

No. 13-1496

IN THE
Supreme Court of the United States

DOLLAR GENERAL CORP. AND DOLGENCORP, LLC,
Petitioners,
v.

THE MISSISSIPPI BAND OF CHOCTAW INDIANS;
THE TRIBAL COURT OF THE MISSISSIPPI BAND OF
CHOCTAW INDIANS; CHRISTOPHER A. COLLINS, IN HIS
OFFICIAL CAPACITY; JOHN DOE, A MINOR, BY AND
THROUGH HIS PARENTS AND NEXT FRIENDS
JOHN DOE SR. AND JANE DOE,
Respondents.

**On a Writ of Certiorari to the
United States Court of Appeals
for the Fifth Circuit**

**BRIEF OF *AMICI CURIAE* NATIONAL
INDIGENOUS WOMEN'S RESOURCE CENTER
AND ADDITIONAL ADVOCACY
ORGANIZATIONS FOR SURVIVORS OF
DOMESTIC VIOLENCE AND ASSAULT
IN SUPPORT OF RESPONDENTS**

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<i>Iowa Mut. Ins. Co. v. LaPlante</i> , 480 U.S. 9 (1987).....	<i>passim</i>
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<i>Mapp v. Ohio</i> , 367 U.S. 643 (1961).....	12
<i>Marathon Oil Co. v. Johnston</i> , No. 03-CV-1031-J, 2004 WL 4960751 (D. Wyo. June 1, 2004).....	27
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<i>Mississippi Band of Choctaw Indians v. Holyfield</i> , 490 U.S. 30 (1989).....	3, 26, 27
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<i>Skinner v. Skinner</i> , 5 Wis. 449, 1856 WL 3888 (Wis. 1856).....	31

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<i>Smith v. Salish Kootenai Coll.</i> , 434 F.3d 1127 (9th Cir. 2006).....	9, 30
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 STATUTES	
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 OTHER AUTHORITIES	
F. Cohen, Handbook of Federal Indian Law 253 (1982 ed.).....	35
Amnesty Int'l, <i>Maze of Injustice: The failure to protect Indigenous women from sexual violence in the USA</i> (2007), http://www.amnestyusa.org/pdfs/mazeofinjustice.pdf	4

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Byron L. Dorgan et al., <i>Attorney General’s Advisory Committee on American Indian and Alaskan Native Children Exposed to Violence: Ending Violence So Children Can Thrive</i> (Nov. 2014), http://www.justice.gov/sites/default/files/defendingchildhood/pages/attachments/2015/03/23/ending_violence_so_children_can_thrive.pdf	<i>passim</i>
Camille Carey, <i>Domestic Violence Torts: Righting a Civil Wrong</i> , 62 <i>Kansas L. Rev.</i> 695 (2014).....	30
Cheryl Regehr & Tamara Sussman, <i>Intersections Between Grief and Trauma: Toward an Empirically Based Model for Treating Traumatic Grief</i> , 4 <i>Brief Treatment & Crisis Intervention</i> 289 (2004).....	23
Choctaw Tribal Council, http://www.choctaw.org/aboutMBCI/council/ (last visited Oct. 15, 2015).	26
David Lisak & Paul M Miller, <i>Repeat Rape and Multiple Offending among Undetected Rapists</i> , 17 <i>Violence & Victims</i> 73 (2002).....	28
Deborah Bassett et al., <i>Posttraumatic Stress Disorder and Symptoms among American Indians and Alaska Natives: A Review of the Literature</i> , 49 <i>Soc. Psychiatry & Psychiatric Epidemiology</i> 417 (2014).....	22

TABLE OF AUTHORITIES—Continued

	Page(s)
Dolores Subia BigFoot, Sadie Willmon-Haque & Janie Braden, Indian Country Child Trauma Ctr., <i>Trauma Exposure in American Indian/Alaska Native Children</i> (2008).....	2, 21, 24
J. Douglas Bremner et al., <i>Structural and Functional Plasticity of the Human Brain in Posttraumatic Stress Disorder</i> , <i>Progress in Brain Research</i> (2008), http://www.ncbi.nlm.nih.gov/pmc/articles/PMC3226705/	18, 23
Jamila K. Stockman et al., <i>Intimate Partner Violence and Its Health Impact on Disproportionately Affected Populations, Including Minorities and Impoverished Groups</i> , 24 <i>J. Women's Health</i> 62 (2015).....	24
Jitender Sareen et al., <i>Physical and Mental Comorbidity, Disability, and Suicidal Behavior Associated With Posttraumatic Stress Disorder in a Large Community Sample</i> , 69 <i>Psychosomatic Med.</i> 242 (2007).....	18, 23
Katherine J. Florey, <i>Choosing Tribal Law: Why State Choice-of-Law Principles Should Apply to Disputes with Tribal Contacts</i> , 55 <i>Am. U. L. Rev.</i> 1627 (2006).....	32

TABLE OF AUTHORITIES—Continued

	Page(s)
Lawrence A. Greenfeld & Steven K. Smith, U.S. Dep't of Justice, Office of Justice Programs, Bureau of Justice Statistics, <i>American Indians and Crime</i> , NCJ 173386 (1999).....	2, 4, 17, 19
Lori A. Post et al., <i>The Rape Tax: Tangible and Intangible Costs of Sexual Violence</i> , 17 J. Interpersonal Violence 773 (2002). .	25
Matthew Breiding et al., Centers for Disease Control and Prevention, <i>Preva- lence and Characteristics of Sexual Violence, Stalking, and Intimate Partner Violence Victimization—National Inti- mate Partner and Sexual Violence Survey, United States, 2011</i> , 63 Morbidity & Mortality Wkly. Rep. 1 (2014).....	21
Merriam-Webster.com.....	15, 33
Michele Black et al., National Center for Injury Prevention and Control, Centers for Disease Control and Prevention, <i>National Intimate Partner and Sexual Violence Survey: 2010 Summary Report 3</i> (2011).....	20
Mose A. Herne et al., <i>Suicide Mortality among American Indians and Alaska Natives, 1999-2009</i> , 104 Am. J. Pub. Health 336 (2014)	24

TABLE OF AUTHORITIES—Continued

	Page(s)
Neelum Arya & Addie Rolnick, <i>A Tangled Web of Justice: American Indian and Alaska Native Youth in Federal, State, and Tribal Justice Systems</i> , 1 Policy Brief and Ethnicity Series 1 (2008), http://www.campaignforyouthjustice.org/documents/CFYJPB_TangledJustice.pdf	21
Oliver Wendell Holmes, Jr., <i>The Common Law</i> (1881).....	29
Patricia Tjaden & Nancy Thoennes, U.S. Dep't of Justice, Office of Justice Programs, National Institute of Justice, <i>Extent, Nature, and Consequences of Rape Victimization: Findings From the National Violence Against Women Survey 14</i> , NJC 210346 (2006).	20
Rebecca M. Loya, <i>Rape as an Economic Crime: The Impact of Sexual Violence on Survivors' Employment and Economic Well-Being</i> , 30 J. Interpersonal Violence 2793 (2014).....	24, 25
Sharmila Devi, <i>Native American Health Left out in the Cold</i> , 377 Lancet 1481 (2011).....	23
Special. Comm. on Investigations of the Select Comm. on Indian Affairs, United States Senate, <i>Final Report and Legislative Recommendations</i> , S. Rep. No. 101-216 (1989).....	28

TABLE OF AUTHORITIES—Continued

	Page(s)
Steven W. Perry, U.S. Dep't of Justice, Bureau of Justice Statistics, <i>A BJS Statistical Profile, 1992-2002: American Indians and Crime</i> , NCJ 203097 (2004).....	19, 20
Teresa N. Brockie et al., <i>A Framework to Examine the Role of Epigenetics in Health Disparities among Native Americans</i> , 2013 Nursing Res. & Prac. 1 (2013).....	22
U.S. Att'y Gen. Janet Reno, <i>A Federal Commitment to Tribal Justice Systems: Litigation practice and a series of projects of the U.S. Department of Justice support the federal government's longstanding policy of self - determination for Indian tribes</i> , 79 Judicature No. 3 (1995), Tribal Court Clearinghouse, http://www.tribal-institute.org/articles/reno.htm	30
U.S. Census Bureau, 2010 Census Brief, <i>Households and Families: 2010</i> (2012), http://www.census.gov/2010census/news/pdf/20120425_household_slides.pdf	14
U.S. Dep't of Justice, <i>Violence Against American Indian and Alaska Native Women and the Criminal Justice Response: What is Known</i> (Aug 6, 2008).....	3, 7, 8

