



DOMESTIC VIOLENCE ADVOCACY

FOR NATIVE AMERICAN VICTIMS



Native Americans and U.S. Government Overview

- 567 Federally recognized Indian Nations (tribes, nations, bands, pueblos, communities, native villages).
- Located in Alaska and 35 other states.
- State recognized tribes.



FEDERAL GOVERNMENT AND INDIAN TRIBES

- Constitution vests Congress with plenary power over Indian affairs.
- Congress has the authority to limit sovereignty.



Culture of Tribal Governance Nations Within a Nation

- American Indians & Alaska Natives are members of original Indigenous peoples of North America.
- Recognized as sovereign nations since first meeting with European settlers.
- U.S. still recognizes sovereignty & unique political status & relationship with Tribes.



Self-Government

- Each Tribe has own Code of Laws.
- Govern all matters involving their members.
- Governance structures.
- Enforce own laws.
- Determine citizenship.
- Establish civil and criminal laws.
- Taxing, licensing, regulating.
- Exercise power to exclude wrongdoers.



Governmental Activities

- Education.
- Law Enforcement.
- Judicial systems.
- Health care.
- Environmental protection.
- Natural resource management.
- Development & maintenance of basic infrastructure, i.e. housing, roads, bridges, sewers, telecommunications, electrical, etc.



INDIAN CITIZENSHIP ACT OF 1924

- Congress enacted Native Americans as citizens of the U.S.
- Citizen or not? Confusion ensued.
- Right to vote was governed by states and some barred Indians from voting until 1957.
- Note: African Americans given voting rights in 1870 BUT there were barriers to voting.
- All barriers to black votes removed in 1966.



WHAT IS HISTORICAL TRAUMA

- Cumulative emotional and psychological wounding from massive group trauma across generations.
- Dates back over 500 years.



SYMPTOMS AND LONG-TERM EFFECTS

- Unresolved emotional trauma.
- Depression.
- Poor physical health.
- High mortality rates. (shorter life expectancies)
- High levels of drug and/or alcohol abuse.
- Child abuse.
- Domestic violence.
- Unresolved grief.



WHAT IS INTERGENERATIONAL TRAUMA & HOW IS IT PASSED DOWN

- Historical trauma effects passed down from one generation to the next.
- Parents teach children what they have endured.
- Experiences of trauma change an individual's perceptions about life, senses of self.
- Living with the person suffering from PTSD.

HOW IS TRAUMA PASSED DOWN?

- Child may vicariously identify with their parents' experiences of trauma.
- Child may assume a sense of responsibility in trying to compensate for their parents' experiences. For ex. a child may try to take on the role of parent if their parent neglects the child as they are occupied with their own unresolved issues stemming from the trauma.

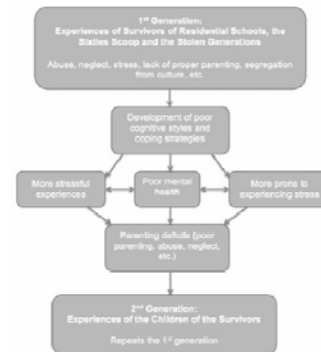
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- Trauma may also be transmitted through the ways a parent communicates their experiences to their child.
- Through the parenting styles used by parents, for ex. Indigenous parents who were deprived of proper parenting models while in segregation lack the necessary knowledge and skills to properly parent their own children.

CONTINUED

- Maltreatment of children occurs in roughly 30% of those whose parents had also been maltreated -- those who survived were exposed to parenting models that were based on abuse, coercion and severe punishment.

INTERGENERATIONAL FLOWCHART



CAUSES OF THE TRAUMA

- First Contact- including the impact of shock, such as genocide and the limited time for grief, followed by the colonization period leading to alcohol and disease in tribal communities.
- Economic Competition- loss of physical and spiritual sustenance.
- Invasion – leading to death and communities forced to become refugees.



CAUSES

- Reservation period – communities were confined or relocated, losing all sense of security and forced to depend on their oppressor.
- Boarding School period – destruction of family systems leading to beatings, and the prohibition of the use of native religion and language.
- Forced relocation – communities faced racism and lost their identity.



ASSIMILATION

- Separated from family.
- Hair cut.
- Uniforms.
- Forced to learn & speak English.



INDIAN RELOCATION ACT OF 1956

- U.S. law intended to encourage Native Americans to leave reservations.
- Acquire skills.
- Assimilate into general population.
- Termination policy era. (tribal status of numerous groups were terminated by U.S.)

WHAT CAN BE DONE TO TURN LIVES AROUND?

- Step one: Confront it.
- Step two: Understand it.
- Step three: Release the pain.
- Step four: Transcend and emerge from trauma.

• *Dr. Maria Yellow Horse Braveheart, Historical Trauma & The Effects, Dodging Bullets.



IMPACT OF TRAUMA

- Individual : loss of identity, low self-esteem, no sense of safety, institutionalized, difficulty forming relationships.

IMPACT

- Families : loss of parental power, near destruction of extended family system.

IMPACT

- Tribal communities : loss of sense of community, loss of language, loss of tribal traditions and ceremonies.

IMPACT

- Tribal Nations : weakened nation structure, depleted numbers for enrollment.



MANIFESTATION OF INTERGENERATIONAL TRAUMA

- Social issues
- Psychological
- Physical




PART II ENHANCING SERVICES TO INDIGENOUS VICTIMS

- Trauma-informed Care.
- Why does it matter?

DOMESTIC TERRORISM IN INDIAN COUNTRY


- Native American women will sustain domestic violence 3 ½ times greater than any other race in U.S. & 3 times greater sexual assault.
- Alaska and others much greater.





