

Native Women Prior to Colonization: Activity

- Read the comments on the slide to help introduce the activity.
- Purpose of activity: To introduce the role Indian women played in their communities prior to colonization.
- Part 1: Provide the following introduction to the reading: This story originates from Alaska, and was recorded by Johnny Frank in 1971, later transcribed, translated, and published by the Alaska Native Language Center at the University of Anchorage, Fairbanks. This story speaks to a tribal leader's response to sexual violence perpetrated by outsiders. It is not clear from the text when and where the incidents occurred. The story centers around the leader of the village, Taa'ii' Ti', and how he responded to the rape of the community women by Russian sailors.



pp. 11–12

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- Provide the participants the textbook or a copy of the quotation.
 - Have a participant read the quotation on pages 11–12, starting at the last paragraph on page 11 and ending with the quotation on top of page 12, to the full group.
 - Ask the participants the following questions either in a large group or small group (slide 4):



1. *What did the Russian men do that violated the Native law?*
 2. *Were the Russians held accountable for their behavior?*
 3. *How did the belief systems and/or values of the Alaska Native people help keep the women safe?*
 4. *How are tribes limited in holding outsiders accountable today?*
- If it is a small group discussion (three to seven people), give the group ten minutes to discuss and then ask the full group the questions. Make sure each group has an opportunity to share.
 - Important points from the reading:
The Russians who sexually abused the women in the village were warned about their behavior, and when they continued, Taa'ii' Ti' killed all but four of the men. This story shows not only the gravity of the crime, but also the immediate and swift response to the victims and the importance of strong leaders. The assertion of jurisdiction over the non-Indian Russians also shows the strong inherent sense of sovereignty—and the importance of authority over outsiders.



p. 9

Part 2: Keep people in same groups.

- Ask someone in the workshop to read the first paragraph in the section “Colonization and the Erosion of Safety for Native Women” regarding Nancy Ward’s speech.
- Discussion (small or large group).

-
- Provide each group a paper with three columns. The three column headings should read:
 1. *Cherokee women of 1781.*
 2. *Caucasian women of 1781.*
 3. *Native women of today.*
 - Explain that each group will be asked to provide a list of adjectives in each column. If a large group discussion, facilitator can ask the questions and have a helper write the adjectives on an easel or white board at the front of the room.
 - Ask the following questions (slide 5):
 1. *What does Ward's speech tell you about the status of women in the Cherokee Nation? Provide a list of adjectives describing the status of women in Cherokee society.*
 2. *What do you know of the status of Caucasian women of the time (1781)? Provide a list of adjectives describing the status of Caucasian women in American society.*
 3. *Provide a list of adjectives describing the status of Native women today.*
 - If small group discussion, have the participants share their adjectives by asking each group for two adjectives on their list, and then go to the next group for two different adjectives. Have someone writing the adjectives in the correct column as shared. And go around until all descriptive adjectives are written into each of the three columns.
 - Then ask the full group:
 1. *How do the values and worldviews differ between the Cherokee and non-Indians in 1781 as they relate to women?*
 2. *How do the values and worldviews differ between the Cherokee Nation of 1781 and Native communities today as they relate to women? Are the values reflected in the reality for Native women today?*





10 min.



6



pp. 9–12

Mini-Talk on Colonization

- Colonization and the Erosion of Safety for Native Women
 - Before colonization violence against Native women was rare because violent behavior was inconsistent with the role of women within the worldview of Indians.
 - Many Indian nations were women centered in that women’s role as mother was central to the society and oftentimes the women had authority over the home, the production of food, and activities associated with trade.
 - The breakdown of customary laws and lifeways, which kept women safe from physical violence, and the cultural acceptance of violence against Native women, began with the conquest of Indian nations. Indian nations’ systems and lifeways that protected women were disrupted and Indian women became the target of the colonizers.
 - Currently Native women are abused at a higher rate than any other group of women in the United States.
- U.S. Restrictions on Indian Nations
 - Congress and the U.S. Supreme Court have restricted the authority of Indian nations making it difficult for Indian nations to protect Native women. Key federal actions include:
 - The Major Crimes Act (MCA) that gave the U.S. government jurisdiction over certain major crimes committed by an Indian in Indian country, seriously undermining tribal authority.
 - The Indian Civil Rights Act (ICRA) limited the sentencing authority of tribal courts, restricting the tribes’ ability to appropriately respond to serious crimes.
 - The Supreme Court action in *Oliphant v. Suquamish Indian Tribe* further limited tribes’ ability to respond to crimes by determining that tribes had no criminal jurisdiction over non-Indians.
 - Public Law 280 (PL 280) increased the jurisdictional



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pp. 13–14

complexity by transferring federal jurisdiction to some states without the funding to back it up.



8



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pp. 15–17



9



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pp. 15–17

- Land Beliefs Impact Native Women
 - The European and American governments’ belief that land belonged to individuals and not the community and that farming was the domain of men impacted the status of Native women who were considered the caretakers and cultivators of the land traditionally.
 - Explain that the General Allotment Act of 1887 (Dawes Act) authorized the government to survey tribal land and divide and distribute it to individuals (head of households). Much “surplus” was distributed to non-Indians.
- Ask the question (slide 9), how did the General Allotment Act affect women in your community? If speaking to a non-Native group, ask a more generalized question such as: How were Native women impacted by the General Allotment Act?
 - Women were often not considered head of households so were not allotted land, so were landless.
 - Non-Indians gained land on reservations, and it further affected a tribe’s ability to protect women within Indian country, as criminal jurisdiction over non-Indians was taken away from tribes.



20 min.

Video and Discussion: Native Women Today

- The short video provides a personal story of an Alaska Native woman who is a victim of rape. It highlights some of the problems in the modern day for Native women victims of rape (4 minute video). There is a link in the slide.



10

Video on Violence Against Indigenous Women in the United States by Amnesty International

<http://www.youtube.com/watch?NR=1&v=N5CtIPbbeTw>

- Full group discussion questions:
 - *What stood out for you in this short video?* Everyone should answer.
 - *How did the video make you feel?* Selected responses.
 - *What were some of the problems identified in the system of justice?* Selected responses.
 - *What responsibilities do you believe the federal, state, or tribal governments have in protecting the women of your community?*
 - *How have they failed or made strides in keeping women and children safe?*
 - *What needs to change?* Write down the responses in front of the room.



15 min.

Mini-Talk: Recent Attempts to Improve Protection for Native Women



11

- Tribal Law and Order Act (TLOA).

The workshop on jurisdiction later in this series has more information on the TLOA of 2010 and the Violence Against Women Act (VAWA) Reauthorization of 2013. The purpose of the next few slides is simply to acknowledge some improvements have been made in recent years to address the inability of tribes to protect Native women due to jurisdictional issues.

- Since the textbook publication in 2008, the TLOA was passed.
- In recent years a realization that the disempowerment of tribes has led to the increased vulnerability of Native women to violence has resulted in increased jurisdiction for tribes.
- The TLOA empowered tribes increasing their criminal jurisdiction by giving qualifying tribes the option of increasing sentencing, previously limited by ICRA.

- TLOA.

- Amended ICRA by enhancing tribal court sentencing authority



12

- Up to three years imprisonment, \$15,000 fine, or both

(increased from one-year maximum).

- Allows nine-year cap on stacked sentencing (stacking is when convicted of more than one crime from same incident).
- Protections for accused where defendant is subject to one or more years of incarceration. The protections must be afforded by the tribe in order to increase sentencing power. Accused has right to:
 - ✓ Licensed counsel for indigent defendants,
 - ✓ Licensed/law-trained judges,
 - ✓ A recorded trial (audio or video), and
 - ✓ The publication of laws, rules of evidence, and rules of procedure.



13

- VAWA’s Reauthorization.
 - The re-authorization of VAWA of 2013 makes several amendments to ICRA of 1968.
 - Most notably, it authorizes tribes to exercise “special domestic violence criminal jurisdiction” over non-Indians. A “participating” tribe is a tribe that has opted to exercise this special domestic violence criminal jurisdiction.



14

- Slide 14 describes “special domestic violence jurisdiction.”
 - A participating tribe may exercise “special domestic violence criminal jurisdiction” over a **non-Indian** defendant for:
 - Acts of domestic violence or dating violence that occur in the Indian country of the participating tribe; and
 - Violations of protection orders that are violated in the Indian country of the participating tribe.
 - In order to participate additional protections are required to ensure a non-Indian has constitutional protections even in Indian country.



5 min.



FM

Wrap-up

- Read the poem *Eagle’s Wings* by Petra L. Solimon (Laguna/Zuni), which follows the book’s preface.

Workshop 2

Topic: Impact of Sexual Violence on Native Women: A Victim's Story

Based on Chapter 2 of *Sharing Our Stories of Survival*, "Sexual Violence: An Introduction to the Social and Legal Issues for Native Women" by Charlene Ann LaPointe.

Objectives

As a result of participating in this workshop, you will be better able to:

- Explain the impact of incest and sexual violence on a child's spirit.
- Recognize the impact of sexual violence on the individual, the family, and the tribal community.
- Describe the importance of resolving the issue of violence against women in order to strengthen tribal communities.
- Suggest actions that can be taken to stop sexual violence.

Agenda

- Welcome and introductions (10 minutes)
- Overview of workshop (5 minutes)
- Portrayal of Charlene LaPointe's story (20 minutes)
- Identification of the impact of incest on victims, family, and community (30 minutes)
- Discussion (25 minutes)
- Closing *Testament* by Judi Brannan Armbruster (Karuk) (5 minutes)

Guide: Workshop 2

Potential Audiences:

- Advocates
- Service providers
- State and federal personnel working with Native populations
- Community members
- Law enforcement
- Medical personnel

Time needed: Ninety minutes

You will need:

- Easel pad or white board with markers
- Individual to portray the part of Charlene LaPointe
- Handouts 2.1 and 2.2 for each participant
- Sufficient copies of Sharing Our Stories of Survival for participants (recommended)



Caution trainer: Workshops on violence topics can be difficult for survivors. Some of the workshops deal with very sensitive issues and may be disturbing. They could trigger memories or repressed feelings. You may wish to take some of the suggestions on page 8 to provide appropriate support.

- **Workshop Road Map:** The Road Map provides directions, key talking points, and activities in each section of the agenda. The trainer must read the chapter from *Sharing Our Stories of Survival* closely and supplement additional comments either from the chapter, the chapter’s “Suggested Further Reading” section, their own experience, or information solicited from the participants.
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- The sections of the agenda with directions, key talking points, and activities appear in the main part of the document with each agenda section in an alternating color.
- Any handouts are at the end of each workshop.
- A workshop evaluation form is at the back of the manual.

Workshop Road Map



10 min.



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Welcome and Introductions

- Anticipating a small group, have people introduce themselves. This gets participants talking right away.
- If you are presenting to staff who all know each other, ask them a question that might provide some new information.
- Start with the poem, *Rape* by Eileen Hudon (White Earth Ojibwe).



5 min.

Overview of Workshop

- Review the workshop objectives. You could have them written on a white board or printed agenda.
- Review the agenda.



20 min.

Portrayal of Charlene LaPointe's Story

- Activity objective: Charlene LaPointe describes the impact of incest and sexual violence on a child's spirit through her story.
 - In this activity, find someone who can play the part of Charlene LaPointe as she tells her story of sexual violence. The person can dramatically read the excerpts from the chapter that appear in the following text, and should do so as if she were telling her own story.
 - You should tell the group that they should focus on the impact of sexual assaults on LaPointe, her family, and community; and they may want to make notes while they are listening to the story.
 - Introduction: I would like to introduce name of dramatic reader who will be playing the part of Charlene LaPointe, the author of Chapter 2 of *Sharing Our Stories of Survival*. Ms. LaPointe uses traditional storytelling to teach and Ms. [reader] will read excerpts from Chapter 2. As you listen to Ms. LaPointe's story make note of the consequences of sexual assault on her life and others.
 - May I introduce Charlene LaPointe?
-



Excerpts
from Chapter 2

- **Charlene LaPointe**

What I share through my writing comes from my own life experiences. Since my birth as the first-born girl, all my grandmothers and grandfathers were always nearby to provide encouragement and guidance. . . . We lived a simple life far out in the country on the Rosebud Reservation with simple rules, loving attentive parents, grandparents, uncles, aunties, and cousins.

[My grandmother's house was in a nearby *wasicu* (white man) town.] One day when I was about four years old, I was at my grandmother's house in town. During the afternoon, grandma and her daughters quietly left for the store without telling me. They probably had to sneak away because I wanted to be by *Unci's* side all the time. I loved the penny candy at the store and everyone knew that *Unci* couldn't say no to me. Meanwhile, back at the house, I went inside to find grandma, but she wasn't there. The next thing I remember, I was lying in the small room on the bed and big man stepuncle was lying behind me. I remember wondering where my pants were. I remember feeling excruciating pain. To this day I believe that *Wakantanka* (the Great Holy) mercifully took my spirit from my body because my mind was gone. Big man stepuncle raped and sodomized my little four-year-old body when no one was around to protect me. . . .

When I could hear her [my grandmother] whisper my name, I bolted on a dead run lest the evil that befell me should grab me before I reached the safety of grandma's arms. For some reason, grandma put her apron over my head and led me inside as you would a spooked horse. On that day, in that moment of unbearable pain, my spirit journey on the good red road was deterred by a pedophile stepuncle. Through incestuous rape, this evil man forced a four-year-old girl onto the black road of alcohol, drugs, violence, suicidal ideations, suicide attempts, and a whole slough of other insane behaviors. Thus began my preschool education. . . .

In 1953, at the ripe old age of five, I entered the same boarding school that my mother had attended. It had been seventy-four

years after the establishment of Pratt's Pennsylvania boarding school for Indian children. By this time, Pratt's tactics were being used to not only kill the Indian, but the man as well. I became an unrecorded statistic over and over again, sexually abused by thoroughly trained, human products of Pratt's well-thought-out military system of deprivation. The war against Native children was alive and well and still churning out children conditioned to turn against their tribal culture, spirituality, and anything feminine in their **psyche**. Over the centuries, we shared the same fate as our ancestral sisters. Our men, who once were warriors of great tribal chief, warrior, and medicine societies, were changed and set loose in the homes, families, and extended families of the tribe to wreak havoc upon ancient ways of the world *wolakota*. . . .

Within a very short time of starting boarding school, I fell under the scrutiny of and received unwanted attention from both male and female pedophiles. I must have been the perfect victim, having been initiated before I got to school. The second perpetrator in my short life on this earth was my kindergarten and first grade teacher. She was a redhead who always wore her hair in a bun. She seemed to relish degrading, humiliating, and punishing me in front of my peers. Eventually, the time came that I preferred physical punishment to the ugly wrongs that she did to me and made me do to her while the rest of the class napped. If I recoiled from her touch, she punished me. If I hid from her during recess, she punished me. If I recognized and tried to help alleviate the fear and emotional pain of another student whom she focused her nasty attention upon, she punished me.

The third self-appointed sex teacher was another white female. From those particularly intrusive encounters came something dark and insidious, like memories marinating in a dark murkiness that would make me physically sick when I heard stories of women being raped with foreign objects. When young Native men disrespectfully recited sexually explicit jokes about oral sex in the presence of young women, I could not argue with them as other young women did. I usually ended up in the bathroom vomiting.

It seemed that the rapes, molestations, attempted molestations, snarling anger, and the hunter-prey stalking tactics of the predators became commonplace. The only time that I felt safe was alone or with my immediate family. It was not a foolproof defense because I grew up in boarding schools . . . and I couldn't always be with my family. I was prey just like the rest of the poor innocent little children.

Throughout my school years until my early thirties, sexual predators seem to be everywhere! My spirit left my body many, many times. Mental health professionals have labeled this as a dissociative disorder. I believe that the ability to leave one's body is *of the spirit*. It can become a disorder. . . .

In boarding school, I was a chronic bed wetter and was shamed by being forced to hold up and display my soiled sheets for all the girls to see as they went by in line with their sheets. Sometimes the sheets were hung out the window for the boys to see, and they would always ask whose sheets they were. Shame and ridicule were daily lessons, as if we weren't carrying enough burdens already. When I left that particular boarding school, I went home with my family. My bed-wetting stopped because something more sinister was taking place. . . .

At the age of five, I was unwittingly introduced to alcohol by an aunt who tricked me. My first drink was from the "land of sky blue waters," Hamm's Beer. To this day, I still remember the feel of bubbles in my mouth after drinking this odd-tasting water. I thought it was soda pop because it was given to me with shoestrings (an old name for French fries). . . .

My next drink was as a preteen at a school for Indian girls where we were supposed to learn how to be prim-and-proper young ladies. A few girls were detailed to clean the headmaster's house where we found a gallon of church wine in the pantry. We drank it and thought we were drunk. I don't think any of us knew what it felt like to be drunk, but we sure were giggly and woozy. Nothing prim and proper about that!

By my early teens I was hanging around friends whose parents were heavy alcohol users so it was easy to sneak drinks and smoke cigarettes. The first time I really got drunk was off of

bad port wine that someone bought for us for three dollars. Really bad stuff! My alcohol use escalated throughout my late teens and twenties until my early thirties. When my aunt tricked me into drinking beer when I was five years old, little did she know that booze would be the double-edged sword that would increase my vulnerability for the next twenty-nine years.