TABLE OF AUTHORITIES—Continued

	Page(s)
U.S. Gov't Accountability Office, GAO-11-167R, U.S. Dep't of Justice Declinations of Indian Country Criminal Matters (2010), http://www.gao.gov/products/GAO-11-167R	32
W. Page Keeton et al., <i>Prosser and Keeton on Torts</i> (5th ed. 1984).....	15, 30

INTEREST OF THE *AMICI CURIAE*

Petitioner's assertion that Indian Tribes should be stripped of all civil jurisdiction over non-Indians absent "express consent" compels the *Amici* identified herein to offer their view on the critical relationship between tribal jurisdiction, the inherent authority of Tribal Governments to self-govern, and safety for Native women and children.¹

The leading signatory, National Indigenous Women's Resource Center, Inc. ("NIWRC"), is a Native non-profit organization whose mission is to ensure the safety of Native women by protecting and preserving the inherent sovereign authority of American Indian and Alaska Native Tribes to respond to domestic violence and sexual assault. NIWRC's Board of Directors consists of Native women leaders from Tribes across the United States; collectively, these women have extensive experience in tribal courts, tribal governmental process, and programmatic and educational work to end violence against Native women and children, including domestic violence and sexual assault.

NIWRC is joined by 104 additional organizations that share NIWRC's commitment to ending domestic violence, rape, sexual assault, and other forms of violence in the United States (collectively, the

¹ Pursuant to Supreme Court Rule 37.6, *amici curiae* state that no counsel for any party authored this brief in whole or in part and that no entity or person, aside from *amici curiae* and their counsel, made any monetary contribution toward the preparation or submission of this brief. On August 7 and 10, 2015, all parties filed letters with the Clerk of Court reflecting their blanket consent to the filing of *amicus* briefs.

“NIWRC Amici”).² The depth of the NIWRC Amici’s experience in combatting violence render them uniquely positioned to offer their views on the need for accountability in the community where the assault occurs, and accordingly, the necessity of tribal jurisdiction over non-Indians to ensure Native women and children are protected, regardless of their perpetrators’ race, ethnicity, or citizenship.

SUMMARY OF THE ARGUMENT

The Nation shall be strong so long as the hearts of the women are not on the ground.

Tsistsistas (Cheyenne)

The extraordinary magnitude of violence and sexual assault perpetrated against Native women and children today constitutes one of the greatest threats to the integrity and continued existence of Tribal Governments. Native women are more likely to be battered, raped, or sexually assaulted than any other population in the United States.³ Likewise, Native children suffer rates of trauma 2.5 times higher than the national average.⁴ “Even the most conservative

² The 104 additional NIWRC *Amici* are identified and listed in Appendix A to this brief.

³ Lawrence A. Greenfeld & Steven K. Smith, U.S. Dep’t of Justice, Office of Justice Programs, Bureau of Justice Statistics, *American Indians and Crime*, NCJ 173386, 3-4 (1999) (hereinafter “1999 Report”).

⁴ Dolores Subia BigFoot, Sadie Willmon-Haque & Janie Braden, Indian Country Child Trauma Ctr., *Trauma Exposure in American Indian / Alaska Native Children 2* (2008).

estimates indicate that it is an extremely serious problem.”⁵

When a Tribal Government cannot protect its women, the entire nation is in jeopardy. Women perpetuate the existence of all tribal communities, and they hold critical leadership positions in many Tribal Governments. Further, as this Court has previously noted, nothing is “more vital to the continued existence and integrity of Indian tribes than their children,”⁶ and consequently, the extraordinarily high rates of violence against Indian children—and the mothers who raise them—imperils the ability of Tribes to perpetuate their own existence and effectively self-govern. Because “[t]here is a vital connection between inherent tribal sovereignty and protecting [Native] children,”⁷ a Tribe’s continued existence is contingent upon the ability of the Tribe to protect its women and children.

⁵ U.S. Dep’t of Justice, *Violence Against American Indian and Alaska Native Women and the Criminal Justice Response: What is Known* 141 (Aug. 6, 2008) (hereinafter “*Violence Against American Indian and Alaska Native Women*”) <https://www.ncjrs.gov/pdffiles1/nij/grants/223691.pdf>.

⁶ *Mississippi Band of Choctaw Indians v. Holyfield*, 490 U.S. 30, 49 (1989) (recognizing “[t]here is no resource that is more vital to the continued existence and integrity of Indian tribes than their children.”) (quoting 25 U.S.C. 1901(3)).

⁷ Byron L. Dorgan et al., *Attorney General’s Advisory Committee on American Indian and Alaskan Native Children Exposed to Violence: Ending Violence So Children Can Thrive* 7 (Nov. 2014) http://www.justice.gov/sites/default/files/defending_childhood/pages/attachments/2015/03/23/ending_violence_so_children_can_thrive.pdf.

Nothing is more critical to a Tribal Government's ability to protect its citizens from violence than its jurisdiction. Jurisdiction allows Tribal Governments to make and shape the laws that command individuals to treat their women and children with dignity and respect.⁸ Furthermore, a government's need to protect its citizens from abuse and sexual assault does not vary with the race, creed, or citizenship of the assailant; that is, a Tribe's inherent jurisdiction to protect its citizens is not contingent upon the race of the individual who commits the harm.

Dollar General, however, has asked this Court to drastically revise its past precedent and conclude that Indian Tribes may no longer exercise any form of their inherent civil jurisdiction over non-Indian conduct on tribal lands.⁹ If adopted, Dollar General's proffered reversal would result in drastic consequences for Tribal Governments, and even more so, for their women and children. Non-Indians commit the majority of violent assaults on Native women and children,¹⁰ and as a result, the creation of a new rule precluding the exercise of civil jurisdiction over non-Indians would greatly endanger the ability of Tribal Governments to protect their women and children, and ultimately, self-govern.

⁸ See Amnesty Int'l, *Maze of Injustice: The failure to protect Indigenous women from sexual violence in the USA* 1 (2007), <http://www.amnestyusa.org/pdfs/mazeofinjustice.pdf> ("As citizens of particular Tribal Nations, the welfare and safety of American Indian and Alaska Native women are directly linked to the authority and capacity of their nations to address such violence.").

⁹ See, e.g., Pet'r's Br. 19.

¹⁰ 1999 Report, *supra*, at vi.

To be clear, Dollar General requests nothing less than the eradication of the civil jurisdiction the *Montana* Court elected to preserve. See *Montana v. United States*, 450 U.S. 544, 565–566 (1981). In 1978, this Court ruled that tribal courts could no longer exercise criminal jurisdiction over non-Indians. See *Oliphant v. Suquamish Indian Tribe*, 435 U.S. 191 (1978). However, since 1978, this Court has continued to affirm and uphold the *civil* jurisdiction of Tribal Governments “over the activities of non-Indians on reservation lands.” *Iowa Mut. Ins. Co. v. LaPlante*, 480 U.S. 9, 18 (1987) (citing *Montana*, 450 U.S. at 565–566). It is true that, following *Montana*, the Court decided a handful of cases where the application of *Montana* did not compel a finding of civil jurisdiction over non-Indians. See, e.g., *Strate v. A-1 Contractors*, 520 U.S. 438 (1997); *Nevada v. Hicks*, 533 U.S. 353 (2001). These subsequent precedents, however, have not changed *Montana*’s fundamental precept—that is, the recognition that Tribal Governments retain civil jurisdiction over non-Indians where such jurisdiction “is necessary to protect self-government or to control internal relations.” *Montana*, 450 U.S. at 564; see also *Hicks*, 533 U.S. at 359-62 (affirming *Montana*’s holding and acknowledging the continued “federal interest in encouraging tribal self-government”). All of the Court’s subsequent decisions are in accord: *Montana* should not be construed to preclude the preservation of tribal self-government. Dollar General’s requested reversal of *Montana*’s entire framework, therefore, must be dismissed.