A GOOD VICTIM

- **A Good Victim.** The trust relationship tribes have with the U.S. government necessitates frequent interactions between AI/AN communities and outside agents primarily on the federal level. For crimes that are outside of the jurisdiction of the tribe, cases are taken to non-tribal courthouses. prosecutors are hesitant to pursue cases if they are not confident in their chances of winning, confidence that is heavily dependent on testimony from the victim. In cases of SA, victims cannot be required to testify, however for some not testifying means that their case will not be pursued and the perpetrator will not face charges. This idea of a "good victim" who provides the right kind of testimony about their abuse is not realistic for any survivor of trauma. This is intensified by historical trauma, language barriers, and a history of mistrust of the U.S. justice system.



HISTORY OF SILENCE

- Historical trauma compounds the experiences of contemporary trauma.
- There is an unspoken rule not to discuss the IPV or SA.
- Dynamics of small communities/villages.
- Victims often have to choose between privacy and safety.
- Some choose to stay.

KEY TO ADVOCACY IN INDIAN COUNTRY

- Welcoming demeanor.
- Check your own prejudices at the door.
- Trauma-informed care approach.
- Listening shows respect.
- Your tone of voice says it all.
- Acknowledge when you can provide assistance and what prevents you when you can't.
- Be honest, best policy.
- Ask about traditional practices.
- Ask about traditional healing practices.
- Ask to refer to other resource for assistance.



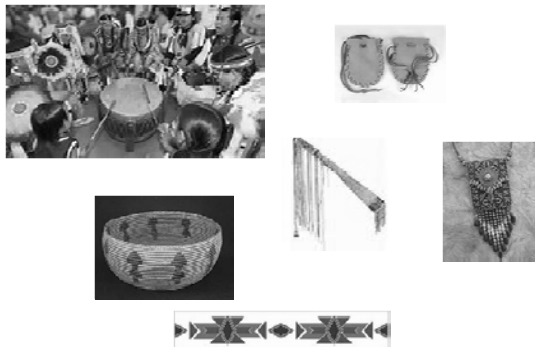

CULTURE AS HEALING

- Culture can be a tool in ones healing journey.
- Historical trauma and a tradition of silence around issues of gender based violence create dynamics that outside services do not normally address.
- The infusion of culture into interventions creates a familiarity that can ease resistance or apprehension.

SOME TRADITIONAL PRACTICES



TRADITIONAL



RELEASE THE TRAUMA

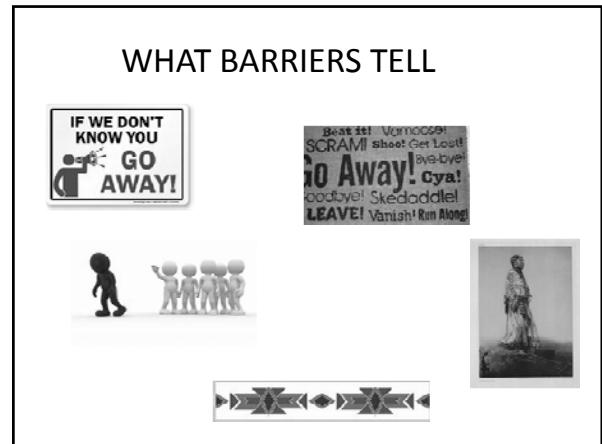
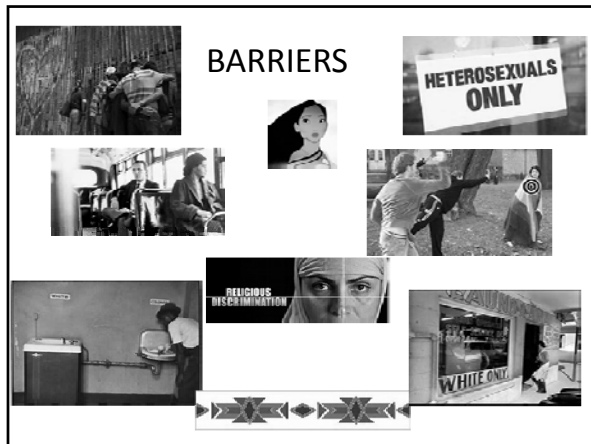
- Don't carry to next generation.



BARRIERS IN INDIAN COUNTRY

- High poverty, unemployment.
- Substance Abuse.
- Housing.
- 26 shelters nationwide provide culturally-specific services to Native Americans.
- Jurisdictional issues.





COURT ADVOCACY

- Most tribe's have attorneys as judges although some may also use Traditional Court Judge.
- Court proceedings standard.
- In tribal courts the judge will generally allow advocates to accompany clients.
- The judge may ask the advocate if there is anything they'd like to say on client's behalf.
- Protection orders standard.

COURT CHALLENGES

- If victim not tribal member she may not have access to civil attorney of the court for consult.
- May have to hire own attorney, can be costly.
- If perpetrator is tribal member, he will have access to civil attorney representation.

CAN TRIBE'S HOLD NON-NATIVE PERPETRATORS ACCOUNTABLE?

- Prior to 2010 – No.
- Tribal Law & Order Act signed by Pres. Obama in 2010. (TLOA)
- Expand punitive abilities of tribal courts across America, i.e. enhance sentencing authority.

Challenges of the TLOA

- Many tribe's lack the financial resources to institute the new law.
- Willingness of agencies to collaborate with tribes.
- Need for TA.
- Overcoming perceptions of inadequate institutions of justice that fail to provide constitutional protections for defendants.

SUMMARY

- Intergenerational trauma is seen in everyday life today in Indian Country.
- Oppression seen everywhere.
- Trauma-informed services is best approach for NA advocacy.
- Addressing healing needs of the NA victim is essential.
- Advocating for native victims in court can be accomplished.