My illicit use and distribution of drugs began around the age of twenty-one. I used hallucinogens (acid, mescaline, psilocybin) amphetamines, marijuana, hashish, cocaine; shot up “yellow jackets” and heroin; and dropped “reds.” I used whatever I could get my hands on. Use of mood-altering chemicals became a very negative survival skill for me. Getting intoxicated or “high” provided only temporary relief from memories that I didn’t want to remember and feelings I didn’t want to feel. I was a loner throughout childhood and college, except for family and relatives. If I isolated myself from people, I wouldn’t have to deal with them. Along the way, I met many sexually violated people who also were hypervigilant and hypersensitive. I figured that since none of us trusted anyone, it would be all right to party with them. Wrong! It was the worst pit of vipers that can be imagined. It was a den of sexual predators and no female was safe—whether infant, toddler, teenager, adult, or elder. My addiction to alcohol and drugs only succeeded in making me sicker emotionally, physically, psychologically, and spiritually.

During my childhood, I became quite a talented artist. I won an award for my portraits and animal charcoals in a large county fair when I was twelve years old. When I was about fourteen or fifteen years of age, I was selected as one of four people in South Dakota to study under the tutelage of a famous Dakota artist, Oscar Howe. I had many opportunities to excel throughout my life. Still, there were things that people didn’t know about me, such as my intense bouts with fear of people that kept me hidden in my room for weeks. During those times, the only person I sometimes allowed in was my mother. Sometimes I refuse to eat and I let my personal hygiene go. I referred to that as my “skunk syndrome,” another negative survival skill. I identified with the skunk, my four-legged

relative, because it is a nocturnal and shy creature. When it becomes fearful it quickly and effectively repels humans and animals with its protective scent.

I mentioned earlier . . . that my bed-wetting in boarding school had stopped because something sinister was taking place. I began to harbor an intense hatred of people who terrorized and mercilessly teased the *Lakota hci* (the very Lakota) and the passive, shy, and fearful ones. This hatred gradually developed into a violent rage. I began to speak less and less and to show my rebellious stubbornness more and more, especially as I got older. I experienced my first blackout rage when I was nine years old and in fourth grade. A girl slapped me and before I even felt the sting, my mind was gone. What brought me to my senses was pain at the top of my head. When I was fully aware of what was going on, I realized that my hair was caught in the bedsprings of the bottom bunk bed and that someone was pulling me by the ankles trying to break up the fight. I was on top of her, hitting her with my fists. I found out later that we fought until a matron came and pulled me off of her. It was a very strange experience, like being able to leave my body and watch what was happening from up above.

I began to read detective magazines and daydreamed about killing white people. Sometimes I drew detailed scenes of bloody carnage, or women being beaten and raped. I despised weakness in people, especially the women who behaved provocatively or who were sexually promiscuous. In my teenage mind, I thought they didn't know what perverts could do to them! In hindsight, I realize that it was my own self-hatred, self-loathing, and feelings of powerlessness that led me to be judgmental toward other rape victims. I became interested in the weapons section of the detective books and began saving up my babysitting money for an Uzi. As my rages became more frequent I resigned myself to the idea that I would end up in prison for the rest of my life someday for mass murder. . . .

One day, also in 1980, my *ate* (pronounced ah-te), my earthly father, broke a time-honored custom between father and daughter to talk directly to me about my anger. He said to me in Lakota, "My daughter, your anger is hurting a lot of people but,

most of all, you are hurting yourself. It's going to be the hardest thing you ever do in your life, but when someone gets you mad I'm asking you to walk away." That was all he said, but those words gave me the courage to begin a change in my violent lifestyle. It was extremely hard to de-escalate my anger, but each time I walked away, the stronger I became.



30 min.

Identification of the Impact of Sexual Abuse on Victims, Family, and Community

- This activity could be done in a large group. If you have more than ten in your group, splitting into small groups of five to seven persons is suggested.
- You will need easel paper and markers for each group.
- Activity objective: Create an awareness of the impact of a sexual assault on an individual, family, and community.
- After the participants have heard Charlene LaPointe's story, have them work as a whole or in small groups on the following activity.
- Hand out the Medicine Wheel, Handout 2.1. Explain as you hand it out that Natives believe that a sexual assault affects the whole person—a person's body, mind, emotions, and spirit. The Medicine Wheel is used to describe these key aspects of an individual.
- Ask each participant to spend five minutes working with the handout, writing the effects the sexual assaults had on Charlene LaPointe's body, mind, emotions, and spirit. They can write in the section of the Medicine Wheel or by the corresponding section of the Medicine Wheel. How did the sexual assaults affect her body? Mind? Emotions? Spirit?
- Draw a Medicine Wheel on an easel pad with body, mind, emotions, and spirit identified on the wheel. Ask the group to identify the impact of sexual assault on Charlene LaPointe by going through each quadrant. List the identified impact in the appropriate quadrant.
- After all ideas have been listed, ask them if they know of other impacts on an individual sexual assault victim and add their answers to appropriate quadrant.
- If you do have a large group and want to split into small

group discussions, you could split into small groups and provide each group with an easel sheet. Have them draw a Medicine Wheel and discuss each. Provide them fifteen minutes for discussion. Then have each group report to the full group.

- Ask the group to identify the impact of LaPointe’s sexual assaults on her family. List the effects on a separate easel pad or section of the white board. After all ideas have been listed, ask them if they know of other impacts on families of sexual assault victims and add the responses to the list.
- Ask the group to identify the impact of LaPointe’s sexual assault on her community. List the answers on a separate easel pad. After all ideas have been listed, ask them if they know of other consequences for families of sexual assault victims and add the responses to the list. You could have one of the participants help you by writing the responses on the pad.
- Provide the class Handout 2.2 after completing the preceding tasks and have them compare the indicators of child sexual abuse with their responses.
- What signs did LaPointe exhibit?



25 min.

Discussion

Facilitator should review the chapter for assistance in the discussion. The following questions are from the “Questions” and “In Your Community” sections of the chapter. Key discussion points are included.

- *Why is it so important to understand how sexual violence affects Native women?* If you don’t understand the impact on women, you cannot understand the extent of the problem or find healing and justice for women, family, and tribe. By understanding the impact, you also understand the importance in resolving this problem. Understanding the specific barriers and effects on Native women is vital to working for the system’s change.

-
- *How did Pratt's philosophy of "Kill the Indian, Save the Man" pervade the lives of Indian women and girls? Are the impacts of this still felt today?*

The loss of culture and language caused by Pratt's philosophy killed the spirit of many Indian women and men. Men lost their cultural roles and embraced a culture of violence. As women lost their identity, they also lost their spirits. The loss of culture and language and the introduction of violence into family occurred in boarding schools, and have been passed from generation to generation. Important traditional values that were taught Native children, such as to respect all and to value the sacredness of women and children were not taught to children raised in boarding schools. This resulted in the loss of status and respect for women, which continues today.

- *What are the differences that Native women experience or face when dealing with sexual assault that non-Native women do not?*

They deal with the impact of colonization, discrimination, and generational violence; lack of a strong tribal justice system to hold offenders accountable; lack of or inadequate tribal codes on sexual offenses; and a complicated justice system that could include federal, tribe, and state jurisdictions.

- *Why are feminist models for dealing with sexual violence inadequate for Native women?*

The mainstream feminist models do not value traditional culture. Modern feminism misinterprets traditional gender roles in Native American society. It does not embrace traditional cultural songs and ceremonies as a way of healing. The models don't adequately address discrimination and colonization. Colonization has left many Native people with a lack of trust for government systems. There is also no understanding of the tribal courts and the tribal justice system.



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The questions in the “In Your Community” section are a great way for participants to relate the information in LaPointe’s story to their own community.

- *What lessons have you been taught about how to treat women and their place within the community?*
- *Does your tribe have codes addressing sexual assault? Do you feel that they are adequate? What improvements need to be made?*

You may want to have a copy of the tribal code from the community available and be prepared to talk about any shortcomings.

- *How do women in your community deal with sexual violence and its affects? Where can women and children go if they need help? Are the agencies run by Native women?*

You should know what community resources are available.



5 min.



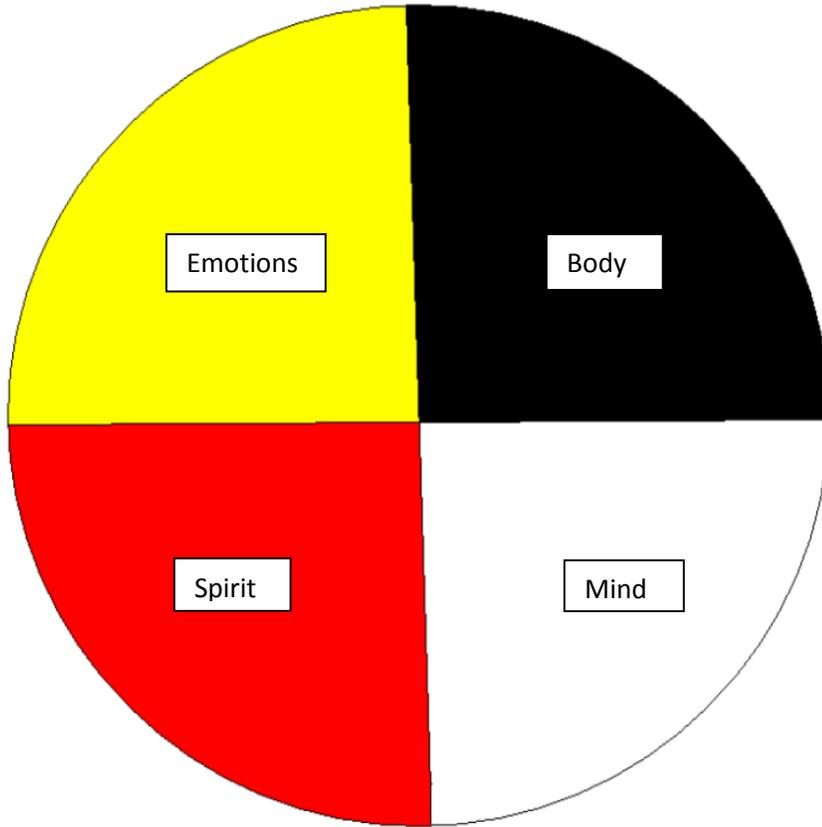
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Closing

Read or have a participant read *Testament* by Judi Brannan Armbruster (Karuk).

Handout 2.1

Medicine Wheel



Handout 2.2

Stop It Now, an organization working on educating adults on child sexual abuse, lists the following as nonphysical indicators of child sexual abuse.

Stop It Now, Warning Signs in Children and Adolescents of Possible Child Sexual Abuse. Available at http://www.stopitnow.org/warning_signs_child_behavior (accessed February 10, 2012).

Any one sign doesn't mean that a child was sexually abused, but the presence of several suggests that you begin asking questions and consider seeking help. Keep in mind that some of these signs can emerge at other times of stress such as during

- A divorce;
- The death of a family member or pet;
- Problems at school or with friends; or
- Other anxiety-inducing or traumatic events.

Behavior you may see in a child or adolescent:

- Has nightmares or other sleep problems without an explanation;
- Seems distracted or distant at odd times;
- Has a sudden change in eating habits;
- Has sudden mood swings: rage, fear, insecurity, or withdrawal;
- Leaves "clues" that seem likely to provoke a discussion about sexual issues;
- Writes, draws, plays, or dreams of sexual or frightening images;
- Develops new or unusual fear of certain people or places;
- Refuses to talk about a secret shared with an adult or older child;
- Talks about a new older friend;
- Suddenly has money, toys, or other gifts without reason;
- Thinks of self or body as repulsive, dirty, or bad;
- Exhibits adult-like sexual behaviors, language, and knowledge;
- Exhibits signs more typical of younger children;
- Is an older child who behaves like a younger child (e.g., bed-wetting or thumb sucking);
- Has new words for private body parts;

- Resists removing clothes when appropriate times (e.g., bath, bed, toileting, or diapering);
- Asks other children to behave sexually or play sexual games;
- Mimics adult-like sexual behaviors with toys or stuffed animal; and
- Has wetting and soiling accidents unrelated to toilet training.

Signs more typical in adolescents:

- Self-injury (e.g., cutting or burning);
- Inadequate personal hygiene;
- Drug and alcohol abuse;
- Sexual promiscuity;
- Running away from home;
- Depression or anxiety;
- Suicide attempts;
- Fear of intimacy or closeness; and
- Compulsive eating or dieting.

Workshop 3

Topic: Introduction to Domestic Violence in Native Communities

Based on Chapter 3 of *Sharing Our Stories of Survival*, “Domestic Violence: An Introduction to the Social and Legal Issues for Native Women” by Victoria Ybanez.

Objectives

As a result of participating in this workshop, you will be better able to:

- Appreciate how institutional racism and oppression make combating domestic violence in Native communities more complicated.
- Define domestic violence and describe the common tactics used to control victims.
- Explain the causes of domestic violence.
- Evaluate the myths of domestic violence.
- Consider tribal responses to domestic violence.

Agenda

- Welcome and introductions (10 minutes)
- Overview of workshop (5 minutes)
- Defining domestic violence (40 minutes)
- Mini-talk on myths, root causes, and reclaiming values (20 minutes)
- Discussion (10 minutes)
- Closing (5 minutes)

Guide: Workshop 3

Potential Audiences:

- New advocates
- Service providers
- State, federal, and tribal personnel
- Law enforcement
- Community members
- Older adolescents

Time needed: Ninety minutes. With a larger group, you may need 120 minutes.

You will need:

- White pad or easel pad and markers.
- Half sheets of recycled paper with fifteen for each participant, masking tape, and markers or pens for each participant.
- Figure 3.1, Unnatural Power and Control, (handout) or textbook.
- Textbooks for participants (recommended).
- Computer and projector for a PowerPoint presentation.
- This workshop could be done without a PowerPoint presentation with some adjustment by facilitator.
- The tribal statute in your area defining domestic violence.



Caution trainer: Workshops on violence topics can be difficult for survivors. Some of the workshops deal with very sensitive issues and may be disturbing. They could trigger memories or repressed feelings. You may wish to take some of the suggestions on page 8 to provide appropriate support.

- **Workshop Road Map:** The Road Map provides directions, key talking points, and activities in each section of the agenda. The trainer must read the chapter from *Sharing Our Stories of Survival* closely and supplement additional comments either from the chapter, the chapter’s “Suggested Further Reading” section, their own experience, or information solicited from the participants.
-  The time needed for each section of the agenda appears on the left side of the page at the beginning of each section of the agenda. Note that a section may include several slides or activities.
-  PowerPoint slide numbers are referenced on the left side of the page.
-  The pages in *Sharing Our Stories of Survival* that provide further information for the facilitator are included on the left side.
- The sections of the agenda with directions, key talking points, and activities appear in the main part of the document with each agenda section in an alternating color.
- Any handouts are at the end of each workshop.
- A workshop evaluation form is at the back of the manual.

Workshop Road Map



10 min.



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Welcome and Introductions

- Open with the poem, *Kitchen Table Wisdom* by Margaret “Augie” Kochuten (Quinault).
- Have participants introduce themselves. Ask them what they expect to learn from the workshop or another question that might fit your participants.



5 min.



2, 3

Overview of Workshop

- Review the agenda.
- Review workshop objectives.



40 min.



4

Defining Domestic Violence

- Activity objective: The participants will better recognize many acts of domestic violence, place them into similar categories, and define domestic violence.
- Materials needed: half sheets of recycled paper, masking tape, markers for each student, and Figure 3.1, Unnatural Power and Control, on page 52 (or provide as handout).
- Facilitator should read the information in the section “What Is Domestic Violence?”
- Direction for activity:
 - Divide the groups into pairs.
 - Provide everyone with half sheets of recycled paper (fifteen to twenty each) with some masking tape.
 - Explain to the group that all forms of domestic violence have the intent to control victims by using various tactics and that all tactics of power and control within a household should be examined in this exercise.
 - *What are the acts that one person uses to control another in a household?* This question is on Slide 4.
 - You might state that not all of the acts of control will be considered domestic violence. The participants should list



pp. 50–3

all they can think of.

- Tell the group that they should write large enough on their half sheets so that the sheet can be seen when taped to the wall with no more than five words on a sheet and only one act per sheet. They should write as many different acts of control as they can think of in six minutes using their half sheets of paper and markers.
- After they have prepared their acts of control, have them talk to their partner for five minutes and identify acts that they believe could be domestic violence—eliminate any duplication and identify at least eight acts of domestic violence.



5



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- Unnatural Power and Control Pyramid. Use handout or text (slide 5).
 - Briefly describe the pyramid: There are several divisions of tactics used by batterers to control victims. You could read each of the divisions and its explanation from the pyramid.
 - Have each of these categories written on half sheets of paper and placed on the wall in such a manner that participants have adequate room to place their half sheets under the category. The categories are physical violence; sexual violence; ritual abuse; cultural abuse; coercion and threats; economic abuse; minimize, lie, and blame; emotional abuse; intimidation; isolation; and male privilege.
 - Have the participants, working in pairs, place their half sheets of domestic violence acts on the wall under the categories listed. Give participants five minutes to discuss with partners and place in a category.
 - Discuss each of the categories. Ask the participants if they can think of additional acts in each category.
 - Defining domestic violence: Then ask the group to define domestic violence as their society would make certain acts illegal. Have them work with their partners for five minutes to come up with a definition.
 - Ask them to report their definition and post them.



- A possible working definition of domestic violence (slide 6) is the misuse of power in a relationship in order to coerce, control, intimidate, or dominate another person. It can be understood as a pattern of behaviors used to control or exert power over another person in the context of an intimate relationship.



- Not every act of domestic violence is illegal. Why?
 - Generally it is defined by criminal statute as a *forbidden conduct in the context of a designated relationship between the parties equals domestic violence crime*.
 - The author defines domestic violence as “a pattern of physical and/or sexual violence committed by a current or former intimate partner.”
 - Provide the group with the local statute defining domestic violence and review that statute with the group.
 - Ask the group what conduct and what relationship are required to be illegal under their local statute?
 - Depending upon the group, you may wish to spend more time on the local statute. The group could refer back to their list of acts and discuss which acts may not be considered illegal under their statute.
 - The following is the definition in the Oglala Sioux Tribal Code, if you don't have a copy of the local code you may wish to use this definition as an example.