First, Dollar General and its *Amici* (the “Dollar General *Amici*”) seek to revise the *Montana* framework that preserves tribal civil jurisdiction over non-Indians who enter into “consensual relationships” with Tribes. See *Montana*, 450 U.S. at 565. Dollar

General's *Amici* suggest this Court should replace *Montana*'s "consensual relationships" with "clear and unequivocal consent," thereby limiting tribal jurisdiction to those instances where a non-Indian has given "clear and unequivocal consent to tribal jurisdiction." See Association of American Railroads *Amicus* Brief 8 (hereinafter "AAR Br."). This Court, however, has had numerous occasions in the last thirty-five years to clarify that *Montana*'s "consensual relationships" equates with "clear and unequivocal consent" and has repeatedly declined to do so. As described in detail below, substituting "consensual relationships" with "clear and unequivocal consent" would create an untenable situation where tribal courts would have to inquire as to whether a non-Indian perpetrator clearly and unequivocally expressed his consent to tribal jurisdiction before he sexually assaulted or abused a Native woman or child. Not only is this scenario implausible, it is unconscionable. Native women and children do not consent to being assaulted on tribal lands, yet this proffered revision of *Montana*'s "consensual relationships" would render their profound lack of consent a legal nullity.

Second, Dollar General further asks this Court to unconditionally "hold[] that tribal courts lack jurisdiction [] over tort claims" against non-Indians. Pet'r's Br. 19. Untethered to any particular aspect or element of the controlling *Montana* framework, this alteration would eliminate an entire function Tribal Governments currently perform to protect their women and children from sexual assault and abuse.

In sum, the NIWRC *Amici* agree fully with the arguments presented in Mississippi Choctaw Band of Indians' ("MBCI") brief—specifically that Dollar

General entered into a “consensual relationship” with MBCI and consequently, cannot circumvent the Tribal Court’s jurisdiction with regard to the lawsuit two tribal members filed seeking a remedy for the sexual assault their child suffered while working in Dollar General’s store on tribal lands. *See Resp’t’s Br. 29-33.* Furthermore, the NIWRC *Amici* concur with the United States in that the Court need not reach the question of *Montana’s* application to the present set of facts because the assault occurred on tribal trust lands and violated the bodily integrity of a tribal citizen, and as a result, MBCI’s inherent jurisdiction over such conduct must be preserved.¹¹

However, the novel arguments presented in this case, including the requested wholesale eradication of Tribes’ inherent civil jurisdiction over non-Indians, as well as alterations to *Montana’s* “consensual relationships,” compel the NIWRC *Amici* to write separately and convey their unique view on the disastrous consequences Tribal Governments—and therefore Native women and children— would suffer should the aforementioned revisions to past precedent be adopted.

Non-Indian perpetrated violence against Native women and children has threatened the continued existence of Indian Nations since its very inception. Initially, this violence was perpetrated by other nations, including the United States, as a military tactic of warfare designed to eradicate the existence of Indian Nations and Tribal Governments.¹² Although

¹¹ *See* SG Cert Stage Amicus Br. 11 (arguing that an exercise of tribal authority need not fit within one of the two *Montana* circumstances where the regulated conduct occurs on land owned by the tribe).

¹² *See Violence Against American Indian and Alaska Native Women, supra*, at 67 (noting scholars have found that “violence

the warfare between the United States military and Indian Nations has concluded, the practice of non-Indian violence against Native women and children has not. An Indian Nation's continued existence is contingent upon the health and welfare of its women and children, and as a result, civil jurisdiction over non-Indians who assault Native women and children on tribal lands is a critical component to tribal self-government.

Eliminating this jurisdiction would threaten the continued viability of Tribal Governments and, ultimately, would call into question the legitimacy of contemporary American democracy.

ARGUMENT

I. Tribal Court Civil Jurisdiction over Non-Indians Who Commit Sexual Assault and Domestic Violence on Tribal Lands is Necessary to Sustain Tribal Self-Governance

[S]overeignty and safety are hand and glove. The sovereignty of Indian Tribes is connected to the safety of Native women. This connection is the natural relationship of a People to their nation. It is also the natural relationship of a government to protect and safeguard the lives of its citizens.

Former Chairwoman Terri Henry, Eastern Band of Cherokee Indians

This Court has “repeatedly recognized the Federal Government’s longstanding policy of encouraging tribal self-government.” *Iowa Mut. Ins. Co.*, 480 U.S.

against American Indian and Alaska Native women directly relates to historical victimization”) (citations omitted).

at 14. A critical component of a Tribe's ability to self-govern is its tribal court. *See id.* at 14-15 ("Tribal courts play a vital role in tribal self-government"); *Smith v. Salish Kootenai Coll.*, 434 F.3d 1127, 1140 (9th Cir. 2006) ("[T]ribal courts [are] critical to Indian self-governance") (citations omitted). As a result, a tribal court's jurisdiction "over the activities of non-Indians on reservation lands is an important part of tribal sovereignty." *Iowa Mut. Ins. Co.*, 480 U.S. at 18 (citing *Montana*, 450 U.S. at 565-66); *see also Santa Clara Pueblo v. Martinez*, 436 U.S. 49, 65 (1978) ("Tribal courts have repeatedly been recognized as appropriate forums for the exclusive adjudication of disputes affecting important personal and property interests of both Indians and non-Indians" on tribal lands).

It is true that this Court's decision in *Oliphant* restricted the ability of Tribes to exercise their inherent criminal jurisdiction to prosecute non-Indians who commit crimes on tribal lands. This Court subsequently clarified, however, that "[a]lthough the criminal jurisdiction of the tribal courts is subject to substantial federal limitation, . . . *their civil jurisdiction is not similarly restricted.*" *Iowa Mut. Ins. Co.*, 480 U.S. at 14-15 (emphasis added) (citations omitted). This Court has repeatedly recognized Tribes' civil jurisdiction "over the activities of non-Indians on reservation lands" (*id.* at 18), and has only restricted Tribes' civil jurisdiction in a few limited circumstances. *See, e.g., Strate*, 520 U.S. at 459 (no tribal court jurisdiction over civil lawsuit where both plaintiff and defendant are non-Indians and the conduct from which the lawsuit arose took place on non-Indian owned fee land); *Plains Commerce Bank v. Long Family Land & Cattle Co.*, 554 U.S. 316, 330 (2008) (concluding "the Tribe lacks the civil authority

to regulate the [non-Indian] Bank's sale of its [non-Indian owned] fee land"). Notably, the Court has never eliminated Tribes' civil jurisdiction over non-Indians who sexually assault tribal citizens on tribal lands.

At the core of this Court's preservation of tribal civil jurisdiction is tribal self-government. Despite having been presented with several opportunities to eliminate the exercise of tribal jurisdiction over non-Indians altogether, the Court has continually affirmed civil jurisdiction over non-Indians as an "inherent [tribal] power necessary to [sustain] tribal self-government and territorial management." *Merrion v. Jicarilla Apache Tribe*, 455 U.S. 130, 141 (1982); *see also Montana*, 450 U.S. at 565 ("Indian tribes retain inherent sovereign power to exercise some forms of civil jurisdiction over non-Indians on their reservations, even on non-Indian fee lands."). In furtherance of tribal self-government, *Montana* outlined two categories of non-Indian conduct over which Tribes retain the authority to exercise their inherent civil jurisdiction (also referred to as the "*Montana* exceptions").

First, the *Montana* Court confirmed that Tribes "may regulate, through taxation, licensing, or other means, the activities of nonmembers who enter consensual relationships with the tribe or its members, through commercial dealing, contracts, leases, or other arrangements." *Montana*, 450 U.S. at 565.

Second, the *Montana* Court went further, holding that a Tribe retains its:

[I]nherent power to exercise civil authority over the conduct of non-Indians on fee lands within its reservation when that conduct threatens or has some direct effect on the political integrity, the economic security, or the health and welfare of the tribe.