The Oglala Sioux Tribal Code Defines Domestic Violence as:

Domestic violence/abuse means the occurrence of one or more of the following acts by a family or household member, but does not include acts of self-defense:

(a) Attempting to cause or causing physical harm to another family or household member,

(b) Placing a family or household member in fear of physical harm,

(c) Causing a family or household member to engage involuntarily in sexual activity by force, threat of force, or duress.



20 min.

Myths about domestic violence.

Slides 8–11 deal with common myths about domestic violence. Ask the group if the statement on the slide is true or false. Then ask questions about the statement. The facilitator will probably receive most of the information needed from the participants, but the facilitator should be prepared to add any information missing. Each of these myths is discussed in the text.



8



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p. 53

- A battered woman has many legitimate reasons to stay in an abusive relationship. True.
 - Ask why she can't leave and be prepared to add in reasons not mentioned by the group.



9



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p. 54

- Battering is caused by lack of control. False.
 - Ask why do abusers batter?



10



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- Stress, relationship problems, or alcohol abuse causes domestic violence. False.
 - Ask the question: What role do these “problems” play in domestic violence?
 - The key word is *causes*. The problems may increase the propensity toward domestic violence and the severity, but are not considered the root cause.



11



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- Law enforcement and civil and criminal interventions will keep women safe. False
- Why is this a myth?



12

Root causes of domestic violence in Native communities:

- It is so important to look beyond the couple experiencing violence and look to why the institutions and culture promote violence or fail to prevent violence.



pp. 57–9

- Highlight how history of colonization and oppression relates to violence in Native communities.
- Colonization and history of oppression
 - Removal of Native children during boarding school era,
 - Multiple massacres of Native people,
 - Widespread rape of Native women, and
 - Internalization of oppression.

The Cage of Oppression (slide 13)



13

- Questions for participants.
 - *What are some words that come to mind when you think about a cage?*
 - *What do all the groups of people at the top have in common?*
 - *What about the groups at the bottom?*
 - *What are some of the offensive labels attached to the groups at the bottom? Such as people of color? Such as women?*
- Violence keeps all the people in their spot in the cage.
- It is so important to look beyond individual tactics of power and control to institutional and societal supports for domestic violence. The institutions—legal systems, government, and society—work to keep power with those who have power and limit the power of others. Violence is a means of doing this.



p. 59



14

This slide illustrates the impact colonization had on Natives. Taking them from where they had balance with the natural world (where all was respected) to one with great imbalance and inequality . . . and all the -isms we have just talked about in the cage of oppression, such as racism, sexism, and ageism.



15

Quotation from Tex Hall.

- Read or have a participant read.



16

Quotation from William Bartram (European), 1773 (writing about the Creek and Cherokee Indians).

- Read or have a participant read.



17

- Return to traditional values. As Wilma Mankiller points out in this quotation on slide 17.
- Indigenous people have indigenous solutions to their problems.
- To eliminate domestic violence we need to return to our values that honor women and return women to their rightful place in our societies. Likewise, returning balance to our communities and to our relationships with each other and our environment is vital.



20 min.

Discussion

- Use select questions from the “Questions” and “In the Community” sections for discussion. The following questions might be good for your group. Choose ones that are appropriate. Depending on the participants, you could also ask questions regarding how traditional values are being incorporated into their community institutions. Ask as many questions as time allows.
 - *Why is it important for law enforcement officials and advocates to look at patterns of abuse and not individual instances when working with victims?*

Understanding that domestic abuse is caused by an oppressive, colonized society rather than simply looking at individual behavior is important when working with victims, as it helps understand why an empowerment model of advocacy should be employed. Making decisions for the victim is a continuation of the oppression. Further, it also helps in understanding why

changes must be made in society and systems that tolerate such a high incidence of violence against women in a community. Advocates and law enforcement should look at what parts of the current systems act as barriers to women escaping violence or support the batterers' power and control. Also, it is important to look at the system to see whether it is supporting Native values, such as women are sacred, because traditional values will not tolerate domestic violence and will bring balance to communities if restored.

- *How can tribal communities respond effectively to domestic violence? What are some of the difficulties tribal justice systems face that non-Native communities might not have to deal with?*

Safety and accountability should be at the center of a tribal response. Safety means more than just stopping violence; it means embracing the sovereignty of women. The tribal government should foster an environment in which a battered woman makes decisions about her own needs, with consideration of the risk the decisions may have on her children or the community. The tribal court system must promote accountability by ensuring effective interventions without exception for relationship or community status. For instance, tribes should not make exceptions for violent men who sit in positions of power in tribal government or in spiritual societies. There must be a strong message that the community will not tolerate violence.

The federal government limits certain kinds of powers of the tribal justice systems. They are unable to criminally hold non-Indians accountable for violence against Native women, except for some "special domestic violence jurisdiction" available under VAWA 2013. Tribal systems generally are insufficiently funded, which affects their ability to effectively respond to domestic violence. The number of law enforcement officers is often inadequate for the geographical size of the jurisdiction, which delays response times.



5 min.



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Closing

Read the poem *Eagle's Wings* by Petra L. Solimon (Laguna/Zuni), which follows the book's preface.

Workshop 4

Topic: Special Issues Facing Alaska Native Women Survivors of Violence

Based on Chapter 4 of *Sharing Our Stories of Survival*, “Special Issues Facing Alaska Native Women Survivors of Violence” by Eleanor Ned-Sunnyboy.

Objectives

As a result of participating in this workshop, you will be better able to:

- Comprehend the extent of the violence against Native women and children in Alaska.
- Explain the traditional Alaska Native values that prohibited violence against women and children.
- Recognize the barriers that Alaskan Natives face in responding to and preventing violence against women and children.
- Support some positive steps taken to address violence against Native women and children in Alaska Native communities.

Agenda

- Welcome and introductions (10 minutes)
- Overview of workshop (5 minutes)
- Poem, *Did I Know Your Dad?* by Diane E. Benson (Tlingit) (15 minutes)
- Barriers to safety and justice (activity) (25 minutes)
- Using traditional values to eliminate violence against women (activity) (30 minutes)
- Closing (5 minutes)

Guide: Workshop 4

Potential Audiences:

- Service providers
- State and federal personnel
- New domestic violence and sexual assault advocates working with Alaska Native
- Alaska law enforcement personnel
- Alaska medical personnel

Time needed: Ninety minutes

You will need:

- Computer and Internet access for video
- Sound system and projector for video
- Easel pad and markers
- Textbooks for participants (recommended)



Caution trainer: Workshops on violence topics can be difficult for survivors. Some of the workshops deal with very sensitive issues and may be disturbing. They could trigger memories or repressed feelings. You may wish to take some of the suggestions on page 8 to provide appropriate support.

- **Workshop Road Map:** The Road Map provides directions, key talking points, and activities in each section of the agenda. The trainer must read the chapter from *Sharing Our Stories of Survival* closely and supplement additional comments either from the chapter, the chapter’s “Suggested Further Reading” section, their own experience, or information solicited from the participants.
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- Any handouts are at the end of each workshop.
- A workshop evaluation form is at the back of the manual.

Workshop Road Map



10 min.

Welcome and Introductions

- Have the participants introduce themselves and ask them a question about themselves.



5 min.

Overview of Workshop

- Review the agenda.
- Review workshop objectives.



15 min.

Poem, *Did I Know Your Dad?* by Diane E. Benson (Tlingit) and discussion



p. 229

- Read the poem to the participants
- Engage in discussion of the poem. Don't hesitate to read parts or the entire poem again.
- Discussion questions:
 - *What is the story told in this poem?*
 - *What feeling did you have while the poem was read?*
 - *What feelings does the woman express in the poem?*
 - *What memories does this encounter with the rapist's son bring?*
 - *Are there ideas or suggestions in this poem that are unique to Alaska Natives?*



25 min.

Barriers to Safety and Justice



pp. 71–2

- Provide a brief introduction describing the extent of violence against women and children in Alaska:
 - Alaska has one of the highest per capita rates of physical and sexual abuse in the United States.
 - Alaska reports 83.5 rapes per 100,000 females compared to a U.S. average of 31.7 per 100,000 females.
 - Informal polls taken by advocates in some off-road communities indicate 100% of the women are survivors of domestic or sexual abuse.

- Thirty percent of the state child abuse, neglect, and injury reports involve Native children.
- Natives make up 36% of Alaska's inmate population; 59% are incarcerated for violent crimes and 38% for sexual offenses.
- Show the following video by Amnesty International that shows an Alaska Native survivor and describes some of the difficulties in Alaska (4 minute video).
<http://www.youtube.com/watch?NR=1&v=N5CtIPbbeTw>
- Small group or large group: Ask participants
 - *Knowing these facts and seeing the video, what barriers do you anticipate to enforcement of domestic violence and sexual assault criminal statutes?*
 - Have each group report barriers and write them on a white board.
- Most Alaskan tribes have no territorial jurisdiction (tribes in the contiguous forty-eight generally have jurisdiction over their territory—termed *Indian country*, but tribes in Alaska are corporations and do not have a fixed territory over which to govern).
 - *Ask: Knowing this fact, what additional barriers do you see?*
 - Highlight any additional barriers missed by the participants.
 - Many communities are off road and only have access by air. Ninety percent of these do not have any law enforcement.
 - Police authority is provided by the Alaska State Troopers, who rarely have a presence in the villages unless called.
 - Law enforcement response is thus delayed not just for hours, but also for days. There is no immediate response available through law enforcement.
 - There generally is no infrastructure in the community to immediately respond to violence.
 - Because of the small communities, impartiality can be

a problem when community leaders or family members are perpetrators.

- Reporting an incident can result in one family blaming the other.
- There is a great deal of confusion over the extent of tribal jurisdiction in Alaska, as it is a PL 280 state and only one tribe has a federal recognized reserve. The rest of the tribes in the state reside on land that is not considered Indian country. Many state officials do not believe that the tribes have any jurisdiction, and this belief leads to the state failing to fund development of community response networks.



30 min.

Using Traditional Values to Eliminate Violence Against Women

Activity objective: Understand how the use of traditional values can be used to eliminate violence.



pp. 73–6

- Facilitator should be prepared to ask four people to read certain sections of Chapter 4 in the “Preconstitutional Law” section starting on page 73. Other participants should follow along in their texts.
- After each reading ask the group: What are the key values or norms of Alaskan Natives demonstrated or explained in this reading?
- Keep a record of the responses on a white board.
 - Have the first person read the first paragraph in this section and the statement from Tuhiwani Smith.
 - Have the second person read the three paragraphs starting on page 74 where the last person left off through the quotation toward the end of the page.
 - Have the third person read starting at the last paragraph on page 74 through the full first paragraph on page 75.
 - Have the fourth person read starting at the second full paragraph on page 75 through the quotation on that page.

-
- Eleanor Ned-Sunnyboy makes a point that traditional values can be used to combat violence against women.
 - Ask the participants if they agree and what ideas they have on how these values could be reincorporated into Alaska Native life.
 - Considering the barriers faced by Native women (go back to the list prepared earlier), are there suggestions on how a community can take action to overcome these barriers?
 - Share Ned-Sunnyboy’s ideas from the “Vision of Hope” section on page 81.



p. 81



5 min.



p. 2

Closing

End with the poem, *Native Women* by Jayci Malone (Stockbridge-Munsee Mohican)

Workshop 5

Topic: Historical Trauma and Obstacles Faced by Urban Native Women

Based on Chapter 5 of *Sharing Our Stories of Survival*, “Overview of Issues Facing Native Women Who Are Survivors of Violence in Urban Communities” by Rose L. Clark and Carrie L. Johnson.

Objectives

As a result of participating in this workshop, you will be better able to

- Explain the impact of historical trauma on violence against Native women.
- Describe the factors that contribute to the high rates of violence against Native women in urban areas.
- Identify some of the predictors of a violence victim.
- Recognize the barriers to service for Native urban victims.

Agenda

- Welcome and introductions (10 minutes)
- Overview of workshop (5 minutes)
- Historical and multigenerational trauma (30 minutes)
- Statistics and predictors of violence (5 minutes)
- Discussion (20 minutes)
- Barriers to services (15)
- Closing: *How Madwomen Survive*, by MariJo Moore (Cherokee) (5 minutes)

Guide: Workshop 5

Potential Audiences:

- Advocates
- Social workers
- Law enforcement officers
- Service providers
- Community

Time needed: Ninety minutes

You will need:

- Easel pad and markers
- Computer with Internet access
- Projector and speakers/audio for the video
- Textbook for participants (recommended)



Caution trainer: Workshops on violence topics can be difficult for survivors. Some of the workshops deal with very sensitive issues and may be disturbing. They could trigger memories or repressed feelings. You may wish to take some of the suggestions on page 8 to provide appropriate support.

- **Workshop Road Map:** The Road Map provides directions, key talking points, and activities in each section of the agenda. The trainer must read the chapter from *Sharing Our Stories of Survival* closely and supplement additional comments either from the chapter, the chapter’s “Suggested Further Reading” section, their own experience, or information solicited from the participants.
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- Any handouts are at the end of each workshop.
- A workshop evaluation form is at the back of the manual.

Workshop Road Map



10 min.



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Welcome and Introductions

- Welcome participants and read poem, *WRONG!!!* by Frances M. Blackburn (Northern Arapahoe)
- Introductions: After introducing yourself, ask participants to introduce themselves. This workshop requires participation and the earlier you have participants talk, the more likely they will participate.



5 min.

Overview of the workshop

- Review the workshop objectives.
- Review the agenda.



30 min.



p. 87

Historical or Multigenerational Trauma

Historical or multigenerational trauma is caused by the experiences shared by Native Americans of historical traumatic events like displacement, forced assimilation, language and culture suppression, and boarding schools. It is passed down through generations. The sense of powerlessness and hopelessness associated with historical trauma contributes to alcoholism, substance abuse, suicide, and other health issues. There is also scientific evidence that traumatic events also may cause changes to the survivor's brain and to the DNA of survivors' children.

- The film *Century of Genocide in the Americas: The Residential School Experience* by Rosemary Gibbons and Dax Thomas tells of the experience and impact of boarding schools on the First Nations of Canada, but the experience is similar for Native Americans in the United States.
 - An alternative activity appears at the end of this workshop. It requires a person comfortable with presenting and who is knowledgeable of Native American history.
 - Tell the participants that as they watch the film, they

should consider the impact of the boarding school experience on the students and the students' children.

- Show the film, which is available at <http://vimeo.com/36847324> (17 minutes).
- Discussion of film: If a large group, split into small discussion groups.
 - Ask each participant (considering small group) to tell, *what one thing really stood out for them? If they were to take one memory home from this film, what would it be?*
 - The purpose of these questions is to get everyone involved in the discussion and to highlight the key scenes or learnings in the film. The answers should be short and stick to one thing.
 - *What impact did the boarding school experience have on Native students? Write the responses on a white board.*
 - *What do you think the impact was on the student's children?*
 - *How does someone find healing from historical trauma? How do you find balance and harmony?*
 - The traditional ceremonies restoring Native values can be powerful tools in healing historic trauma.
 - Many Native counselors will also bring traditional tribal ceremonies and healers into the counseling process.
 - Almost every tribe has a concept and often a word that describes “being in a good way” through traditional values.
 - In Ojibwe or Anishinabe the word is *Bimadziwin*, roughly translated as “the good life path.”
 - In Cree it's *Miyowichehtowin*, or “having good relations.”
 - In Iroquois it's *Shen-nen Kowa*, or “maintaining peace between parties.”
 - In Navajo it's *Hozho*, *or* “walking in beauty.”
 - In Cherokee it's *Duyukdv*, or “living in truth or dignity, traveling the Red Road.”



p. 96



5 min.

Statistics and Predictors of Violence

The history of trauma has led to high levels of violence in Native communities, including urban Native communities.



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pp. 90–3

- Predictors of violence. If we take a look at some of the risk and vulnerability factors associated with violence against Native women, the link between colonization and historical trauma and violence will become very clear.
 - Historical trauma makes a person vulnerable to further victimization.
 - Either use PowerPoint or write the following on a white board as you discuss them:
 - Three major predictors of recent violence are severe childhood violent victimization, low-income status, and problem drinking.
 - ✓ The strongest predictor of recent violent victimization is severe childhood violence victimization (6.5 times more likely to be a recent victim of violence).
 - ✓ Problem drinkers are 5.5 times more likely to report recent violence.
 - ✓ Women with income under \$20,000 are 4.9 times more likely to report violence.
 - Native women who report racism are 4.4 times more likely to report recent violence.



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pp. 89–90

Statistics

- Prepare a few PowerPoint slides with statistics or use a white board to highlight key statistics.
 - Urban Indians struggling with poverty are among the highest at risk for violent crime victimization.
 - Violent crimes are highest for Natives living in urban areas.
 - Natives with income less than \$10,000 report highest victimization.
 - Highest-risk relationships for violence for Natives are interracial relationships

- More than half of violent victimization involves offenders with a past relationship to the victim.
- One in five violent victimizations involves an offender who is an intimate family member.
- Fifty-seven percent of Native victims report their offender as white and 9% report black offenders.
- Natives' violence crime victimization rate is 2.5 times higher than the national rate.
- Native women report rape at more than twice the overall population.
- Alcohol and drug use is significantly positively correlated with intimate and family violence among all racial groups, but 62% of victimized Native women report offenders' use of alcohol, compared to 42% for all races.



20 min.

Discussion

Ask the participants the following questions and be prepared to add information if not raised in the discussion.

Questions taken from “Questions” section of textbook:

- *What is the relationship between severe childhood violence and adult violence?*

According to a recent study on domestic violence and substance use among Native women living in rural and urban nonreservation sites in California, severe childhood violent victimization is one of the strongest predictors of domestic violence. Native women who experienced severe childhood violence were 6.5 times more likely to report recent violence than those with no childhood violence experiences. The authors mention that issues such as low self-esteem, developing a tolerance to violence, using alcohol and drugs to self-medicate, depression, and multigenerational trauma all may be experienced by those who suffer childhood victimization.

-
- *Why do you think Native women who identified as problem drinkers were 5.5 times more likely to be victims of violence?*

Using excessive amounts of alcohol can make women more vulnerable. If they are self-medicating, it can make them more tolerant of violence. Use of alcohol by perpetrators can remove restraint and increase violence. Perpetrators may target women who have been using because they are unable to fight back.

- *Why do you think Native women are significantly more likely to be raped or stalked than women of other races?*

The impact of colonization on Native women has made them more vulnerable to be raped or stalked. The author particularly talks of the relocation policy that brought many Natives to the urban areas. Many urban Natives lost their culture, lost their identity, and became strangers to their families and communities. They felt socially isolated and encountered unemployment, poverty, and crime with little or no support from family and community. They faced isolation, loneliness, broken marriages, crime, alcoholism, school dropout, and suicide. It created mental health problems such as post-traumatic stress disorder, substance abuse, and depression.



15 min.



p. 93

Barriers to Services in Urban Areas

- Ask the participants why they think urban Indian victims of domestic and sexual violence may not seek help.
- Make a list on the white board. Compare their responses with the following list.
 - Barriers to service are often related to the following victim risk factors:
 - Unaware of services;
 - No or inadequate transportation;
 - No longer have family and cultural support;
 - Often invisible, alone, and isolated;

- Identity problems;
- No opportunities to participate in cultural events;
- May have cases in multiple courts (tribal and state);
- Substance abuse;
- Mental health problems;
- No coordination of services (mental health and domestic violence);
- Difficulty trusting and expressing feelings resulting in communication problems; and
- Systems not recognizing the impact of colonization and multigenerational trauma.

Additional discussion: See “In Your Community” section of the textbook. If time is available, ask the participants the following questions specific to their community:

- *What are some of the barriers to services Native women find in the urban area closest to you?*
- *What can be done to remove those barriers?*



5 min.



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Closing

Read the poem *How Madwomen Survive* by MariJo Moore (Cherokee)

Alternate Activity for Multigenerational Trauma

This activity requires a facilitator very experienced in presenting and one familiar with Native American history. This activity could be used instead of the video *Century of Genocide in the Americas: The Residential School Experience*.

Multigenerational Trauma (30 minutes)

- Objective of activity: To personalize the Native history of colonization and create understanding of the concept of multigenerational or historical trauma and its relationship to violence against Native women in urban communities.
- Materials needed: six mid-size rocks or books and a sack or bag.
- Background, see pages 90–3.

(This exercise uses the history of a Dakota living in Minnesota/South Dakota; substitute the key historical events that impacted the Indian nations in the area where the presentation is given.)

- Highlight the following points in introducing the activity:
 - Native Americans have always believed that we carry our ancestors and our history with us. They are a part of us, not just ancestors.
 - Multigenerational trauma, sometimes called historical trauma, refers to the unresolved grief and trauma caused by the colonization of Native Americans, generation after generation. It describes the cumulative effects of trauma experience by a group of people or an individual that radiates across generations.
 - In recent years we hear about returning veterans suffering with post-traumatic stress disorder caused by their experiences in war. As we review the history of some Native Americans, be conscious of the type of trauma they suffer.
 - In this exercise we will look at the effects of colonization on Native Americans with a focus on the impact or the effect on urban Indians.
- Ask for six volunteers and have them come to the front of the room and stand facing the rest of the participants. Give each volunteer a rock or book.

Explain to the audience that each volunteer will represent one generation of Native Americans. The volunteer at one end should be identified as the

Native of today. We will be looking at the impact of the past five generations on the Native woman of today.

We all experience some stress in our lives and some trauma, but in this exercise we will see what happens when extreme trauma is unresolved and continues from one generation to the next.

Walk to the volunteer at the opposite who is the furthest away from the volunteer representing a Native woman of today. The facilitator might wish to make a list of key words or a crib sheet to remind her of the key elements, in order to eliminate reading the story.

Introduce the woman: This is Chon'-wa-pe, a Dakota woman (substitute names in the language of the tribe you are visiting and their history) living in the north central part of what is now the United States (born 1840). Her ancestors had left their homes further east in search of the bison that feed and clothed the people. In 1852 the Dakota signed a treaty with the U.S. government opening much of what is now Minnesota to settlers in exchange for money and annuities (food, clothing, and health care supplied). Two small reservations were set aside for the Dakota to live in Minnesota. The Dakota became dependent on the government to supply food, as they could not leave the reservation to hunt.

The railroad was built across the United States in the 1860s and thousands of settlers moved into the Dakota's hunting grounds. The government failed to provide the food it promised by treaty and the Dakota went in search of food for their families, resulting in the Dakota War of 1862. Chon'-wa-pe's husband was one of the thirty-eight Dakota men hung in December 1862 at the end of the Dakota War, the largest mass execution ever in the United States. Chon'-wa-pe and her small children were brought to an island in the middle of the Mississippi River, with other women and children. It was a concentration camp . . . a jail . . . no one could leave and little food was brought in. Relatives and friends and even one of Chon'-wa-pe's children died during the cold winter of 1862-3 from starvation and cold. The survivors, including Chon'-wa-pe and her surviving children, were eventually moved to a reservation in the state of South Dakota.

- Ask the audience to identify some of the traumas Chon'-wa-pe suffered in her lifetime. The trauma Chon'-wa-pe suffered—loss of home and hunting grounds; loss of husband and children; war; loss of relatives and friends; loss of freedom; loss of control over her life; and dependence on

government for food and shelter—caused depression and feelings that all is outside her control.

- Ask Chon'-wa-pe to put her rock (book) in the bag and pass the bag to the person next to her.
- Introduction: I would like to introduce Chapa, she is the daughter of Chon'-wa-pe born around 1860. She has already lost her father and her brother to war and starvation and many of her extended family and relatives, but she has others in her extended family who will help raise her and teach her the ways of the Dakota. She is raised on a reservation in South Dakota. She and her tribal family are not allowed to leave the reservation and food is scarce. They are dependent upon the government to provide much of their food, but at least the tribe can live together on the reservation land and help each other, and the tribe is in charge of its own land and territory so some control remains with the tribe.

Then in 1887, the U.S. government passed the Allotment Act, which divides the reservation land into parcels of land. The government distributes each parcel of land to individual “heads of family.” Chapa’s husband gets a piece of land, but Chapa doesn’t as she is not considered a head of family even though in the Dakota way she is responsible for family and responsible for the land. The land is handed out to Dakota “heads of family” and the remainder of the land on the reservation is sold to white settlers, so now the reservation has whites and Indians living within the boundaries of the reservation. The tribe’s power is diminished and the women’s power is not recognized by the European culture. Chapa’s husband is tricked into selling the land that was allotted to him, and Chapa and her children are left without any place to stay. They move in with relatives. Her husband starts drinking all the time. He has no work and has no way to feed his family. Chapa’s children are taken from her and sent to boarding school. Chapa’s bag contains the trauma of her mother and now her losses are passed onto her daughter. (Have the volunteer who is Chapa put her rock in the bag and pass it on to the next person.)

- Introduction: I would like to introduce Hon-ba-he (Dawn). She carries the burden of her mother and grandmother with her. When she was ten years old, she was taken from her mother and placed in a boarding school. The U.S. government has started boarding schools for Indian children to “kill the Indian” in them and make them like the European Americans. When she arrives in school, her hair is cut and her traditional clothes are taken from

her. Hon-ba-he is prohibited from speaking the Dakota language. Beatings are common in the school. Her mother and father had never laid a hand on her, but the nuns and priests in this school punish her for speaking her language or doing anything they consider Native. She is given an English name, Jane. She is taught the Catholic religion. The school is far from her mother and far from her tribe. She is not allowed to visit her family. She grows up in boarding school. She is taught how to clean house and cook meals, and when she is a teenager, she works for a white family.

When she is sixteen years old Hon-ba-he returns to her family, but she does not remember much of the language of her people or their customs or traditions. She does not fit in. She marries a boy who was also raised in boarding schools where he was beaten and abused. They start a family. They don't know how to be parents as they weren't raised by their parents. They know how to hit and punish. Her husband hits and beats her. Her children hear the beatings. Her children experience beatings. Her children go to live with their grandmother. Then they are taken from the grandmother when they are school age and are sent away to boarding school, far from their mother and grandmother.

Hon-ba-he's (Jane's) trauma is the loss of her language, culture, tribal family, and children. She passes her burdens and her trauma on to her children. Put the rock in the bag and pass it on to the next person.

- Introduction: Mary Jones is the daughter of Hon-ba-he. She was raised in boarding schools. Her parents spoke only broken Dakota as they were raised in boarding schools too. She learned Dakota from her grandmother, but is not allowed to speak the language in school. The boarding schools continue to beat and work the children in the school. She forgets her language. A teacher takes a sexual interest in her and starts to sexually molest her when she is ten years old. She runs away, but is always returned to the school. Jane starts to drink to feel better. When she is fifteen years old she runs away from the school for good. She goes to the city. She finds a job cleaning and babysitting for a white family for her room and board. The father in the family rapes her. She drinks more and more. Jane returns to the reservation to her mother's house, pregnant with the white man's child. She drinks to forget. She passes her burdens and her trauma on to her children. Put the rock in the bag and pass it on to the next person.
- Introduction: Jane Jones is the daughter of Mary. Her mother, Mary, is an alcoholic and Jane lives with her mother in her grandmother's home. Her

grandmother watches her most of the time. One night when she is five years old her mother has a party at the house, and an uncle, a product of the boarding schools, rapes her little five-year-old body when her grandmother isn't home to protect her. At six she is sent off to boarding school and her first-grade teacher touches and molests her repeatedly while the other children nap. She returns to her mother when she is sixteen.

The U.S. government has decided they will solve the “Indian problem” by relocating Indians from reservations to large urban areas where they can find work. At eighteen Jane goes with her mother to the large city. Families of many different tribes are relocated together and provided a few months of work training. Jane is old enough to start the training. She gets a job working in a factory. She is harassed at work by other workers—called a drunken Indian, dirty Indian. She stops going to work after a time. She meets a white man in a bar and believes she loves him. She moves in with him and has his baby. He drinks too much and beats her; he calls her all kinds of names when he is drunk. Her baby is taken away from her by social services when the baby is three years old and placed with a white family. Her parental rights are terminated. She passes her baggage to her daughter. Put the rock in the bag and pass it on to the next person.

- Introduction: Barbara Jones is Jane's daughter. Her childhood was spent in ten different foster homes—all white families. She has never gotten to know her mother or her grandparents or other relatives. She does not even know her brother and sisters. She knows nothing of being Indian, except that she is called a dirty Indian at school and in some of the foster homes. In one of her foster homes she was molested by a foster brother and in another she was raped by her foster dad. She drinks and uses drugs. She attended school in the city and has never been to a reservation that she remembers. She runs away from the abuse in the last foster home at age fourteen, and is spotted by a pimp, who prostitutes her. Violence and sexual assault are a part of her life. She will pass her trauma to her daughter. Put the rock in the bag.
- Historical trauma causes high rates of alcoholism and substance abuse, depression, anxiety disorders, post-traumatic stress disorder, and violence. It causes a general feeling of helplessness and hopelessness.
- Have volunteers return to their seats.

Discussion Questions

- Ask each participant (considering small group) to tell what one thing really stood out for them. *If they were to take one memory home from the women's stories, what would it be?*

The purpose of these questions is to get everyone involved in the discussion and to highlight the key learnings. The answers should be short and stick to one thing.

- *How did you feel as you listened to the history of traumatic events experienced by the women in this activity?*
- *What impact did the traumatic events have on the survivors of the events? On their children and grandchildren?*
- *How does someone find healing from historical trauma? How do you find balance and harmony?*
 - The traditional ceremonies restoring Native values can be powerful tools in healing historic trauma.
 - Many Native counselors will also bring traditional tribal ceremonies and healers into the counseling process.
 - Almost every tribe has a concept and often a word that describes “being in a good way” through traditional values.

Workshop 6

Topic: Native Survivors' Poetry to Aid in Healing and Education

Based on poetry in *Sharing Our Stories of Survival*.

Special thanks to Karen Cunningham for her creative help in interpreting poetry for this workshop.

Objectives

As a result of participating in this workshop you will better be able to

- Identify the consequences of a rape and other violence on victims.
- Empathize with the survivors of rape and domestic violence.
- Utilize poetry in survivors groups.

Agenda

- Welcome and introductions (5 minutes)
- Overview (5 minutes)
- Discussion of *Rape* by Eileen Hudon (White Earth Ojibwe) (20 minutes)
- Discussion of *Kitchen Table Wisdom* by Margaret “Augie” Kochuten (Quinault) (20 minutes)
- Discussion of *Testament* by Judi Brannan Armbruster (Karuk) (20 minutes)
- Write your own poem on rape (10 minutes)
- Closing (5 minutes)

Guide: Workshop 6

Potential Audiences:

- Survivors
- Community
- Domestic violence advocates
- Sexual assault advocates
- Service providers
- Youth

Time needed: Ninety minutes

You will need:

- Textbooks for participants or copies of poems
- Paper and pen for each participant



Caution trainer: Workshops on violence topics can be difficult for survivors. Some of the workshops deal with very sensitive issues and may be disturbing. They could trigger memories or repressed feelings. You may wish to take some of the suggestions on page 8 to provide appropriate support.

- **Workshop Road Map:** The Road Map provides directions, key talking points, and activities in each section of the agenda. The trainer must read the chapter from *Sharing Our Stories of Survival* closely and supplement additional comments either from the chapter, the chapter's "Suggested Further Reading" section, their own experience, or information solicited from the participants.
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- Any handouts are at the end of each workshop.
- A workshop evaluation form is at the back of the manual.

Workshop Road Map



5 min.

Welcome and Introductions

- After introducing yourself, ask participants to introduce themselves.



5 min.

Overview of Workshop

- Review the objectives: write objectives on a white board or otherwise display.
- Review the agenda.



20 min.

Discussion of *Rape* by Eileen Hudon (White Earth Ojibwe)

- Read the paragraph about the poet.
- Select a person to read the poem before starting the workshop and provide them time to read it beforehand so the poem can be most impactful, or the facilitator can read it.
- The following questions are for full group discussion anticipating a smaller group of participants. The first few questions are designed for everyone to respond to and the later are designed for a few responses. Use as many questions as time allows.
- Don't hesitate to re-read sections of the poem.
- Keep in mind that there are no wrong answers to the questions. Poetry affects people differently, and you will have different interpretations.



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- *What words or phrases stood out for you in the poem?*

Participants' answers to this question will help in empathizing key phrases in the poem and will improve later discussion. Participants may want to explain why the phrases stood out, but attempt to keep the discussion to just a key phrase or word. If someone gets into an in-depth discussion, tell them we want to save these points until later in the discussion and then remember to go back to that individual. Full participation should be a goal of this question.

-
- *What feelings did you have as the poem was read?*

Here you are looking to engage the participants emotionally. Demand short answers and engage the full group. Discussion on specifics will follow. Anticipate a wide variety of responsive feelings. Do not discuss why someone is feeling a certain way.

- *Why do you think she made the lines of the poem so short? What is the effect of the short lines?*

Start looking for just a few answers. One possible answer is that the short lines have a sharp thrusting effect—as if someone is hitting or sexually violating another. Sometimes there is a repetition of hard consonant sounds that also sound harsh.

- *When the poet writes, “a crime of the spirit” what is meant? What do you associate with your spirit?*

People will have different responses, but the author mentions losing a sense of self or identity.

- *Hudon writes, “Like a thief / Rapist attempting to rob / From me what he lacks.” What do you think the rapist lacks?*

Again, the poet talks of robbing her spirit or sense of identity, so it may be referring to this.

- *The poet talks of a shattered spirit repeatedly in the poem: “Like Humpty Dumpty / Like a glass Christmas tree ball.” What is the symbolism here?*

Humpty Dumpty is an innocent nursery rhyme, and it could symbolize the innocence lost and the long-term impact of rape. A survivor is never the same. All the king’s men could never put Humpty Dumpty together again.

A Christmas ball brings warm and fuzzy feelings that are shattered. It could symbolize the loss of happiness, faith, and security.

-
- *When Hudon says, “Like me when I stood at my father’s grave” what images, feelings arise?*

The word *father* idealistically means security and protection. Standing at the grave makes one thinking of grieving. What is she grieving? Maybe a loss of self, innocence, and security? She is feeling unprotected and insecure.

- *What do you think she is describing when she says, “Quickly, I must put myself together, / So that my friends will know me, / My children will know me, / My lover will know me,” and that she would recognize herself?*

She feels her identity has been destroyed and knows it will change her for life, but longs to have her friendship and relationships with children, friends, and lover as they used to be, so she may pretend that the impact was not so destructive.

- *Do you think Hudon’s poem is different because she is a Native woman survivor?*

The focus on her spirit demonstrates a common Native norm.

- *Most victims of rape never report the rape to the police (70% unreported) or tell their family or friends. What impact could result from keeping the rape secret from others?*

Coping with the rape without the support of family and friends could lead to other coping mechanisms, such as dulling the pain through alcohol or drugs, but there may be many responses to this question. Isolation from friends and family could destroy those relationships.