Id. at 566. Nothing could be more critical to the political integrity, the economic security, or the health and welfare of a Tribe than the ability of its citizens to turn to their government's courts for protection from sexual assault and domestic violence. Tribal tort law, therefore, is a critical component of the protection Tribal Governments must be able to continue to provide their citizens.

The *Montana* Court did not articulate a standard that can be picked apart word by word and applied in isolation. Instead, *Montana* provides a carefully crafted judicial framework that ensures the rights of non-Indians are properly balanced with the inherent rights of Tribal Governments to self-govern and protect their citizens. *See id.* at 564-66. However, in an attempt to create a divide where none exists, Dollar General purports to limit its arguments to the "first" *Montana* category, asserting that MBCI has "abandoned any claim that jurisdiction in this case can be supported under the second exception." Pet'r's Br. 48.

The actual language in Dollar General's brief, however, reveals that its arguments contain no such limitation and are instead incredibly expansive. Dollar General has asked this Court to reach "the same conclusion this Court reached regarding criminal jurisdiction in *Oliphant*" (Pet'r's Br. 24 (citations omitted)) and suggests this Court should

conclude that Tribes retain no inherent civil jurisdiction over non-Indian conduct on tribal lands absent congressional legislation. *See id.* at 58. This is not a debate about Montana’s “first exception.” This is a debate about whether *Montana*’s entire framework should be replaced with *Oliphant*. The NIWRC *Amici*, therefore, will not be limited to arguments about *Montana*’s first exception while Dollar General argues for the abdication of both.¹³

When applied as a whole, this Court’s decision in *Montana* compels the conclusion that Indian Tribes have retained their inherent civil jurisdiction over

¹³ Even if Dollar General had confined its argument to *Montana*’s first exception, the Court would not be precluded from considering NIWRC *Amici*’s arguments under the second, as this Court often considers arguments that are presented in *amicus* briefing alone. *See, e.g., Teague v. Lane*, 489 U.S. 288, 300 (1989) (addressing question of retroactivity even though question was raised only in *amicus* brief); *Mapp v. Ohio*, 367 U.S. 643, 646, n. 3 (1961) (applying exclusionary rule to the States even though the application of the rule was only urged by *amicus curiae*); *see also Kolstad v. Am. Dental Ass’n*, 527 U.S. 526, 540 (1999) (noting the Court “has not always confined itself to the set of issues addressed by the parties.”). Furthermore, “[o]n a number of occasions, this Court has considered issues waived by the parties below and in the petition for *certiorari* because the issues were so integral to decision of the case that they could be considered ‘fairly subsumed’ by the actual questions presented.” *Gilmer v. Interstate/Johnson Lane Corp.*, 500 U.S. 20, 37 (1991). Here, NIWRC *Amici*’s assertion that civil jurisdiction to protect Native women and children from domestic violence and sexual assault is essential to the preservation of tribal self-government is entirely subsumed by, and intimately bound up with, Dollar General’s proposed substitution of *Oliphant* for the entire *Montana* framework, and as a result, NIWRC *Amici*’s argument concerning *Montana*’s second category of jurisdiction commands this Court’s consideration.

non-Indian perpetrators of violence against tribal members on tribal lands.

A. Montana’s “Consensual Relationships” Standard Does Not Exempt Non-Indian Perpetrators of Sexual Assault and Domestic Violence from Tribal Court Jurisdiction

NIWRC *Amici* agree with MBCI that the jurisdictional elements under *Montana*’s first category of jurisdiction are more than satisfied and that the Tribe retains jurisdiction over Dollar General as a result of the consensual relationship Dollar General willingly entered into with the Tribe. *See* Resp’t Br. 29-33. That is, in instances where the assault is perpetrated against a tribal member during the course of his employment with a non-Indian employer licensed to do business on tribal lands, as is the case here, *Montana*’s first “prong involving a consensual relationship [is satisfied because] there is a double or even triple element of consent.” *Dubray-Cordier v. St. Francis Mission*, CA 2004-02, *5 (Rosebud Sup. Ct. 2004); *see id.* (noting that the “tribal business license granted” by the Tribe constitutes one qualifying act of consent, and further that “the employer-employee relationship [constitutes] the quintessential consensual relationship.”).¹⁴ Consequently, where “the torts gr[o]w directly from the employer-employee relationship [and where the] alleged[] abuse [takes place] in the context of an employee-employer Relationship” (*id.*), the exercise of tribal jurisdiction over the perpetrator and/or

¹⁴ The Rosebud Supreme Court’s decision is available at: <http://lgdata.s3-website-us-east-1.amazonaws.com/docs/3144/860906/dubray.pdf>.

non-Indian employer is well within the bounds of *Montana*'s first category.¹⁵

Dollar General and its *amici*, however, seek to transform *Montana*'s "consensual relationships" element into a requirement that Tribes establish "clear and unequivocal" or "express" consent before exercising any form of civil jurisdiction over non-Indians. See AAR Br. 6-28; Oklahoma Attorney General et al., *Amicus* Brief (hereinafter "Okla. Br.") 16. This Court has never required "express consent" nor has it required anything close to consent that could be characterized as "clear and unequivocal."

Instead, this Court has held that a nonmember consents to tribal jurisdiction "either expressly or by his actions" (*Plains Commerce Bank*, 554 U.S. at 337 (emphasis added)), a standard that appropriately reflects the reality of many tribal communities where non-Indian perpetrators of domestic violence and sexual assault express their consent through willful entry and subsequent purposeful acts of violence—not with a written or spoken word. The conduct of non-Indian perpetrators evidences consent because these non-Indians willfully elect to enter tribal lands (see *Merrion*, 455 U.S. at 147), and as a result, subject themselves to tribal jurisdiction before they decide to physically assault a Native woman or child.

¹⁵ Another "quintessential consensual relationship" is a marriage and/or dating relationship. For Tribal Governments, the exercise of civil jurisdiction over a non-Indian spouse is a critical function of self-government, as the majority of Indian women describe themselves as in a relationship with a non-Indian. See U.S. Census Bureau, 2010 Census Brief, *Households and Families: 2010* 32 (2012), http://www.census.gov/2010census/news/pdf/20120425_household_slides.pdf.

This Court should affirm its prior holding in *Plains Commerce Bank* that to establish tribal civil jurisdiction over non-Indians under the *Montana* framework, Tribes must demonstrate “commensurate consent”—not “express” or “clear and unequivocal.” *Plains Commerce*, 554 U.S. at 337. Merriam-Webster defines “commensurate” as “equal in measure or extent” and “corresponding in size, extent, amount, or degree.”¹⁶ This comports with the conclusion that to establish a “consensual relationship” under *Montana*, “the [] regulation imposed by the Indian tribe [should] have a nexus to the consensual relationship itself.” *Atkinson Trading Co. v. Shirley*, 532 U.S. 645, 656 (2001).

Here, the provision of a tort remedy in tribal court bears a direct nexus to the “consensual relationship” a perpetrator forms with a Tribal Government when he enters tribal lands and assaults a tribal member. Tort law is, by definition, “[a]n obligation, recognized by law, requiring the person to conform to a certain standard of conduct, for the protection of others against unreasonable risks.” W. Page Keeton et al., *Prosser and Keeton on Torts* § 30 at 164 (5th ed. 1984). Domestic and sexual violence constitute “unreasonable risk[s],” and, accordingly, a Tribal Government’s use of tort law to regulate such conduct is entirely commensurate with the risk the conduct imposes to the Tribe’s body politic.