- *What do you think she means when she says, “I’m only sleepwalking”? Her scream of terror reverberating through my soul, “Like an echo in a canyon”?*

Her pain and screams come back to her again and again, as she suffers post-traumatic stress disorder.

A canyon is also empty, which may signify her empty spirit and her isolation from others.

- *When Hudon says her scream “silences the sound of my thought, / Silences the sound of my words, / and Silences the touch of love,” what does she mean?*

The rape can leave someone full of fear and anger or obsessed with little things that make it difficult to concentrate on other thoughts, focus on words, or accept the touch of love.

- *All victims are impacted differently. Most victims experience levels of fear, anger, and self-blame. Difficulty sleeping and concentrating, nightmares, flashbacks, and emotional numbing are common reactions. Clinical depression, post-traumatic stress disorder, substance abuse, chronic sleep and eating disorders, and self harm or injury, including suicide, may be the longer-term impact.*
 - *Which of these impacts is shown in the poem?*
 - *Is there some impact or effect on the poet that seems to be related to her being a Native woman?*

Have the participants identify the line or verse that indicates each impact. There are several indicated in this poem.



20 min.



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Discussion of *Kitchen Table Wisdom* by Margaret “Augie” Kochuten (Quinault)

- Read the paragraph about the poet.
- Have someone read the poem, preferably someone who has had a chance to practice.
- Start with questions that everyone can easily answer.
 - *What words or phrases stood out for you in the poem?*
This will help identify the key parts of the poem that had the most impact. Have everyone answer.

- *What feelings do you have when you think of a “kitchen table”? What other things do you think of when you think of “kitchen table”?*

The kitchen table can conjure up visions of family, warmth, a women’s’ realm. The participants may have different visions based on their age and experience.

- *What images do you see when I read this first verse? What is she saying about herself? What is she saying about the violence?*

Read the first verse of the poem again and then repeat the questions one at a time.

She describes how alone she feels with no support. She describes the repetitive nature of the violence by saying: “Listening to the same wind / Batter the same wood.” I think she sees herself as holding the “house” or family together, and some self-pity or resentment because nothing holds her together. The last statement, “Or so I thought” seems to indicate that she thinks differently now.

- *What could be the consequences of the children listening to the violence?*

Read the second verse again, and again ask the question.

Children exposed to domestic violence are more likely to have

- Behavioral, social, and emotional problems. Studies have found aggressive and antisocial behavior, depression, and anxiety. Some studies have found higher levels of anger, hostility, oppositional behavior, fear, and withdrawal; poor peer, sibling, and social relationships; and low self-esteem.
- Cognitive and attitudinal problems. Children exposed to domestic violence are more likely to experience difficulties in school, and score lower on assessments of verbal, motor, and cognitive skills. Slower cognitive development, lack of conflict-resolution skills, limited problem-solving skills, proviolence attitudes, and belief in rigid gender stereotypes and

male privilege are other issues identified in research.

- Long-term problems. Males exposed to domestic violence as children are more likely to engage in domestic violence as adults; females are more likely to be victims. Higher levels of adult depression and trauma symptoms are also found.
- *Why do you think the survivor in this poem wants to believe that she is hiding the violence from her children? How does she do this? What impact does her action have on her children?*

The last verse on page 85 describes her making breakfast for the children pretending nothing happened. She wants to create a warm family environment for her children. She doesn't want the children exposed to the violence and tells herself that she is creating an environment that is warm and healthy. In reality the children know what is happening, and her behavior shows acceptance of the violence as a norm. She is normalizing this violent behavior.

- *What are the reasons the poet doesn't tell others about the violence? What does she mean by "caught in the act"?*

She is afraid that if she tells, they may be beaten by her husband, and there is a sense that others in the community don't really want to see. She also doesn't believe that the system will help her. She relays how she told a local magistrate once of the abuse, and he told her to leave him and laughed.

- *What advice does the poet give to others in the last verse? What does she mean when she says, "I realized there are no victims / Only volunteers"? Why does she stay?*
- *What other reasons are there for Native women to stay in violent relationships? Are the reasons she stays tied to her culture or community?*

Read the last verse. The time spent at the kitchen table is not wasted, but rather a time for learning. Remembering

the pain after it is gone helps in deciding not to go back. In many ways, she realizes her own empowerment came at the kitchen table where she was able to understand that as long as she stayed, she was a volunteer. Although her options were limited upon leaving, she did have that option.

The average domestic violence victim leaves the home seven times before staying away. Leaving is the most dangerous time for the victim; about 75% of the women killed by their batterers are killed upon separation.

Women generally do not leave the abuser for a number of reasons, among them:

- Fear—of the unknown, escalated violence (being killed), and losing her children (to child protection, loss of custody to abuser, killed by the abuser);
- Promises of reform by the abuser;
- Guilt—husband is sick and needs her help or it is her fault that he acts this way;
- Lack of self-esteem—she deserves this abuse;
- Love of abuser—this is for better or worse;
- Sex roles—women are to be passive and dependent, they don't want to admit failure;
- Economic dependence;
- Societal acceptance of marital violence;
- Religious beliefs;
- She doesn't want other people to know of the violence;
- Stigma of a broken home, good for children to stay together; and
- Satisfaction with relationships between battering.



20 min.

Discussion of *Testament* by Judi Brannan Armbruster (Karuk)



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- Read the paragraph about the poet.
- Have someone read the poem, preferably someone who has had a chance to practice.
- Start the questions with ones that everyone can easily answer by everyone.
 - *What are some of the words or phrases that you remember in this poem?*
 - *What feelings come to you as you read this poem?*
 - *What is this poem about? What does the poem's title mean?*

The poem is about the strength and power of words to harm or heal. The poet chooses to use words to heal. The word *testament* can mean tribute or to bear witness. In this case the poem may either be paying tribute to the poet's life (victim of violence and survival) or it may be paying tribute to the strength of words and their ability to heal.

- *How is the poet impacted by her Native roots?*
The poet finds healing in nature and appears to find recovery from the violence upon return to her Native land.



5 min.

• Write Your Own Poem

- Write the word *rape* vertically on a white board. Acrostic poems are simple poems in which the first letter of each line forms a word or phrase (vertically). An acrostic poem can describe the subject or even tell a brief story.
- Ask the participants to write a poem on rape, using each letter of the word *rape* to start a line or verse of the poem.



5 min.

Closing

- Ask if anyone wants to share their poem.

Workshop 7

Topic: Criminal Jurisdiction and Violence Against Native Women

Based on Chapter 14 of *Sharing Our Stories of Survival*, “Jurisdiction and Violence Against Native Women” by B. J. Jones.

Objectives

As a result of participating in this workshop, you will be better able to:

- Explain the role tribal, state, and federal governments play in keeping Native women safe.
- Clarify some of the complicated jurisdictional rules relating to violence against Native women.
- Identify some of the federal restrictions on tribal jurisdiction.
- Explain jurisdiction issues related to non-Native versus Native violence.

Agenda

- Welcome and introductions (10 minutes)
- Overview of workshop (5 minutes)
- Basic concepts and terms related to jurisdiction (10 minutes)
- Federal, state, and tribal criminal jurisdiction (15 minutes)
- Jurisdictional issues related to non-Indian versus Indian violence (10 minutes)
- Workgroups (20 minutes)
- Report back and discussion (20 minutes)
- Closing (5 minutes)

Guide: Workshop 7

Potential Audiences:

- Law enforcement officers
- Sexual assault advocates
- Domestic violence advocates
- Service providers
- Attorneys
- Judges

Time needed: Ninety minutes

You will need:

- Computer and projector for PowerPoint presentation
- Textbooks for participants (recommended)
- Handouts 8.1 and 8.2 for each participant
- Paper and pens



Caution trainer: Workshops on violence topics can be difficult for survivors. Some of the workshops deal with very sensitive issues and may be disturbing. They could trigger memories or repressed feelings. You may wish to take some of the suggestions on page 8 to provide appropriate support.

- **Workshop Road Map:** The Road Map provides directions, key talking points, and activities in each section of the agenda. The trainer must read the chapter from *Sharing Our Stories of Survival* closely and supplement additional comments either from the chapter, the chapter's "Suggested Further Reading" section, their own experience, or information solicited from the participants.
-  The time needed for each section of the agenda appears on the left side of the page at the beginning of each section of the agenda. Note that a section may include several slides or activities.
-  PowerPoint slide numbers are referenced on the left side of the page.
-  The pages in *Sharing Our Stories of Survival* that provide further information for the facilitator are included on the left side.
- The sections of the agenda with directions, key talking points, and activities appear in the main part of the document with each agenda section in an alternating color.
- Any handouts are at the end of each workshop.
- A workshop evaluation form is at the back of the manual.

Workshop Road Map



10 min.



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Welcome and Introductions

Open with the poem *Survival* by Venus St. Martin (Colville/Nez Perce)

Introductions: Anticipating a small group, have participants introduce themselves and what they do. It may help you gauge the experience and interest in jurisdiction.



5 min.



2

Overview of Workshop

- Review the agenda.

Explain that the first part of the program is a thirty-minute talk on basic criminal jurisdiction rules in Indian country. This involves identifying key terms used in discussing jurisdiction and the laws that have impacted jurisdiction in Indian country. This will include the most recent laws.

Participants will then split into small groups to work with some case samples. Reports back to the full group and discussion of the samples will take place in the last section of the workshop.



3

- Objectives

Read the objectives and add comments.



10 min.



4



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pp. 233–6

Basic concepts and terms related to jurisdiction (4 slides)

- Defining jurisdiction
 - The general rule that when someone lives in or travels within the nation of another they should be subject to the laws of that nation (community), doesn't apply in Indian country. If you were to travel to Canada or Mexico, you would expect to be subject to the laws of Canada, but if you travel to an Indian nation you may or may not be subject to their authority or jurisdiction. Historically, tribes did have full jurisdiction over crimes and actions within their territory, but the federal government has substantially diminished that authority, which is why we need this workshop.

- Jurisdiction refers to authority to impose laws over a certain person and a certain territory.
- Jurisdiction may refer to authority over a particular type of violation—such as murder or rape. This is called *subject matter jurisdiction*. It also refers to the authority over a person who commits the offense. This is called *personal jurisdiction*. The last element refers to the authority over a certain geographic area where the crime occurred. This is called *territorial jurisdiction*.



5



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- Civil and criminal jurisdiction
 - Domestic violence cases could involve civil and criminal jurisdiction.
 - Criminal jurisdiction involves a tribe, state, or federal government filing a criminal charge against an offender.
 - Civil jurisdiction refers to a suit between two private persons in which the government is not involved.



6

- Civil and criminal jurisdiction
 - Go through the examples in the slide to ensure the participants understand the difference between civil and criminal jurisdiction.
 - Divorce—civil
 - Rape—criminal
 - Application for protection order—civil
 - Violation of a protection order—criminal
 - Personal injury case—civil



7



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- Indian country
 - In determining the territory in which a tribe or federal government might have jurisdiction the term *Indian country* is used. It is vital to understand the definition of *Indian country* to understand whether a government might have territorial jurisdiction.
 - The definition of *Indian country* includes three types of territory:
 - All lands within Indian reservations.
 - Trust lands outside of the reservation.
 - Dependent Indian communities—lands where the federal government has an obligation to supervise a

substantial Indian population. This includes pueblo communities.



15 min.



pp. 238–45



8

Federal, state, and tribal criminal jurisdiction (9 slides)

- There are three jurisdictional systems in the United States. Each of these could apply in Indian country, depending upon the circumstances: federal, state, and tribal court systems.
 - The authority of the government to prosecute a perpetrator of domestic violence or sexual assault depends upon which government has authority or “criminal jurisdiction” over the act of violence or violation of a protection order.
 - It is possible and often likely that more than one government has the authority to criminally prosecute.
 - Note that just because a government has the authority does not mean that it will or can prosecute. Many tribes have no criminal justice system or a particular criminal law. The federal, state, or tribal system may have other priorities and not prosecute.
 - You might give an example of tribes in your region that do or do not have tribal criminal justice system.
- Criminal jurisdiction in Indian country.
 - Determining whether a government has criminal or civil jurisdiction requires different considerations.
 - In this workshop, we will look at criminal jurisdiction in Indian country. Criminal jurisdiction in Indian country depends on the
 - Type of crime,
 - The race of the perpetrator or victim,
 - Where the crime took place, and
 - Whether federal laws restrict tribal authority.
- Federal criminal jurisdiction in Indian country.
 - In a non-Indian community, federal criminal jurisdiction is rather rare, but in Indian communities, because of the trust relationship between the federal government and Indian nations, it is common.



9



10



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11

- Major laws that give the federal government authority in Indian country in violence against women cases are:
 - Major Crimes Act: This act enumerates fourteen major crimes, including murder, manslaughter, kidnapping, maiming, rape, assault with a deadly weapon, and assault resulting in serious bodily injury.
 - ✓ Many acts of domestic violence would not be considered “serious” enough to meet the definitions in this statute. For instance, a man breaking his partner’s nose does not meet the definition of “assault resulting in serious bodily injury.”
 - General Crimes Act—applies to interracial crimes—Indian versus non-Indian or vice versa. It applies to other federal crimes in Indian country. An exception to application of the General Crimes Act is when a tribe has punished the offender for the same crime. Although the federal government could punish simple assault by a non-Indian partner against a Native woman in Indian country and other domestic violence cases under the General Crimes Act, it doesn’t.
 - VAWA—gives the federal government the authority to prosecute Indian or non-Indian offenders who cross reservation boundaries with the intent to violate a protection order or commit domestic violence.
 - General applicability—applies throughout the United States even to states and tribes where the states have been given jurisdiction (PL 280 states).
- Federal jurisdiction in Indian country.
 - The United States also has jurisdiction in Indian country when it comes to federal crimes that apply throughout the United States (crimes of general applicability). There are a number of federal crimes that significantly impact domestic violence.
 - Among these important crimes is 18 U.S.C. § 117, Domestic Assault by a Habitual Offender. The law makes it a federal crime when any person, who was previously

convicted of at least two prior offenses in tribal, state, or federal court, commits domestic assault in Indian country. The previous offenses need to qualify under federal law as assault, sexual abuse, an offense under Chapter 110A, or a violent felony against a spouse or intimate partner. A conviction as a “habitual offender” under this statute can result in imprisonment for up to five years and that could be increased to ten years if there is serious bodily injury.

- Additionally, the U.S. firearms laws are of great importance to the elimination of domestic violence in Indian country. This law is a workshop in itself, but recognizing that it does give jurisdiction over additional crimes often related to violence against women in Indian country is important.
- VAWA, enacted in 1994 and amended in 1996, 2000, 2006, and 2013, has a number of general crimes that give the United States jurisdiction in Indian country as well as in other U.S. territories. Interstate domestic violence,¹ interstate stalking,² and interstate violation of a protection order³ apply to all persons who cross state or tribal boundaries to commit or attempt to commit domestic violence, stalk, or violate a protection order. Domestic violence, stalking, and protection orders are defined in the statutes. We are not going into detail on these statutes in this workshop, but do remember that laws generally define terms such as *protection order* and *domestic violence* in the statutes, and it is very possible to have a protection order recognized by a tribe or a state that is not recognized by a specific federal statute, because the order does not meet the definition in the statute.



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12



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- State jurisdiction in Indian country.
 - PL 280
 - In 1953 Congress gave certain states criminal jurisdiction over Indian reservations. These states with some exclusion of reservations include Minnesota, California, Alaska, Wisconsin, Oregon, and Nebraska.

¹ 18 U.S.C. § 2261.

² 18 U.S.C. § 2261A.

³ 18 U.S.C. § 2262.

In Minnesota, Red Lake was excluded and Boise Forte retroceded later. Retrocession was a complicated process that allowed a reservation and state to return to federal jurisdiction. These six states are called the mandatory PL 280 states.

- Congress did not consult with the reservations about PL 280 and did not allocate funding for states to handle the additional justice system expenses.
- On a PL 280–affected reservation, the state would have criminal jurisdiction in Indian country and not the federal government. This, however, did not change the inherent jurisdiction of tribes, so tribes continued to have criminal jurisdiction.
- Although tribes had jurisdiction, they were not allocated funding until recently to fund criminal justice systems in PL 280 states, so many do not have criminal laws, police, criminal courts, and so forth.
- ✓ Several states (Arizona, Florida, Idaho, Iowa, Montana, Nevada, North Dakota, Utah, and Washington) assumed all or part of the PL 280 jurisdiction offered. These states are referred to as optional PL 280 states, and the federal government continues to be involved in criminal jurisdiction in Indian country in those states, as well as the state government.
- ✓ In other states there may be special legislation that acts like PL 280 (Kansas and New York).
- ✓ If there are questions about a specific state or reservation, refer them to the Tribal Law and Policy Institute’s website at www.walkingoncommonground.org. Check this website before your presentation so that you are sure of jurisdictional information related to the participants’ reservation.
- ✓ States have criminal jurisdiction of non-Indian versus non-Indian in Indian country.
- ✓ Recent passage of the TLOA allows reservations that are affected by PL 280 and unhappy with the state’s ability to assert justice on the reservation to

ask for the federal government to accept concurrent jurisdiction. The process requires some negotiation between state, tribal, and federal governments. White Earth Reservation in Minnesota was the first tribe in which the federal government has returned to assist in the prosecution of crimes. Three jurisdictions are active in criminal cases now on White Earth. Coordination between these government systems is vital.