Furthermore, the provision of a tort remedy in tribal court for survivors of domestic violence and sexual assault is entirely commensurate with the four cases

¹⁶ *Commensurate*, Merriam-Webster.com, <http://www.merriam-webster.com/dictionary/commensurate> (law visited Oct. 14, 2015).

the *Montana* Court cited in articulating its first category. See *Plains Commerce Bank*, 554 U.S. at 332 (noting that this Court “cited four cases in explanation of *Montana*’s first exception.”) (citations omitted). Each of these four cases “involved regulation of non-Indian activities on the reservation that had a discernible effect on the tribe or its members” or involved an area “where the tribe has a significant interest in the subject matter.” *Id.* (citations and quotation marks omitted). As described in greater detail below, sexual assault and domestic violence against Native women and children have more than a “discernible effect on the tribe [and] its members.” *Id.* Indeed, the effect has been well-documented and characterized as a crisis.¹⁷ Therefore, when it comes to protecting Native women and children from sexual assault and domestic violence, Tribal Governments have a great deal more than “a significant interest in the subject matter.”

Sexual assault is an act of violence that can take place only in the absence of consent. A perpetrator that seeks to violate the sovereignty of a child’s body can hardly be expected to consent to the jurisdiction of the child’s Tribal Government. The proffered alteration of *Montana*’s “consensual relationships,” therefore, would all but eradicate tribal civil court jurisdiction over non-Indians who commit sexual assault and domestic violence on tribal lands, as there is no evidence to suggest that non-Indians committing such acts of violence would ever “expressly” state their consent to tribal jurisdiction. “Express consent” and “clear and unequivocal consent” cannot be construed

¹⁷ Dorgan et al., *supra*, at 47, 222 (noting failed policies and laws as contributing factors to the public safety crisis in Indian country).

in a manner that complies with *Montana*'s fundamental tenet: tribal self-government must be preserved. Dollar General's arguments must be dismissed.

B. Violence Against Native Women and Children Perpetrated by Non-Indians on Tribal Lands Imperils the Political Integrity, Economic Security, and Health and Welfare of Tribes

Under the framework established in *Montana*, a Tribe's civil jurisdiction to adjudicate tort claims brought against a non-Indian defendant is at its height when the underlying tortious conduct involves sexual assault and/or domestic violence against a tribal citizen. The necessity for tribal jurisdiction is particularly acute when the violence is directed towards children, as in the present case, because Native children "are the future of American Indian and Alaska Native communities [but are currently] destroyed by relentless violence and trauma."¹⁸ The current levels of violence, therefore, "imperil the subsistence . . . of the tribal community" (*Plains Commerce Bank*, 554 U.S. at 319), and as a result, the ability of Tribal Governments to regulate the violence through the provision of tort remedies in tribal courts is necessary to preserving the political integrity of the Tribe and the welfare of its citizens.

Data produced by the Federal Government indicates that Native women are raped at the highest per capita rates in the United States.¹⁹ Widespread, commonplace sexual and domestic violence have taken a toll on Native communities, leaving nations of people

¹⁸ Dorgan et al., *supra*.

¹⁹ 1999 Report, *supra*, at 3.

that suffer from unspeakable levels of trauma which in turn leads to high rates of maladies such as mental illness, addiction, and even physical ailments such as chronic heart, lung, and liver disease.²⁰ Victimization, and the unresolved trauma that follows, are directly linked to significant disparities in both mental and physical health.²¹ These widespread disparities directly affect and threaten – indeed, imperil – the health and welfare of Tribal Nations and their citizens.

Lower courts considering the second category of *Montana* jurisdiction have found that “[c]onduct reasonably likely to result in violence on tribal lands sufficiently threatens tribal health and welfare to justify tribal regulation.” *Attorney’s Process & Investigation Servs., Inc. v. Sac & Fox Tribe of Miss. in Iowa*, 609 F.3d 927, 939 (8th Cir. 2010), *cert. denied*, 131 S. Ct. 1003 (2011); *see also United States v. Nichols*, No. CR 14-30038-MAM, 2014 WL 4185360, *5 (D.S.D. Aug. 20, 2014) (under *Montana*, tribal courts may exercise jurisdiction over non-Indians who commit acts of domestic violence in order “to protect tribal health and safety interests.”) (citation omitted). Here, the violence is more “than likely to result”—it has already occurred and continues to occur at staggering rates that render tribal jurisdiction an absolute necessity.

²⁰ See Jitender Sareen et al., *Physical and Mental Comorbidity, Disability, and Suicidal Behavior Associated With Posttraumatic Stress Disorder in a Large Community Sample*, 69 *Psychosomatic Med.* 242, 244-45 (2007).

²¹ See J. Douglas Bremner et al., *Structural and Functional Plasticity of the Human Brain in Posttraumatic Stress Disorder*, 167 *Progress in Brain Research* 2 (2008), <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC3226705/>.

1. Native Women and Children Are More Likely to Be Assaulted and Abused than any Other Population, and the Majority of These Assaults Are Committed by Non-Natives

In 1999, the Bureau of Justice Statistics released *American Indians and Crime*, a report that detailed the wide disparities that Native people experience within the criminal justice system (“1999 Report”).²² Compiling data from a variety of federal sources, the 1999 Report concluded that “American Indians experience per capita rates of violence which are more than twice those of the U.S. resident population.”²³

The 1999 Report also indicated that the majority of these assaults are inflicted by non-Indians.²⁴ That is, the report noted that “[a]t least 70% of the violent victimizations experienced by American Indians are committed by persons not of the same race — a substantially higher rate of interracial violence than experienced by white or black victims.”²⁵ Just five years later, in 2004, the Bureau of Justice Statistics released a companion report (“2004 Report”), which confirmed many of the findings from the 1999 Report.²⁶ For example, the 2004 Report concluded that

²² 1999 Report, *supra*.

²³ *Id.* at v.

²⁴ *Id.* at vi.

²⁵ *Id.*

²⁶ See Steven W. Perry, U.S. Dep’t of Justice, Bureau of Justice Statistics, *A BJS Statistical Profile, 1992-2002: American Indians and Crime*, NCJ 203097 (2004) (hereinafter “2004 Report”).

“approximately 60% of American Indian victims of violence described the offender as white.”²⁷

Numerous other studies have confirmed and expounded upon the continued crisis Tribal Governments face in protecting their women and children. In 2000, the National Institute of Justice released a study with findings from the National Violence Against Women Survey. In that study, American Indian and Alaska Native (“AI/AN”) women reported being raped at a rate significantly higher than other races of women – for instance, 34.1% of AI/AN women report having been raped, as opposed to 17.9% for white women.²⁸ In 2011, the Centers for Disease Control released a report on the National Intimate Partner and Sexual Violence Survey, concluding that “more than one quarter of women (26.9%) who identified as American Indian or Alaska Native reported rape victimization in their lifetime.”²⁹ The same survey report concluded that 46% of AI/AN women have been raped or have experienced physical violence and/or stalking by an intimate partner in their lifetime.³⁰ In 2014, the Centers for Disease Control released a study indicating that 55% of AI/AN women have experienced

²⁷ *Id.* at v.

²⁸ Patricia Tjaden & Nancy Thoennes, U.S. Dep’t of Justice, Office of Justice Programs, National Institute of Justice, *Extent, Nature, and Consequences of Rape Victimization: Findings From the National Violence Against Women Survey* 14, NJC 210346 (2006).

²⁹ Michele Black et al., National Center for Injury Prevention and Control, Centers for Disease Control and Prevention, *National Intimate Partner and Sexual Violence Survey: 2010 Summary Report* 3 (2011).

³⁰ *Id.*

sexual violence other than rape.³¹ In short, NIWRC *Amici* are unaware of a single study on rape and domestic violence that concludes Native women and children do not experience the highest rates of domestic violence and sexual assault in the United States.

Statistics on violence against Native children reveal that they are targets of the same widespread violence. A report by the Indian Country Child Trauma Center concluded that Native youth are 2.5 times more likely to experience trauma when compared to their non-Native peers.³² Further, AI/AN youth experience high rates of child abuse: 15.9 per one thousand compared to 10.7 for white youth.³³ The crisis of violence against Native children cannot be underestimated. “American Indian and Alaska Native children [] suffer exposure to violence at rates higher than any other race in the United States.”³⁴

³¹ Matthew Breiding et al., Centers for Disease Control and Prevention, *Prevalence and Characteristics of Sexual Violence, Stalking, and Intimate Partner Violence Victimization—National Intimate Partner and Sexual Violence Survey, United States, 2011*, 63 *Morbidity & Mortality Wkly. Rep.* 1, 5 (2014).

³² BigFoot et. al., *supra*, at 2.

³³ Neelum Arya & Addie Rolnick, *A Tangled Web of Justice: American Indian and Alaska Native Youth in Federal, State, and Tribal Justice Systems*, 1 Policy Brief and Ethnicity Series 1, 5 (2008), http://www.campaignforyouthjustice.org/documents/CFY_JPB_TangledJustice.pdf.

³⁴ Dorgan et al., *supra*, at 6.

2. Unresolved Widespread Trauma in Tribal Communities Imperils the Health and Welfare of Tribes

Experiencing rape or other forms of abuse is the most common cause of developing a mental disorder known as post-traumatic stress disorder (“PTSD”).³⁵ Because Native women and children experience a high rate of rape and abuse, they accordingly suffer from high rates of PTSD. PTSD is “one of the most serious mental health problems faced by AI/AN populations.”³⁶ In fact, the rate of PTSD in Native American adults is 4.4 times the national average.³⁷

As a result of these elevated levels of violence in their homes and communities, Native youth face significant challenges in preparing to one day succeed the current leaders in their Tribal Governments. A recent Department of Justice Task Force on Ending Violence Against Children in Tribal Communities studied rates of violence and PTSD for Native children, concluding that AI/AN “children experience PTSD at the same rates as veterans returning from Iraq and Afghanistan and triple the rate of the general population.”³⁸ The crisis for Tribal Governments is acute; their next generation of tribal leaders currently

³⁵Deborah Bassett et al., *Posttraumatic Stress Disorder and Symptoms among American Indians and Alaska Natives: A Review of the Literature*, 49 Soc. Psychiatry & Psychiatric Epidemiology 417 (2014).

³⁶*Id.* at 418.

³⁷Teresa N. Brockie et al., *A Framework to Examine the Role of Epigenetics in Health Disparities among Native Americans*, 2013 Nursing Res. & Prac. 1, 3 (2013).

³⁸Dorgan et al., *supra*, at 38.

suffers from rates of violence and trauma equivalent to an army returning from warfare.

PTSD, however, is not the inevitable result of trauma. Instead, PTSD is a consequence of *unresolved* trauma – that is, trauma for which there has been no adequate intervention.³⁹ Unresolved trauma is the leading cause of PTSD, which in turn burdens the victim with a wide variety of mental and physical maladies.⁴⁰ These maladies can generally be grouped into three categories: mental disorders, addiction disorders, and physical disorders.⁴¹ American Indians suffer from incredibly high rates of the various health and mental disorders known to result from PTSD, diseases that in many tribal communities result in truncated life expectancies for American Indians that end long before the national average.⁴² Given that the link between these diseases and PTSD is well-established, the connection between the widespread violence and the current health crisis in tribal communities cannot be questioned.

Furthermore, the high rates of suicide in the Native youth population cannot be separated from the extraordinarily high rates of abuse they experience. “In 2001, the suicide rates for AI/AN youth were three

³⁹ Cheryl Regehr & Tamara Sussman, *Intersections Between Grief and Trauma: Toward an Empirically Based Model for Treating Traumatic Grief*, 4 *Brief Treatment & Crisis Intervention* 289, 294 (2004).

⁴⁰ See, e.g., Bremner et al., *supra*, at 2.

⁴¹ See, e.g., Sareen et al., *supra*, at 243.

⁴² Sharmila Devi, *Native American Health Left out in the Cold*, 377 *Lancet* 1481 (2011) (“Native Americans and Alaskan Natives born today have a life expectancy that is 5.2 years less than the general population . . .”).

times greater than for Caucasians of similar age (19).⁴³ In the Northern Plains and Alaska, however, the rates of Native youth suicide are four to five times higher than suicide mortality among white youth.⁴⁴ The unrivaled level of violence in tribal communities affects not only the youth, but the entire population; American Indians commit suicide at rates far exceeding those in the general population.⁴⁵ Numerous studies have likewise concluded that Native women who are victims of domestic violence or sexual assault are at a high risk for depression and suicide.⁴⁶

3. Unresolved Widespread Trauma in Tribal Communities Imperils the Economic Security of the Tribe

The high rates of unresolved trauma in tribal communities have a direct effect on the economic security of Tribes, as unresolved trauma often prevents survivors from maintaining employment and supporting their families.⁴⁷ People suffering from unresolved trauma experience disrupted income or reduced earning power – and these consequences have

⁴³ BigFoot et. al., *supra*, at 3.

⁴⁴ Mose A. Herne et al., *Suicide Mortality among American Indians and Alaska Natives, 1999-2009*, 104 Am. J. Pub. Health 336 (2014).

⁴⁵ *Id.* (concluding death rates from suicide are 50% higher for Natives than non-Natives).

⁴⁶ See, e.g., Jamila K. Stockman et al., *Intimate Partner Violence and Its Health Impact on Disproportionately Affected Populations, Including Minorities and Impoverished Groups*, 24 J. Women's Health 62, 75 (2015).

⁴⁷ Rebecca M. Loya, *Rape as an Economic Crime: The Impact of Sexual Violence on Survivors' Employment and Economic Well-Being*, 30 J. Interpersonal Violence 2793 (2014).

“implications for survivors’ economic well-being in the months or years following the assault.”⁴⁸

Although Tribal Governments have yet to extensively study how their economies are impacted by the high rates of trauma their members suffer, one study in Michigan concluded that the after-effects of rape in 1996 cost the State more than \$6.5 billion.⁴⁹ Given that the rates of violence against Native women and children are higher per capita than the rates of violence against women and children in the non-Native population, it is clear that the economic impact on tribal economies is equally, if not more, profound.

4. Unresolved Widespread Trauma in Tribal Communities Imperils the Political Integrity of the Tribe

On October 25th, 2008, I was beaten and choked. I remember this date because it was three hours before a tribal council meeting. I attended that council meeting with finger and handprints on my neck from being choked. At the council meeting I kept my head down with my hair pulled forward to try and keep the marks from being seen. It was at that point that I realized the violence didn't just threaten me and my children; it threatened my ability to lead my Nation. No woman should be forced to lead a government that has been stripped of the jurisdiction necessary to protect her people.

Former Councilwoman Cherrah Giles, Muscogee Creek Nation

⁴⁸ *Id.*

⁴⁹ Lori A. Post et al., *The Rape Tax: Tangible and Intangible Costs of Sexual Violence*, 17 J. Interpersonal Violence 773 (2002).

Political integrity is contingent upon the provision of protection for members of the body politic, and consequently, a Tribal Government cannot maintain its integrity when perpetrators are allowed to escape accountability for the harm they have caused to the community.

Protecting Native women is crucial to the preservation of Tribal Government. Women give life to the next generation of tribal citizens and leaders, and in many instances, are the leaders that comprise Tribal Government. For instance, of the seventeen elected leaders that serve on the Tribal Council for MBCI, over half (nine) are women.⁵⁰

Likewise, the political integrity of the Tribe is significantly imperiled when the harmful conduct is directed towards the Tribe's children, as "[t]here is no resource that is more vital to the continued existence and integrity of Indian tribes than their children." *Mississippi Band of Choctaw Indians v. Holyfield*, 490 U.S. 30, 49 (1989) (quoting 25 U.S.C. 1901(3)). Tribal jurisdiction to protect Native children, therefore, protects "not only the interests of individual Indian children and families, but also of the tribes themselves." *Id.* As many Tribal Governments recognize, "there is no doubt that [Native] children are in jeopardy from abuse." *John Doe BF v. Diocese of Gallup, et al.*, No. SC-CV-06-10, *15 (Nav. Sup. Ct. Sept. 9, 2011).⁵¹ Native children who suffer from abuse withdraw from their tribal community. *See id.*

⁵⁰ Choctaw Tribal Council, <http://www.choctaw.org/about/MBCI/council/> (last visited Oct. 15, 2015).

⁵¹ The Navajo Nation Supreme Court's decision is available at: <http://www.navajocourts.org/NNSC2011/11JohnDoeBFvDioceseG.pdf>.