13



pp. 238–41

- Tribal jurisdiction.
 - Tribes have inherent jurisdiction (predates U.S. history). The federal government has the power to take away the tribal authority and has done so in many situations. If the federal government has not taken away the authority, the tribe continues to have it.
 - In many situations tribes have concurrent jurisdiction with either the federal government or the state government. However, although the tribe may have jurisdiction, that does not mean they are currently exercising it. Many tribes are working on their justice systems and attempting to exercise their full jurisdiction authority.
- Limitations on tribal jurisdiction.
 - The federal government has the power to limit tribal jurisdiction. The state governments have no power over a tribal government.
 - The U.S. Supreme Court has ruled that tribes have no criminal jurisdiction over non-Indians. There has been some minor modification to this in some domestic violence cases, which will be discussed starting at slide 18. See *Oliphant v. Suquamish*, 435 U.S. 291 (1978).
 - The federal government has significantly limited tribal governments' jurisdiction by limiting the amount of time they can incarcerate an offender. Under ICRA the incarceration is limited to one year, unless the tribe provides certain guarantee of rights to defendants. If these guarantees are provided, the tribe could incarcerate up to three years under the TLOA's amendment to ICRA. The



14

TLOA was passed after publication of the *Sharing Our Stories of Survival*, so no information on TLOA is available in the text.



15

- Describes the additional rights required if a tribe exercises the extended incarceration. Note that ICRA, even before the recent amendments under the TLOA and VAWA 2013, provides most protections provided to defendants in state and federal courts. ICRA was a major limitation of tribal governments' rights by requiring tribal government to provide these individual rights. The additional rights required if a tribal government desires to impose up to the three-year sentence allowed under the TLOA are:
 - Licensed counsel for indigent defendants;
 - Licensed/law-trained judges;
 - A recorded trial (audio or video);
 - The publication of laws, rules of evidence, and procedure;
 - Provision of the right for tribes to use federal prisons for the extended sentencing in some cases.
- Note that the TLOA of 2010 had many other provisions that are not mentioned here, some directly related to law enforcement. The only ones referenced are those directly related to criminal jurisdiction. Some of the provisions required federal accountability for prosecuting violence against women cases and others required cooperation between the federal and tribal jurisdictions. You can see how important cooperation in law enforcement and prosecution can be in sexual assault and domestic violence cases.



10 min.

Jurisdictional issues related to non-Native versus Native violence (9 slides)



16

- Non-Native versus Native violence is a tremendous problem when referencing sexual assault and domestic violence.
 - Seventy percent of the violence against Native women is perpetrated by non-Natives.
 - Tribes have no criminal jurisdiction over non-Natives even if they live and work in Indian country. In a PL 280 state, the state would have jurisdiction and in a non-PL

280 state, the federal government would have jurisdiction. There are problems with enforcement of laws and perpetrators are not being held accountable. VAWA 2013 has started to deal with this problem and will eventually provide participating tribes with criminal jurisdiction over some domestic violence cases and dating violence cases.



17

- Restoration of criminal jurisdiction to tribes.
 - The 2001 VAWA clarified that tribes would have civil jurisdiction over non-Indians involved in violations of protection orders in Indian country hoping to help deal with the high incidence of violence against Native women by non-Natives.
 - In 2013 VAWA attempted to provide further protection to Indian women by allowing a tribe to opt into jurisdiction against non-Indians in some violent situations.
 - You do want to spend some time talking about VAWA 2013 as it is new and most likely not understood. See the next few slides.



18

- The “special domestic violence” jurisdiction permitted under VAWA 2013 could cover acts of domestic violence and dating violence and violations of protection orders that occur in Indian country. It is not effective until March 7, 2015, unless approved as a pilot project. After that date, tribes must opt in and comply with special protection for non-Indians.



19

- Slide 19: Definitions are extremely important as not every act of domestic violence will be covered by VAWA 2013.
 - Dating violence: “violence committed by a person who is or has been in a **social relationship of a romantic or intimate nature** with the victim, as determined by the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.”
 - Note: This definition *does not* include “hook-ups.”
 - Domestic violence: “violence committed by a current or former **spouse or intimate partner** of the victim, by a person with whom the victim **shares a child** in common,

by a person who is **cohabitating** with or has cohabitated with the victim as a spouse or intimate partner, or by a person similarly situated to a spouse of the victim under the domestic- or family-violence laws of an Indian tribe that has jurisdiction over the Indian country where the violence occurs.”



20

- The definition of “protection order” in VAWA 2013 is pretty expansive, but it may not cover every protection order.
 - “any injunction, restraining order, or other order issued by a civil or criminal court for the purpose of preventing violent or threatening acts or harassment against, sexual violence against, contact or communication with, or physical proximity to, another person; and includes any temporary or final order issued by a civil or criminal court, if the civil or criminal order was issued in response to a complaint, petition, or motion filed by or on behalf of the person seeking protection.”



21

- VAWA “special domestic violence jurisdiction” does not cover:
 - Victim and defendant are both non-Indians: A tribe may not exercise special domestic violence criminal jurisdiction if neither the defendant nor the alleged victim is an Indian.
 - Non-Indian defendant lacks sufficient ties to the Indian tribe—defendant must either
 - Reside in the Indian country of the participating tribe;
 - Be employed in the Indian country of the participating tribe; or
 - Be a spouse, intimate partner, or dating partner of a tribal member, or an Indian who resides in the Indian country of the participating tribe.
 - Sexual assault: Special domestic violence criminal jurisdiction covers domestic and dating violence, but *not* sexual assault, unless it falls in the definition of domestic violence and dating violence.
 - The crime did not take place in the Indian country of a participating tribe.



22-4

- These slides describe the protections that a tribe must provide to a criminal defendant. They expand upon the protections that the tribe is obligated to provide for an Indian defendant under TLOA in order to incarcerate for three years. Basically, constitutional protections are being provided to a non-Indian in tribal court.
 - I would suggest you highlight a few of the protections, such as the right to a court-appointed defense counsel if unable to afford one.
 - The tribe must have a process to determine if the defendant has sufficient ties to the community.
 - The defendant has a right to an impartial jury of a cross-section of the community. Non-Indians cannot be excluded from the jury.
 - The defendant must be advised of their rights.



20 min.



25

Workgroups: Small group activity.

- Divide into small workgroups of three to five people.
- Explain that each group is responsible for reviewing three examples and determining criminal jurisdiction over the situations. If the members of the group do not know each other, have them spend a couple of minutes in introductions.
- Remind the groups that the purpose of the exercise is not to quickly answer the questions, but to make sure that everyone in the group understands how to arrive at the correct answer to jurisdiction. There may be some people in the group more knowledgeable than others, so help each other learn.
- Give Handout 7.2 (a) to each person in half of the small groups and Handout 7.2 (b) to each person in the other half.
- Provide each person Handout 7.1 and briefly go through the handout with them. Keep Slide 24 up while groups discuss their assignments.
- Give the groups fifteen minutes to discuss the cases and arrive at answers to the questions on their handout. Tell them they will be reporting the answers back to the full group.



20 min.



26–31

Report Backs and Discussion

- Read the fact situation on each slide and have a group present their conclusions to the full group.
- If you have more than one small group working on the same fact situation, ask the other group(s) if they agree with the answers.
- There are three fact situations on each handout so make sure all the groups respond to at least one example. You can ask: *Who has discussed Case #1?*
- An answer sheet is included for the trainer.



5 min.

Closing

Take time for questions.

Thank the groups for their work.

Handout 7.1

Criminal Jurisdiction on Reservations Not Affected by PL 280/State Jurisdiction

<i>Indian Status</i>	<i>Type of Crime</i> <i>Major Crime</i> <i>(as defined by Major Crimes Act)</i>	<i>All Other Crimes</i>
Indian perpetrator, Indian victim*	Federal (under Major Crimes Act) and Tribal Jurisdiction	Tribal Jurisdiction
Indian perpetrator, non-Indian victim**	Federal (under Major Crimes Act) and Tribal Jurisdiction	Federal (under General Crimes Act) and Tribal Jurisdiction
Non-Indian perpetrator, Indian victim	Federal Jurisdiction (under General Crimes Act)	Federal (under General Crimes Act) Jurisdiction***
Non-Indian perpetrator, non-Indian victim	State Jurisdiction	State Jurisdiction

*If the offense is listed in the Major Crimes Act, there is federal jurisdiction, exclusive of the state, but probably not the tribe. If the listed offense is not otherwise defined and punished by federal law applicable in the special maritime and territorial jurisdiction of the United States, state law is used in federal courts. See section 1153(b). If not listed in Major Crimes, the tribal jurisdiction is exclusive.

**If listed in the Major Crimes Act, there is federal jurisdiction, exclusive of the state, but probably not of the tribe. If the listed offense is not otherwise defined and punished by federal law applicable in the special maritime and territorial jurisdiction of the United States, state law is used in federal courts. If not listed in the Major Crimes Act, there is federal jurisdiction, exclusive of the state, but not of the tribe, under the General Crimes Act. If the offense is not defined and punished by a statute applicable within the special maritime and territorial jurisdiction of the United States, state law is used in federal courts under 18 U.S.C. §13.

***Once Section 904 of VAWA 2013 becomes enforceable, a participating tribe may have “special domestic violence jurisdiction” over non-Indians.

Mandatory PL 280 States PL 280—(1953) federal government transferred federal jurisdiction to states.

- Minnesota except Red Lake and Boise Forte (retroceded later)
- Alaska—In *Alaska v. Native Village of Venetie*, 522 U.S. 520 (1998), the U.S. Supreme Court removed the Indian country status of most lands held by Alaskan Natives. Because PL 280 applies within “Indian country,” that decision left PL 280 irrelevant to much of Alaska.
- Wisconsin: Menominee retroceded—41 Fed. Reg. 8516 (1976)
- California:
- Oregon
 - Warm Springs excluded from state jurisdiction
 - Umatilla Reservation retroceded
 - Burns Paiute Reservation retroceded
- Nebraska:
 - Omaha Tribe retroceded (1970)
 - Winnebago Tribe retroceded (1986)
 - Santee Sioux retroceded (2006)

Handout 7.2 (a)

Discuss each case in your group and answer these questions. Note the answer as you will be presenting to the full group.

1. Does the federal government have jurisdiction? Why or why not?
2. Does the state government have jurisdiction? Why or why not?
3. Does the tribal government have jurisdiction? Why or why not?
4. Could VAWA 2013 possibly make a difference in the jurisdiction? If so, how?

Cases

Case #1: Father and Mother have three children in common. Father is an enrolled member of the Great Indian Nation and resides on the Great Indian Nation's trust lands. Mother is a citizen and resident of Ohio and is not an enrolled member of the tribe. Although Father and Mother previously lived together on the Great Indian Nation's trust lands, they were never married. Mother has a protection order from the Ohio court. While Mother was gambling at the casino (trust land of Great Nation), Father approaches her, they argue, and Father shoves her into another person. She is not seriously hurt. Mother wants to pursue a criminal violation of the protection order.

Case #2: Survivor and Husband reside on the Ho-Chunk National Trust Land in the state of Wisconsin, a PL 280 state. Survivor is Ho-Chunk and Husband is non-Indian. Husband beats Survivor severely at their home causing her hospitalization. Husband has previously been convicted of domestic assault three times in state court.

Case #3: Beaten is a member of the White Earth Indian Nation in Minnesota. While visiting her relatives on the Red Lake Reservation, she is sexually assaulted by a member of the Red Lake Nation.

Handout 7.2 (b)

Discuss each case in your group and answer these questions. Note the answer as you will be presenting to the full group.

1. Does the federal government have jurisdiction? Why or why not?
2. Does the state government have jurisdiction? Why or why not?
3. Does the tribal government have jurisdiction? Why or why not?
4. Could VAWA 2013 possibly make a difference? If so, how?

Case #4: Angel, a member of the Spirit Lake Nation (North Dakota) lived in St. Paul, Minnesota, with her boyfriend, Jose, who is an illegal immigrant from Mexico. She secured a protection order in St. Paul against Jose that prohibits any type of contact with Angel. Angel went back to Spirit Lake to stay with her mother for awhile, where she felt safer. Jose found out where she was staying and left for Spirit Lake to talk her into returning to St. Paul. He found her at her mother's home. Angel calls law enforcement for help to enforce the protection order.

Case #5: Star, a Navajo, lives in Albuquerque, New Mexico. She moved to Albuquerque after being sexually assaulted by her former boyfriend on the Navajo Reservation. She secured a protection order against her non-Indian boyfriend in Navajo Court before moving to Albuquerque. Her boyfriend finds her in Albuquerque and gets into an argument with her. She calls the police. Answer questions regarding the sexual assault and the violation of the protection order.

Case #6: Jane, a non-Indian, lives in the Laguna Pueblo in New Mexico with her abusive husband, a member of the Pueblo. She is sexually assaulted in their home by her husband.

Answer Guide to Activity in Workshop 7

Case #1

Indian against non-Indian crime in Indian country

1. The federal government has jurisdiction under the General Crimes Act, but would not prosecute a minor crime.
2. The state would not have jurisdiction because the violation occurred in Indian country, unless it was a PL 280 state. (Some states might prosecute anyhow as it is a state protection order.)
3. The tribal government would have jurisdiction even though it is a violation of a state order for protection.
4. No.

Case #2

Non-Indian against Indian crime in Indian country

1. The federal government would normally not have jurisdiction in a PL 280 state. However, in this case it may meet the elements of the federal Habitual Offender statute. If it does, the federal government would have jurisdiction to prosecute under that statute.
2. The state would have jurisdiction as it is a PL 280 state.
3. The tribe would not have jurisdiction over a non-Indian.
4. It is possible that VAWA 2013 could make a difference, provided the tribe meets all the requirements; the tribe could gain “special domestic violence” jurisdiction over a non-Indian.

Case #3

Indian against Indian crime in Indian country

1. The federal government would have jurisdiction under the Major Crimes Act.
2. The state would have no jurisdiction in Red Lake. Even though Minnesota is a PL 280 state, Red Lake is not included in that status.
3. The tribe would have jurisdiction.
4. No.

Case #4

Non-Indian against Indian crime in Indian country

1. The federal government would have jurisdiction under a statute of general application for interstate violation of a protection order. It also would have jurisdiction under the General Crimes Act, but don't usually prosecute minor offenses.
2. The state would have no jurisdiction in Indian country.
3. The tribe would not have criminal jurisdiction over a non-Indian. (Some tribes have exercised jurisdiction over noncitizens.)
4. VAWA 2013 probably would not make a difference in this case, as the perpetrator's connection to the tribe would be difficult to establish.

Case #5

Non-Indian against Indian crime

1. The federal government would have jurisdiction over the sexual assault and, unless John crossed Indian country boundaries to violate the protection order, would not have jurisdiction over the violation of the protection order.
2. The state would not have jurisdiction over the sexual assault, but would have jurisdiction over the violation of the protection order.
3. The tribe would have jurisdiction over the sexual assault, but would not have jurisdiction over the violation of the protection order.
4. No.

Case #6

Indian against Indian crime in Indian country

1. The federal government would have jurisdiction under the Major Crime Act.
2. The state would not have jurisdiction.
3. The tribe would have jurisdiction, assuming the tribe does not have an antiquated law that prohibits prosecution of a spouse for rape.
4. No.

Workshop 8

Topic: Sexual Violence Perpetrated by Native Spiritual Leaders

Based on Chapter 13 of *Sharing Our Stories of Survival*, “Overview of Sexual Violence Perpetrated by Purported Indian Medicine Men” by Bonnie Clairmont.

Objectives

As a result of participating in this workshop, you will be better able to

- Explain the traditional role of a spiritual guide/leader or medicine man.
- Identify the warning signs that indicate a medicine man may not be genuine.
- Respond to victims who have been sexual assaulted by spiritual leaders.
- Safeguard a community from medicine men who commit sexual violence.

Agenda

- Welcome and introductions (10 minutes)
- Overview of workshop (5 minutes)
- Who is a Native spiritual leader? (10 minutes)
- Warning signs (10 minutes)
- Impact of sexual violence perpetrated by Native spiritual leaders (10 minutes)
- Community action (40 minutes)
- Closing (5 minutes)

Guide: Workshop 8

Potential Audiences:

- Advocates
- Social workers
- Law enforcement officers
- Service providers in Native communities
- Community members

Time: Ninety minutes

You will need:

- ✓ Computer and projector for PowerPoint.
- ✓ Textbooks for participants (recommended).
- ✓ Handout 8.1 for each participant.
- ✓ If there is a respected spiritual leader in your community, who could help in the presentation and provide guidance in the presentation, it would add to the presentation, but this workshop can be done by a nonspiritual guide using the textbook as a resource.



Caution trainer: Workshops on violence topics can be difficult for survivors. Some of the workshops deal with very sensitive issues and may be disturbing. They could trigger memories or repressed feelings. You may wish to take some of the suggestions on page 8 to provide appropriate support.

- **Workshop Road Map:** The Road Map provides directions, key talking points, and activities in each section of the agenda. The trainer must read the chapter from *Sharing Our Stories of Survival* closely and supplement additional comments either from the chapter, the chapter’s “Suggested Further Reading” section, their own experience, or information solicited from the participants.
-  The time needed for each section of the agenda appears on the left side of the page at the beginning of each section of the agenda. Note that a section may include several slides or activities.
-  PowerPoint slide numbers are referenced on the left side of the page.
-  The pages in *Sharing Our Stories of Survival* that provide further information for the facilitator are included on the left side.
- The sections of the agenda with directions, key talking points, and activities appear in the main part of the document with each agenda section in an alternating color.
- Any handouts are at the end of each workshop.
- A workshop evaluation form is at the back of the manual.

Workshop Road Map



10 min.