(noting that Native boys who are sexually abused suffer “acute effects of withdrawal and loss of contact with community when exposed to such abuse”) (citations omitted). The loss of children “constitutes a serious threat to [Indian Tribes’] existence as ongoing, self-governing communities” (*Holyfield*, 490 U.S. at 55, n.1) (internal citations and quotation marks omitted), and consequently, tribal jurisdiction to protect Native children from abuse and sexual assault “is necessary to protect self-government[.]” *Montana*, 450 U.S. at 564.

The threat to the Tribe’s political integrity in this instance is not diminished by the fact that this particular case involves only one documented incidence of sexual assault. The preservation of political integrity cannot be measured in response to an isolated assault. Instead, the preservation of political integrity must be considered within the context of the cumulative effect of repeated, unresolved trauma in tribal communities. The cumulative effect of violence on the tribal community is particularly acute in the workplace. *See Marathon Oil Co. v. Johnston*, No. 03-CV-1031-J, 2004 WL 4960751, *7 (D. Wyo. June 1, 2004) (“[t]ribal courts [] have an overwhelming interest in the workplace safety of corporations operating on tribal land because, invariably, significant numbers of tribal members may constitute the relevant workforce.”).

Moreover, the documentation of one incident of sexual assault demonstrates a high likelihood that the perpetrator has committed many more. Studies of sex offenders reveal that it is unusual for a perpetrator to assault but one single victim. In one study, men who committed rape admitted to, on average, having raped

over five victims.⁵² Tribal Nations, unfortunately, know how common it is for a perpetrator to have multiple victims. For example, a U.S. Senate investigative committee reported that in the Hopi Tribe, a single non-Indian Bureau of Indian Affairs teacher (John Boone) was estimated to have molested over 140 young male victims between 1979 – 1987.⁵³ Thus, where a single tort claim is indicative of a larger pattern of conduct that threatens the health and welfare of a Tribal Nation, *Montana's* second category is satisfied and a Tribe may exercise its civil jurisdiction over the non-Indians who exhibit the harmful conduct. See, e.g., *Cheromiah v. United States*, 55 F. Supp. 2d 1295 (D.N.M. 1999) (finding tribal jurisdiction by acknowledging that the pending action is “not the only wrongful death action” for malpractice that a tribal member has suffered, and consequently, the malpractice at issue “may jeopardize their very ability to survive as a people.”). Here, the cumulative effect of violence against Native women and children “jeopardize[s] their very ability to survive as a people.” *Id.*

⁵² David Lisak & Paul M Miller, *Repeat Rape and Multiple Offending among Undetected Rapists*, 17 *Violence & Victims* 73 (2002).

⁵³ Special Comm. on Investigations of the Select Comm. on Indian Affairs, United States Senate, *Final Report and Legislative Recommendations*, S. Rep. No. 101-216 at 10 (1989).

5. Tribal Tort Law Is a Critical Self-Government Solution to the Crisis Imposed by Unresolved Trauma

The Cherokee elders and wise ones say that we have always been here. We will always be here. It is believed that we were given our home here in these mountains by the Creator. Since it was He who gave it to us, only He could take it from us. So did I ever think of leaving Cherokee? No. Not once. I will never leave my home.

Billie Jo Rich, Eastern Band Cherokee Survivor of non-Indian perpetrated domestic violence (in response to the question of why she never left her home to seek justice in state court)

The current crisis of non-Indian violence against Native women and children on tribal lands renders tribal tort law a critical and essential element of tribal self-government. *See Garfield v. Sherman Motor Inn*, No. 418, 2006 WL 7137863, *2 (Fort Peck C.A. Sept. 25, 2006) (“An important component of tribal self-government is the regulation of tortious behavior on the reservation as well as the adjudication of disputes arising on the reservation.”). Without tribal tort law, Tribal Governments cannot protect the political integrity, economic security, or health and welfare of their Nations.

Indeed, the purpose of tort law is to enable governments to circumscribe (regulate) conduct that threatens the health and welfare of their citizens. *See* Oliver Wendell Holmes, Jr., *The Common Law* 114 (1881) (Tort law allows governments to ensure “the protection of the individual [citizen] from injury. . . .”); *Budgetel Inns, Inc. v. Micros Systems Inc.*, 8 F. Supp. 2d 1137 (E.D. Wis. 1998) (“[T]ort law protects society’s interest in human life, health, and safety.”); *see also*

Keeton et al., § 1, at 2. Nothing, therefore, could be more inherent to a Tribe's power as a sovereign engaged in self-government than the adjudication of civil disputes arising from tortious conduct targeted at its own citizens on tribal lands. *See Salish Kootenai Coll.*, 434 F.3d at 1140 ("The Tribes' system of tort is an important means by which the Tribes regulate the domestic and commercial relations of its [sic] members."). Indeed, the adjudication of "[d]omestic violence torts offer[s] the potential to deter abusers from engaging in abusive conduct."⁵⁴

And when the tort at issue involves a sexual assault against a young tribal member, tribal "courts have a duty, in *parens patriae*, to ensure allegations of harm to our children are fully heard" *Diocese of Gallup, et al.*, No. SC-CV-06-10 at 16; *see also id.* (concluding that Tribal Court has jurisdiction when Montana elements are met to adjudicate tort dispute brought by a young tribal citizen against a non-Indian defendant who sexually assaulted the youth on tribal lands). Indeed, the "[a]djudication of such matters by any nontribal court [] infringes upon tribal law-making authority, because tribal courts are best qualified to interpret and apply tribal law." *Iowa Mut. Ins. Co.*, 480 U.S. at 16. It follows that "tribal justice systems are ultimately the most appropriate institutions for maintaining order in tribal communities."⁵⁵

⁵⁴ Camille Carey, *Domestic Violence Torts: Righting a Civil Wrong*, 62 *Kansas L. Rev.* 695, 751 (2014).

⁵⁵ U.S. Att'y Gen. Janet Reno, *A Federal Commitment to Tribal Justice Systems: Litigation practice and a series of projects of the U.S. Department of Justice support the federal government's longstanding policy of self - determination for Indian tribes*, 79 *Judicature* No. 3 (1995), Tribal Court Clearinghouse (Oct. 6, 2015), <http://www.tribal-institute.org/articles/reno.htm>.

Despite the assertions of Dollar General *Amici*'s to the contrary, state courts are not a sufficient substitute for the tribal forum where the sexual assault or violence occurred and where the survivor lives. The Oklahoma Attorney General's brief touts that "[s]tate and federal courts have always provided an adequate and fair forum for resolution of tort claims between state citizens who are members of tribes and state citizens who are not." Okla. Br. 17. A brief review of history reveals this is far from true. Several states, including Mississippi, previously prohibited Indians from testifying in state court,⁵⁶ and for a significant period of time, most state courts refused to acknowledge any civil tort remedies for women who suffered abuse at the hands of a spouse.⁵⁷ State courts have not "always" provided an "adequate and fair forum for the resolution" of tort claims brought by Native women and children for the abuse they have suffered.

For many Native women, forcing them to take their claims to state court will preclude them from filing their claims at all, as traveling to the nearest "state court entails severe inconvenience" that they cannot economically and emotionally bear after surviving a

⁵⁶ See, e.g., 1824 Miss. Laws 130; 1837 Ga. Laws 279; 1843 Ala. Acts 600-01.

⁵⁷ See, e.g., *Bradley v. State*, 1 Miss. 156, 1824 WL 631, *1 (Miss. 1824) (upholding husband's entitlement to exercise the right of moderate chastisement); *Joyner v. Joyner*, 59 N.C. 322, 1862 WL 892, *3 (N.C. 1862) declaring that "the law gives the husband to use such a degree of force as is necessary to make the wife behave herself and know her place"); *Skinner v. Skinner*, 5 Wis. 449, 1856 WL 3888, *3 (Wis. 1856).

violent assault.⁵⁸ In some instances, the nearest state court off tribal lands is located three to five hours away.⁵⁹ It is unconscionable to require Native women and children to drive three to five hours to file a civil action simply because their perpetrator never “expressly consented” to tribal jurisdiction before sexually or physically assaulting them.