Welcome and Introduction

- If you have a spiritual guide, ask if they might open with a blessing.
- If you do not have a spiritual guide, read the poem *Native Women* by Jayci Malone (Stockbridge-Munsee Mohican) as an opening.
- After introducing yourself, ask participants to introduce themselves.



5 min.



2

Overview of Workshop

Review the objectives:

- Explain the importance of this topic for advocates working with tribal communities. When you are working with vulnerable survivors, it is important they work at spiritual healing, but they could be targets for unethical medicine men or women or spiritual guides.
- Mention also that the terms *medicine man* and *spiritual leader* or *spiritual guide* are used interchangeably in this workshop, but that each tribe may have a preferred term describing their traditional healer. Some may just use the term *elder*. You should use the local preferred word, if speaking in a Native community.



3

Review the agenda.



15 min.



4

Who is a Native spiritual leader?

- If you have a spiritual guide or leader presenting, have them talk about how a medicine man or spiritual leader is chosen in their tribe. If there is no spiritual leader and you are with a Native group, you could ask if any one knows how spiritual leaders are chosen in their tribe.
- A spiritual leader is someone chosen by the Great Spirit. Tribes may have different ways of selecting a spiritual leader. Some are identified by an experienced spiritual leader, some



pp. 215–16

are born into it, and some tribes may recognize elders in their community. Tribes have ways to identify leaders; a person can't be self-proclaimed or an instant spiritual leader.

- They live in their Native communities and serve the community. Self-sacrifice is a characteristic of a true spiritual leader, as he or she is tending to the spiritual healing needs of their people. They are humble people of modest means.
- Women and men can be spiritual leaders.



5



p. 215

What is Native spirituality?

- Native spirituality doesn't look like an organized religion, but rather is a way of living. Living as one who knows that all living things are interconnected and that each is as precious and deserving of respect as the other. It is an equalitarian way of living. It recognizes that all things have a spirit and that we depend on each other to live a good life.



6



p. 216

What does a spiritual guide do?

- Tribes vary greatly in what their medicine men or spiritual guides do, but there are certain general descriptions of activities that most engage in.
- They conduct Native ceremonies.
 - Ceremonies are guided by nature, the seasons, and natural occurrences.
 - Ceremonies are for gratitude, good hunting, rites of passage, name giving, adoption, celebration of life, healing sickness, guide departed ones, celebration of life, harvest, and others.
- They could use herbs and medicines in conjunction with ceremonies.
- They would have sacred objects to use in ceremony.
- They may teach traditions and advise those who seek advice.



7



pp. 218–19

Impacted by colonization and oppression

- Native spirituality and lifeways were targeted in colonization of Native Americans. It contained the key beliefs that made a Native person Native.
- The Native “religions” were illegal until 1978 when the American Indian Religious Freedom Act was passed. If practiced, it was practiced in secret. Some of that secrecy continues today.
- Additionally, the colonization and destruction of Native Americans focused on destroying Native lifeways and Native values and replacing them with Judeo-Christian values and traditions.
- The boarding schools were a major effort to indoctrinate Indian children into Judeo-Christian traditions and values that were patriarchal, violent, and misogynistic.
- These efforts at colonization impacted all Indians, including those that became spiritual leaders. Over time, many Indian people succumbed to the oppression and internalized it by adopting unnatural belief systems that supported violence and patriarchy. Women lost their status. The internalized oppression resulted in the destruction of some of Indian peoples most sacred values.
- One of the long-term effects of this internalized oppression is the problem of sexual assault perpetrated by Native spiritual leaders and medicine men.



10 min.



8



pp. 220–4

Warning Signs

Risk factors

- Ask the group why working with a Native medicine man could be risky to a survivor. Some reasons might be the same as why going to a priest for help might be risky.
- After their response, click the **forward** button and a number of factors are displayed on slide 8.
- Discuss each of the factors and use examples if possible from your own experience or the few examples of cases in the book.

Big Red Flags



- Instant or self-proclaimed medicine men. These people have not engaged in the lifelong process of learning the unwritten rules of their traditions and spiritual practice through oral tradition and actual participation. Some medicine men who have practiced tradition for the long term, still offend, but these who are instant spiritual guides are simply false guides.
- Profiteering medicine men. There are many reports of false medicine men receiving monetary payment for their work. They charge people who want to attend a sweat lodge or ceremony. True medicine men do not make a profit from their services.

More Red Flags



- Slide 10 has a list of red flags or warning signs. Discuss each on the list providing some examples or further comments or questions.



10 min.

Impact of sexual violence perpetrated by medicine men

Impact on a victim



- Ask the participants: What impact does a sexual assault by a spiritual leader have on the victim? Write their responses for all to see.
- Once participants have responded click the **forward** button and some possible responses will appear on slide 11.
- Talk about any responses that have not already been discussed.



p. 222

Responding to the victim: What not to say to the victim to revictimize her or him.



- Slide 12 contains a list of responses that are common responses when someone reports sexual abuse by a spiritual leader.
- Go through the responses.
- These responses put all the blame on the victim and revictimize her or him.



13

Responding to the victim: what you should say to a victim that discloses.

- It is so important to support a victim and not revictimize her or him.
- Here are some things you could say to the victim.
- Read the supportive statement in Slide 13.
- Ask the participants if they have other supportive comments.



14

How you can support victims.

- Recognize that they may have trust issues and may want nothing to do with Native ceremonies.
- However, don't assume as victims all respond differently.
- Be very aware of boundaries.
- Refer them to a safe person for advocacy or counseling.



40 min.

Community Action

Small Group Discussion



15



pp. 223–6

- Divide the participants into groups of five to seven people.
- For the purposes of this discussion provide the participants with Handout 8.1.
- The handout provides three scenarios that supposedly took place in the participants' community.
- The groups should be advised to note their responses to the questions.
 - *What could the community do to prevent these types of occurrences?*
 - *What could the community do to ensure accountability?*
- Allow twenty minutes for small group discussion, then ask each group to respond to the two questions to the large group.



16-17

Community Response

- As you review the remaining slides on possible community action, recognize those actions raised by the group discussion.
- You could have participants read the possible actions on these slides or, if presented by facilitator, talk about them, don't read them.
- The following is from the slides:
 - Provide culturally appropriate sanctions for traditional healers who use their power to exploit or abuse, such as banishment.
 - Provide qualifications for traditional healers that set forth rules and ethics when working with victims of abuse and others.
 - Create and distribute a list of warning signs of inappropriate behaviors used by perpetrators that are not part of a healing ritual or ceremony.
 - Create a list of reputable traditional healers that service providers may utilize. Provide a disclaimer that this list is not intended to be an official endorsement of these individuals but only that there are no known formal allegations made about these individuals and individuals must scrutinize and approach just as they would if they were seeking professional help from a psychologist or psychiatrist.
 - Create community-wide awareness that this problem exists.
 - Create a website of convicted traditional healers.
 - Refer to or utilize women to provide spiritual support or suggest to a victim that a trusted support person or advocate is present when working with a traditional healer.
 - When using male spiritual healers, ask them how they work with women. What are their standards of practice?
 - Believe, support, and validate victims of sexual assault.
 - Educate children about sexual abuse and assault by anyone.
 - Remove barriers that prevent victims from reporting abuse by traditional healers.



18

Criminal Justice Response

- The justice systems must hold medicine men accountable. Because of their status it may be advisable to have enhanced penalties. Amend tribal codes to increase penalties for spiritual leaders.
- Impose traditional sanctions.



19

Appropriate Use of Spiritual Practices

- Using spiritual practices can help with a victim's healing, but it should be optional.
- If a male spiritual leader is assisting a female having another female present is important.
- Spiritual leaders should be willing to explain their practices.
- Ceremonies like Wiping of the Tears and the Empty Chair can be effective ways of working with larger groups.



5 min.

Contact Information: Insert your contact information



20

Handout 8.1

Medicine Man Scenarios

Presume that you are living in your community with the resources and programs of your community.

Presume that you do have a small group of spiritual leaders, men and women, in your community and that they are connected to other spiritual leaders in your region.

Recently you have become aware of the situations described in the following text and your group has convened to discuss what you can do as a community to prevent these types of situations from occurring in the future and what you can do to ensure accountability in the present situations:

- There is a twelve-year-old boy who recently accused a respected spiritual leader in your community of sexual abusing him. There is some talk in the community that another boy was abused when helping the elder. The spiritual leader has helped and healed many in the community.
- You have one young Native man who has declared himself a medicine man and is inviting people onto the reservation to sweat lodges and ceremonies. He is making his living this way. Neighbors have reported that there are some sexual activities involved in the ceremonies.
- A young woman who was seriously raped and beaten by her boyfriend went to a medicine man for assistance. She felt he touched her inappropriately.

Overall Assessment of On-site Training Using a Scale of 1 to 5 for the Following Statements

	Strongly Agree 5	Agree 4	Neither 3	Disagree 2	Strongly Disagree 1
The presenter was knowledgeable about the topics.					
The presenter communicated the information well.					
The presenter answered participants' questions well.					
The handouts used were valuable to the session.					
The visual aids were valuable to the session.					
The length of session was appropriate.					
The session provided me with information that will help me in advocating for victims and survivors.					
This session increased my knowledge and skills on the topic presented.					
I am likely to use what I learned.					
Please rate the overall quality of this on-site training.					

Any other comments?

Appendix

PowerPoints:

1. Workshop 1: *Impact of Colonization on Native Women*
2. Workshop 3: *Introduction to Domestic Violence in Native Communities*
3. Workshop 7: *Criminal Jurisdiction and Violence Against Native Women*
4. Workshop 8: *Sexual Violence Perpetrated by Native “Spiritual Leaders”*

Workshop 1 – PowerPoint

The Impact of Colonization on Native Women

The Impact of Colonization on Native Women

Adapted from *Sharing Our Stories of Survival*, Chapter 1,
“Beloved Women: Life Givers, Caretakers, Teachers of
Future Generations” by Jacqueline Agtuca

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1

Workshop Objectives

As a result of participating in this workshop, you will be better able to:

- Explain the role Native women played in their communities prior to colonization and the impact of colonization on Native women.
- Describe the events in history that disrupted traditional roles of Native women and men.
- Describe the impact of the laws and policies of the U.S. government on the lives of Native women.
- Describe the obstacles that make it difficult for tribes to protect Native women.

2

Activity: Native Women Prior to Colonization

- Before colonization violence against Native women was rare:
- Inconsistent with the role of women within Indian worldview
- Breakdown of customary laws and lifeways began with the conquest of Indian Nations

Purpose of Activity: Introduce role that Indian women played in their communities prior to colonization.

3

Activity #1: Questions

Part 1

1. What did the Russian men do that violated the Native law?
2. Were the Russians held accountable for their behavior?
3. How did the belief systems and/or values of the Alaska Native people help keep the women safe?
4. How are tribes limited in holding outsiders accountable today?

4

Activity #1: Questions

Part 2

1. What does Ward's speech tell you about the status of women in the Cherokee Nation? Provide a list of adjectives describing the status of women in Cherokee society.
2. What do you know of the status of Caucasian women of the time (1781)? Provide a list of adjectives describing the status of Caucasian women in American society.
3. Provide a list of adjectives describing the status of Native women today.

5

Colonization and Erosion of Safety

- Currently Native women are abused at higher rates than any other group of women in the United States.
- Indian nations forced to modify their systems of justice including lifeways that safeguarded Native women.
- Conquest was physical and cultural genocide.
- Native women became targets of colonizer in quest to conquer and assimilate.

6

U.S. Restrictions on Indian Nations

- Major Crimes Act: U.S. jurisdiction over major crimes
- Indian Civil Rights Act (ICRA): limited sentencing authority restricting tribes' ability to appropriately respond to serious crimes
- *Oliphant v. Suquamish Indian Tribe*: no criminal jurisdiction over non-Indians
- Public Law 280: transferred federal jurisdiction to some states

7

Land Beliefs Impact Native Women

- | | |
|--------------------------------|---|
| U.S. Government Beliefs | Native Beliefs |
| • Land belongs to individuals | • Land belongs to community |
| • Farming domain of men | |
| • General Allotment Act | • Native women are the caretakers and cultivators of the land |

8

Questions

- How did the General Allotment Act affect women in your community?
- What responsibilities do you believe the federal or state governments have in protecting the women of your community?

9

Activity #2

- Video on Violence Against Indigenous Women in the United States by Amnesty International
- [Amnesty Video](#)
- Discussion

10

Tribal Law and Order Act of 2010



11

Tribal Law and Order Act

- *Result: Sec. 234. Tribal Court Sentencing (25 U.S.C. 1302)*
- Enhanced tribal court sentencing authority
 - Three years imprisonment, \$15,000 fine, or both
 - Nine-year cap on stacked sentencing
- Protections for accused where defendant is subject to one or more years
 - Licensed counsel for indigent defendants
 - Licensed/law-trained judges
 - A recorded trial (audio or video)
 - The publication of laws, rules of evidence, and rules of procedure

12

Violence Against Women Act 2013

- The re-authorization of the Violence Against Women Act of 2013 makes several amendments to ICRA of 1968.
- Most notably, it authorizes tribes to exercise “special domestic violence criminal jurisdiction” over non-Indians.
- A “participating” tribe is a tribe that has opted to exercise this special domestic violence criminal jurisdiction.

13

Special Domestic Violence Criminal Jurisdiction

- A participating tribe may exercise “special domestic violence criminal jurisdiction” over a non-Indian defendant for
- Acts of domestic violence or dating violence that occur in the Indian country of the participating tribe; and
- Violations of protection orders that are violated in the Indian country of the participating tribe.

14

Eagle's Wings

By Petra L. Solomon (Laguna/Zumi)

15

Workshop 3 – PowerPoint

Introduction to Domestic Violence in Native Communities

Introduction to Domestic Violence in Native Communities

Adapted from *Sharing Our Stories of Survival*, Chapter 3, “Domestic Violence: An Introduction to the Social and Legal Issues for Native Women” by Victoria

Ybanez

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1

Agenda

- *Kitchen Table Wisdom* by Margaret “Augie” Kochuten (Quinault)
- Introductions and overview of workshop
- Defining domestic violence activity
- Mini-talk on myths, root causes, and reclaiming values
- Discussion
- Closing

2

Workshop Objectives

As a result of participating in this workshop, you will be better able to:

- Define domestic violence and describe the common tactics used to control victims.
- Evaluate the myths of domestic violence.
- Explain the causes of domestic violence.
- Appreciate how institutional racism and oppression make combating domestic violence in Native communities more complicated.
- Consider tribal responses to domestic violence.

3

Defining Domestic Violence

Group Activity

- What are the acts that one person uses to control another in the household?

4

Unnatural Power and Control



5

Defining in a Statute

- What forbidden conduct?
- What relationship?

Should be considered domestic violence

- *A pattern of physical and/or sexual violence committed by a current or former intimate partner.*

7

Working Definition

- The misuse of power in a relationship in order to coerce, control, intimidate, or dominate another person. It can be understood as a pattern of behaviors used to control or exert power over another person in the context of an intimate relationship.

6

True or False

- A battered woman has many legitimate reasons to stay in an abusive relationship.

8

True or False

- Battering is caused by lack of control. The batterer cannot control his anger or frustration.

9

True or False

- Stress, relationship problems, or alcohol abuse causes domestic violence.

10

True or False

- Law enforcement and civil and criminal interventions will keep women safe.

11

Root Causes of Domestic Violence in Native Communities

- Colonization and history of oppression
 - ❖ Removal of Native children during boarding school era
 - ❖ Multiple massacres of Native people
 - ❖ Widespread rape of Native women
 - ❖ Internalization of oppression

12

Cage of Oppression

No Disabilities	White	Male	Young	Rich	Rich/ Educated	Heterosexual	Christian
ABLEISM	RACISM	SEXISM	AGEISM	CLASSISM	ELITISM	HETERO- SEXISM	ANTISEMI- TISM
Differently Abled	People of Color	Women	Elder	Poor	Poor/ Uneducated	Homosexual	Jews

13

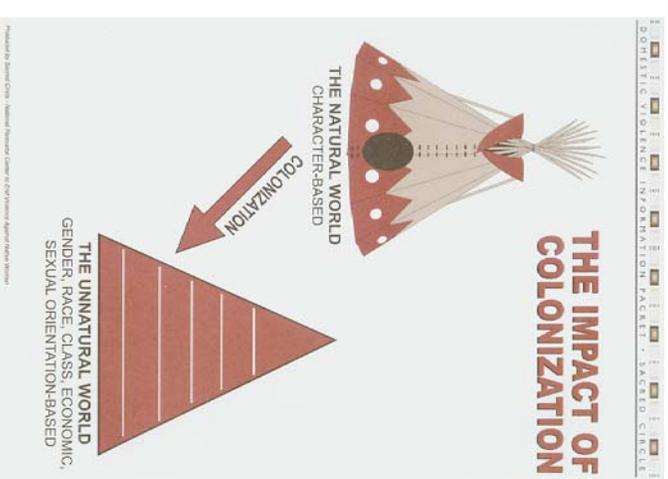
Strengths in Indigenous Beliefs

“Our cultures have always held women in high esteem. As life and care giver, nurtures and providers women have always been the most crucial element to a healthy society and healthy family. That respect and that value must endure for Indian country.”

—Tex Hall, President, NCAI, August 2003

15

THE IMPACT OF COLONIZATION



14

Strengths in Indigenous Beliefs

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

—William Bartram (European), 1773 (writing about the Creek and Cherokee Indians)

16

Return to Traditional Values

- Return women to rightful status in society.
- Restore balance to our communities.

“I want to be remembered for emphasizing the fact that we have indigenous solutions to our problems.”

—Wilma Mankiller (Cherokee)

17

Contact Information

18

Workshop 7 – PowerPoint

Criminal Jurisdiction and Violence Against Native Women

Criminal Jurisdiction and Violence Against Native Women

Adapted from *Sharing Our Stories of Survival*, Chapter 14,
“Jurisdiction and Violence Against Native Women” by

B. J. Jones

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1

Agenda

- Opening—*Survival* by Venus St. Martin (Colville/Nez Perce)
- Welcome and introductions
- Overview of workshop
- Basic concepts and terms related to jurisdiction
- Federal, state, and tribal criminal jurisdiction
- Recent laws impacting tribal jurisdiction and violence against women cases
- Workgroups
- Report back and discussion
- Closing

2

Workshop Objectives

As a result of participating in this workshop, you will be better able to:

- Explain the role tribal, state, and federal governments play in keeping Native women safe.
- Clarify some of the complicated jurisdictional rules relating to domestic violence in Indian country.
- Identify some of the federal restrictions on tribal jurisdiction.
- Explain jurisdiction issues related to non-Native versus Native violence.

3

Jurisdiction

Refers to authority to impose laws over a certain person and a certain territory.

- **Personal Jurisdiction:** Authority to impose laws upon a certain person.
- **Territorial Jurisdiction:** Authority to impose laws with a certain territory.
- **Subject Matter Jurisdiction:** Authority over a certain type of activity or matter.
- **The general rule that when someone lives in or travels within the community of another they should be subject to the laws of that community doesn't apply in Indian country.**

4

Civil and Criminal Jurisdiction

- Criminal Jurisdiction: power of government to prosecute and punish someone accused of a crime.
- Civil Jurisdiction: two private parties involved in litigation.

5

Identify Civil or Criminal Legal Action

- Mary and Sam are divorced?
- Sam is indicted for rape?
- Mary applies for a protection order?
- Sam is prosecute for violation of a protection order?
- Mary sues Sam for medical expenses and pain and suffering?

6

Indian Country

Definition

- All lands within Indian reservations
- Trust lands outside of the reservation
- Dependent Indian communities—lands where federal government has an obligation to supervise a substantial Indian population

7

Criminal Jurisdiction

- In the United States there are three jurisdictional systems: federal, state, and tribal court systems.
- The authority of the government to prosecute a perpetrator of domestic violence or sexual assault depends upon which government has authority or “criminal jurisdiction” over the act of violence.
- It is possible that more than one government has authority over the same crime (concurrent jurisdiction).

8

Criminal Jurisdiction in Indian Country

In Indian country criminal jurisdiction is based on

- Type of crime,
- The race of the perpetrator or victim,
- Where the crime took place.
- Whether federal laws restrict tribal authority

9

Federal Jurisdiction in Indian Country

Major laws that give the federal government authority in some violence against women cases:

- Major Crimes Act (MCA): permits the federal government to punish an Indian of fourteen major crimes, some related to domestic violence (prior to this act tribes has exclusive jurisdiction for Indian/Indian crimes).
- General Crimes Act: applies to interracial crime involving an Indian for crimes not enumerated in the MCA.

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Federal Jurisdiction in Indian Country

Laws of General Applicability

- Domestic Assault by a Habitual Offender
- U.S. Firearms Laws
- Violence Against Women Act (VAWA)
 - Interstate domestic violence
 - Interstate stalking
 - Interstate violation of a protection order

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State Jurisdiction in Indian Country

- Public Law 280 (PL 280, 1953): the federal government transferred federal jurisdiction to states (Minnesota, Alaska, Wisconsin, California, Oregon, and Nebraska).
- Other states have accepted jurisdiction over certain reservations through PL 280.
- Some states, due to history or special laws, have criminal jurisdiction over some reservations.
- States have jurisdiction over crimes in Indian country that are non-Indian versus non-Indian.
- The Tribal Law and Order Act (TLOA) of 2012 permits tribes to request that the federal government exercise concurrent jurisdiction—White Earth in Minnesota, PL 280 state, first approved in 2013.

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Tribal Jurisdiction

- Inherent jurisdiction over all crimes within Indian country
- Concurrent jurisdiction with federal and state systems
- Tribal and federal and state systems can prosecute
- Exclusive jurisdiction in Indian versus Indian crime of domestic violence (not under MCA) (non-PL 280)

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Limitations on Tribal Jurisdiction

- Limited by federal government
- *Oliphant* decision (no jurisdiction of non-Indians)
 - Indian Civil Rights Act (ICRA; limits punishment) to one year or \$5,000, expanded under TLOA to up to three years or \$15,000
 - Additional defendants rights required

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TLOA Additional Defendant's Rights

- Licensed counsel for indigent defendants
- Licensed/law-trained judges
- A recorded trial (audio or video)
- The publication of laws, rules of evidence, and rules of procedure
- Sentencing option: federal systems accessible

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Non-Indian vs. Indian Domestic Violence

- Seventy percent of domestic violence against Native women is committed by non-Indians.
- Tribes have no criminal jurisdiction over non-Indians even if they live or work within Indian country and commit crimes in that territory.
- PL 280 jurisdiction: state has jurisdiction.
- Non-PL 280 jurisdiction: federal government has jurisdiction.
- Problem with enforcement and prosecution with federal and state systems: Not adequately protecting Native women living in Indian country.

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Recent Restoration of Tribal Jurisdiction

- 2001 VAWA recognized civil authority over all persons to enforce protection orders.
- Reauthorization of VAWA of 2013 amended ICRA (*Oliphant* fix in domestic violence cases)
- A “participating” tribe is a tribe that has opted to exercise this special domestic violence criminal jurisdiction giving them jurisdiction over non-Indians in some situations.

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Acts Covered under “Special” Criminal Jurisdiction

- A participating tribe may exercise “special domestic violence criminal jurisdiction” over a non-Indian defendant for
- Acts of domestic violence or dating violence that occur in the Indian country of the participating tribe; and
 - Violations of protection orders that are violated in the Indian country of the participating tribe.

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VAWA 2013 Definitions

- Dating Violence: “violence committed by a person who is or has been in a **social relationship of a romantic or intimate nature** with the victim, as determined by the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.”
 - *Note*: This definition does not include “hook-ups.”
- Domestic Violence: “violence committed by a current or former **spouse or intimate partner** of the victim, by a person with whom the victim **shares a child** in common, by a person who is **cohabitating** with or has cohabitated with the victim as a spouse or intimate partner, or by a person similarly situated to a spouse of the victim under the domestic- or family-violence laws of an Indian tribe that has jurisdiction over the Indian country where the violence occurs.”

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Definition of Protection Order VAWA 2013

- “any injunction, restraining order, or other order issued by a civil or criminal court for the purpose of preventing violent or threatening acts or harassment against, sexual violence against, contact or communication with, or physical proximity to, another person; and includes any temporary or final order issued by a civil or criminal court, if the civil or criminal order was issued in response to a complaint, petition, or motion filed by or on behalf of the person seeking protection.”

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Not covered by VAWA Sec. 904

- Victim and defendant are both non-Indian.
- Non-Indian defendant lacks sufficient ties to the Indian tribe.
Defendant must either
 - Reside in the Indian country of the participating tribe;
 - Be employed in the Indian country of the participating tribe; or
 - Be a spouse, intimate partner, or dating partner of a tribal member, or an Indian who resides in the Indian country of the participating tribe.
- Sexual Assault: Sexual assault is not covered unless domestic or dating violence.
- The crime did not take place in the Indian country of a participating tribe.

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	TLIOA and VAWA Due Process Requirements	TLIOA	VAWA
7.	Tribal court maintains a record of the criminal proceeding, including an audio or other recording.	✓	✓
8.	Any defendant sentenced under either act is sentenced to a facility that passes the Bureau of Indian Affairs jail standards for enhanced sentencing authority.	✓	✓
9.	Tribal court has a process for determining that the defendant has sufficient ties to the community, including either residence on the reservation, employment on the reservation, or a relationship with a tribal member or Indian resident.	✓	✓
10.	Tribal court provides the defendant the right to a trial by an impartial jury.	✓	✓
11.	Tribal court ensures that the jury reflects a fair cross-section of the community.	✓	✓
12.	Tribal court ensures that juries are drawn from sources that do not systematically exclude any distinctive group in the community, including non-Indians.	✓	✓

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	TLIOA and VAWA Due Process Requirements	TLIOA	VAWA
1.	Defendants are provided with effective assistance of counsel equal to at least that guaranteed in the U.S. Constitution.	✓	✓
2.	Tribal government provides to an indigent defendant a defense attorney licensed to practice by any jurisdiction in the United States.	✓	✓
3.	Defense attorney is licensed by a jurisdiction that applies appropriate licensing standards and effectively ensures the competence and professional responsibility of its licensed attorneys.	✓	✓
4.	Judges presiding over criminal proceedings subject to enhanced sentencing/non-Indian defendants have sufficient legal training to preside over criminal trials.	✓	✓
5.	Any judge presiding over criminal proceedings subject to enhanced sentencing/non-Indian defendants are licensed to practice law by any jurisdiction in the United States.	✓	✓
6.	The tribe's criminal law, rules of evidence, and rules of criminal procedure are made available to the public prior to charging the defendant.	✓	✓

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	TLIOA and VAWA Due Process Requirements	TLIOA	VAWA
13.	Tribal court ensures that anyone detained under the special domestic violence criminal jurisdiction is "timely notified" of his or her rights and responsibilities.	✓	✓
15.	Tribal court ensures that a defendant is notified of their right to file "a petition for a writ of <i>habeas corpus</i> in a court of the United States."	✓	✓
14.	Tribal court ensures that "all other rights whose protection is necessary under the Constitution of the United States in order for Congress to recognize and affirm the inherent power of the participating tribe to exercise special domestic violence criminal jurisdiction over the defendant" are provided.	✓	✓
15.	Tribal court ensures that "all applicable rights under the special domestic violence criminal jurisdiction provisions" are provided.	✓	✓

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Questions to Ask to Help Determine Jurisdiction

- Did the crime take place in Indian country?
- What is the race of the victim and perpetrator?
- Is this Indian nation affected by PL 280?
- Could the crime be considered a major crime under the MCA?
- Did the crime involve crossing state and/or tribal boundaries?
- Is there currently a protection order?
- Is there sufficient violence to secure a protection order?
- If you determine that the tribe may have jurisdiction, you need to determine whether tribe is exercising jurisdiction.

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Case #1

- Father is an enrolled member of the Great Indian Nation and resides on the Great Indian Nation's trust lands. Mother is a citizen and resident of Ohio and is not an enrolled member of the tribe. Although Father and Mother previously lived together on Great Indian Nation's trust lands, they were never married. Mother has a protection order from the Ohio court. While Mother was gambling at the casino (trust land of the Great Indian Nation), Father approaches her; they argue, and Father shoves her into another person. She is not seriously hurt. Mother wants to pursue a criminal violation of the protection order.

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Case #2

- Survivor and Husband reside on the Ho-Chunk National Trust Land in the state of Wisconsin, a PL 280 state. Survivor is Ho-Chunk and Husband is non-Indian. Husband beats Survivor severely at their home causing her hospitalization. Husband has previously been convicted of domestic assault three times in state court.

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Case #3

- Beaten is a member of the White Earth Indian Nation in Minnesota. While visiting her relatives on the Red Lake Reservation, she is sexually assaulted by a member of the Red Lake Nation.

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Case #4

- Angel, a member of the Spirit Lake Nation (North Dakota) lived in St. Paul, Minnesota, with her boyfriend, Jose, who is an illegal immigrant from Mexico. She secured a protection order in St. Paul against Jose that prohibits any type of contact with Angel. Angel went back to Spirit Lake to stay with her mother for awhile, where she felt safer. Jose found out where she was staying and left for Spirit Lake to talk her into returning to St. Paul. He found her at her mother's home. Angel calls law enforcement for help to enforce the protection order.

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Case #5

- Star, a Navajo, lives in Albuquerque, New Mexico. She moved to Albuquerque after being sexually assaulted by her former boyfriend on the Navajo Reservation. She secured a protection order against her non-Indian boyfriend in Navajo Court before moving to Albuquerque. Her boyfriend finds her in Albuquerque and gets into an argument with her. She calls the police. Answer questions regarding the sexual assault and the violation of the protection order.

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Case #6

- Jane, a non-Indian, lives in the Laguna Pueblo in New Mexico with her abusive husband, a member of the Pueblo. She is sexually assaulted in their home by her husband.

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Contact Information

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Workshop 8 – PowerPoint

Sexual Violence Perpetrated by Native “Spiritual Leaders”

Sexual Violence Perpetrated by Native “Spiritual Leaders”

Adapted from *Sharing Our Stories of Survival*,
Chapter 13, “Overview of Sexual Violence
Perpetrated by Purported Indian Medicine Men”
by Bonnie Clairmont

TRIBAL LAW AND POLICY INSTITUTE



1

Objectives

As a result of participating in this workshop, you will be better able to

- Explain the traditional role of a spiritual guide/leader or medicine man.
- Identify the warning signs that indicate a medicine man may not be genuine.
- Respond to victims who have been sexual assaulted by spiritual leaders.
- Safeguard a community from medicine men who commit sexual violence.

2

Agenda

- Welcome and introductions
- Overview of workshop
- Who is a Native spiritual leader?
- Warning signs.
- Impact of sexual violence perpetrated by Native spiritual leaders.
- Community action.
- Closing

3

Who Is a Native Spiritual Leader?

- Chosen by the Great Spirit
- People gifted at helping others on their spiritual journey
- Live lives of personal sacrifice to help others
- Men and women can be spiritual guides

4

What Is Native Spirituality?

- Spirituality is a way of life
- Belief in the interconnectedness and relationship among all living things
- Equality of gender and generations
- Importance of respecting all living things
- All things have a spirit
- The Creator has no gender

5

What Does a Spiritual Guide Do?

- Ceremonies
- Herbs and medicines
- Sacred objects
- Teach
- Advise

6

Impacted by Colonization

- Colonization targeted spirituality and lifeways.
- Native “religions” were illegal until 1978.
- Replace Native lifeways and spirituality with Judeo / Christian lifeways and Christianity.
- Violence tool of oppression
- Kinship system broken
- Value system broken
- Male dominated
- Alcohol introduced

7

Why Could Working with a Medicine Man Be Risky to a Survivor?

- Isolation, privacy, intimate access
- Glorified/sanctified
- Lack of supervision, accountability
- Multiple roles
- Denial of power
- Burnout, needy
- Seeing vulnerable people
- Lack of structure, accountability
- Denial
- Protected by community and their misinterpretation of values

8

Big Red Flags

- Instant or self-proclaimed medicine man
- Profiteering medicine man

9

More Red Flags

- Prefers to meet with you privately or in inappropriate places.
- Makes you believe he is powerful and must be obeyed.
- History of fathering children that he has abandoned.
- Makes you pay for expenses, fees, and ceremonies.
- Foster feelings of secrecy, fear, shame, and confusion.
- You begin to feel his needs are more important than yours.
- Advertises himself on the Internet.
- Sexualized looks, language, flirtatiousness, touches—rape.
- Makes you believe that you must give up everything.
- Makes you feel inadequate, even evil.

10

Victim Impact

- Victim has intense feelings of betrayal
- Question the Creator—test of their faith
- Spiritual ceremonies are uncomfortable, traumatizing (victim said, “robbed me of my childhood and of my spirituality”)
- May believe they are inherently evil/intense feelings of shame
- Fear
- Others may blame her or not believe he did this

11

What not to say to or about the victim

- I think she is lying. He would never do such a thing.
- She has a bad reputation.
- I do not want to get involved.
- She was always a trouble maker.
- He has done so much for this community.
- She should just forgive him and go on.

12

What to say to the victim

- I believe you.
- You did not deserve this.
- I am here for you.
- I am sorry this happened to you.
- Healing is possible.
- If you need to talk, I am willing to listen.
- Forgive only when you feel able to do so.

13

Support for Victims

- May take time for victim to trust
- Exercise caution using spiritual ceremonies and expectations of victims to participate
- Be particularly sensitive to boundaries
- Victims all respond differently
- Refer victim to safe person for advocacy, one-to-one support, counseling, and healing

14

Community Action

- What could the community do to prevent these types of occurrences?
- What could the community do to ensure accountability?

15

Community Response

- Provide culturally appropriate sanctions for traditional healers who use their power to exploit or abuse, such as banishment.
- Provide qualifications for traditional healers that set forth rules and ethics when working with victims of abuse and others.
- Create and distribute a list of warning signs of inappropriate behaviors used by perpetrators that are not part of a healing ritual or ceremony.
- Create a list of reputable traditional healers that service providers may utilize. Provide a disclaimer that this list is not intended to be an official endorsement of these individuals but only that there are no known formal allegations made about these individuals and individuals must scrutinize and approach just as they would if they were seeking professional help from a psychologist or psychiatrist.
- Create community-wide awareness that this problem exists.

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Community Response

- Create a website of convicted traditional healers.
- Refer to and utilize women to provide spiritual support or suggest to the victim that a trusted support person or advocate is present when working with a traditional healer.
- When using male spiritual healers, ask them how they work with women. What are their standards of practice?
- Believe, support, and validate victims of sexual assault.
- Educate children about sexual abuse and assault by anyone.
- Remove barriers that prevent victims from reporting abuse by traditional healers.

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Criminal Justice Response

- Demand accountability
- No tolerance policy
- Demand increased penalties
- Incorporate into tribal codes
- Impose traditional sanctions (e.g., banishment)

18

Appropriate Use of Spiritual Practices

- Should be optional.
- If a male spiritual leader is assisting a female, there should be another female present.
- Spiritual leaders should be able to explain their practices and ceremonies.
- Wiping of Tears and Empty Chair ceremonies.

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Contact Information

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