Nor can Native women and children rely on the Federal Government to criminally prosecute offenders, as the Federal Government declined to prosecute sixty-seven percent of the sexual assaults committed against American Indians on tribal lands from 2005 to 2009.⁶⁰ Tribal Governments would prosecute these offenders if they could, but as a result of this Court’s decision in *Oliphant*, it has been nearly forty years

⁵⁸ Katherine J. Florey, *Choosing Tribal Law: Why State Choice-of-Law Principles Should Apply to Disputes with Tribal Contacts*, 55 Am. U. L. Rev. 1627, 1649 (2006).

⁵⁹ For instance, a citizen of Navajo Nation living in Kayenta, Arizona, would have to travel 173.1 miles (2 hours, 48 minutes), to the nearest state court for Arizona’s Navajo County, located in Holbrook, Arizona, or the second nearest state court in Navajo County, located in Show Low, Arizona, a distance of 220.2 miles (3 hours, 36 minutes), as opposed to filing her complaint in the Navajo Nation’s Kayenta Judicial District Court, located in Kayenta, Arizona. A citizen of the Duckwater Shoshone Tribe living in Duckwater, Nevada, would have to drive 303 miles (4 hours, 57 minutes) to arrive at the State’s Fifth Judicial District Court, located in Pahrump, Nevada, as opposed to the tribal court located in Duckwater. A citizen of the Boise Forte Band of Chippewa living in Nett Lake, Minnesota would have to travel 124.1 miles (2 hours, 7 minutes) to arrive at the nearest state court in Duluth, as opposed to filing her complaint in the tribal court in Nett Lake.

⁶⁰ U.S. Gov’t Accountability Office, GAO-11-167R, *U.S. Dep’t of Justice Declinations of Indian Country Criminal Matters 9* (2010), <http://www.gao.gov/assets/100/97229.pdf>.

since Tribal Governments have been permitted to exercise their inherent jurisdiction to criminally prosecute non-Indian perpetrators of sexual assault and domestic violence on tribal lands. Consequently, for many Native women and children survivors, a civil lawsuit in tribal court offers the only remedy available for the wrongs they have suffered.

Moreover, the fact that tribal tort law reflects the values of the survivor's tribal community is in no way a valid basis for discrediting the legitimacy of the survivor's tribal court. Dollar General and its *Amici* decry that subjecting non-Indians to tribal court jurisdiction is an injustice because tribal "customs [and] traditions [] may factor prominently in civil actions litigated in tribal court." AAR Br. 25. This is, however, the very definition of "law."⁶¹ State courts are no different from tribal courts in that the laws they espouse reflect the culture, customs, and traditions of the community in which they exist. The suggestion that tribal courts *alone* must demonstrate that their communities' customs in no way influence their courts' adjudication of tort disputes arises from an archaic belief that when compared to non-Indian customs, tribal customs are somehow inferior. They are not. If all courts were required to remove cultural influences from their adjudication of tort disputes, *no* court in the United States (tribal, state, or federal) would be qualified to adjudicate tort disputes.

Dollar General further asserts that "tort law creates particularly difficult problems of notice and consent" because "nonmembers must be provided clear notice of

⁶¹ *Law*, Merriam-Webster.com, <http://www.merriam-webster.com/dictionary/law> (last visited Oct. 14, 2015) (defining "law" as "a binding *custom* or practice of a community") (emphasis added).

what activities will subject them to tribal authority and what the governing law requires of them.” Pet’r’s Br. 50-52. Dollar General points to no jurisdiction where an employer holds a reasonable expectation that the negligent supervision of an employee who sexually assaults another employee during the course of employment could not subject the company to tort liability under the law, and consequently, Dollar General’s concerns about “notice and consent” are based on undefined hypotheticals that have no relevance to the Court’s current consideration of the inherent jurisdiction of Tribes to protect their citizens from sexual assaults on tribal lands.

Ultimately, when the tort committed on tribal lands is one of domestic violence or sexual assault against a tribal citizen, the ability of the Tribal Government to provide a civil remedy becomes critical to the Tribe’s ability to self-govern. *See Garfield*, 2006 WL 7137863, at 4. Tribal citizens “look to their government for protection.” *Id.* And consequently, “[i]f a government cannot promote the safety of Tribal members by regulating [the tortious] conduct of [non-Indians, including] on-reservation businesses, both the safety of the members and the legitimacy of the government are potentially adversely impacted.” *Id.* Governments lose their ability to self-govern when they cannot protect the basic foundation of their citizens’ health and welfare. *See Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics*, 403 U.S. 388, 411 (1971) (“Although litigants may not often choose to seek relief, it is important, in a civilized society, that the judicial branch of the Nation’s government stand ready to afford a remedy in these circumstances.”).

If this case does not present the requisite circumstances to justify tribal jurisdiction under *Montana*'s second category, it is hard to imagine a case that could, aside from actual warfare. Then again, contemporary violence against Native women and children is a continuation of what originally began as warfare. In the 21st Century, however, it is more proper to assume that the "Court in *Montana* meant [the public health and welfare] prong of its proviso to have potential consequences in the real world" and not in centuries past. Pet. App. 88. For the second category to have "consequences in the real world," it must be interpreted as preserving the inherent jurisdiction of Tribal Governments to protect their women and children from sexual assault on tribal lands, even where responsibility for the violence can be traced to a corporate, non-Indian defendant.

II. Congress Alone Has the Constitutional Power to Limit or Enhance Indian Tribes' Exercise of their Inherent Jurisdiction

If the power to exercise civil jurisdiction over non-Indians "is to be taken away from [Tribes], it is for Congress to do it"—not this Court. *United States v. Mazurie*, 419 U.S. 544, 557-58 (1975). Congress, however, has repeatedly refused to remove the jurisdiction that Dollar General and its *Amici* now ask this Court to eliminate. *See Iowa Mut. Ins. Co.*, 480 U.S. at 18 ("Congress has amended the diversity statute several times since the development of tribal judicial systems, but it has never expressed any intent to limit the civil jurisdiction of the tribal courts."); *see also* F. Cohen, *Handbook of Federal Indian Law* 253 (1982 ed.).

This Court should refrain from eradicating the jurisdiction that Congress has refused to eliminate. Nothing is more critical to the preservation of tribal self-government than the Tribe's ability to protect the women and children who create, and constitute, the Tribe's future leaders and government. A rule that diminishes tribal jurisdiction to insulate non-Indian perpetrators from liability for their violent conduct on tribal lands has no place in a post-colonial American democracy.

CONCLUSION

The decision of the Fifth Circuit Court of Appeals should be affirmed.

Respectfully submitted,

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October 22, 2015

APPENDIX

APPENDIX**Statements of *Amici Curiae***

The following organizations respectfully submit this brief as *amici curiae* in support of respondents.

ADABI is a Navajo Nation not-for-profit organization incorporated in 1987 (<http://www.adabi.org/>). ADABI is a 24 hour crisis program serving victims of domestic violence and sexual assault rape victims on the Navajo reservation. ADABI's mission is to collaborate with communities within the Chinle Agency and surrounding areas. ADABI offers direct victim services and promotes prevention of domestic violence and sexual assault while fostering safety and healing.

Airline Ambassadors International ("AAI") is a Washington, D.C. not-for-profit organization incorporated in 2003 (<http://airlineamb.org>). AAI has worked directly with the United Nations in supporting their UN Millennium Goals. AAI was the first not-for-profit to sign onto the ECPAT Code of Conduct to ensure the work in Disaster Relief and Sustainable Development around the world carries a safe structure for survivors of disasters. Since the Haiti Earthquake in 2011, AAI has committed to train Airline Personnel in the signs of Human Trafficking on Commercial Airlines around the U.S. and Internationally. AAI has held and testified in the first Congressional Hearing to brief the Airline Corporations, on the incidents and dangers in Human Trafficking on Commercial Airlines. AAI has held over 21 Human Trafficking Awareness Trainings in the United States and abroad. AAI has attended two Interpol conferences in Europe and continues to support many non-profits dedicated to educate

and support victims and survivors of Human Trafficking.

The **Akiak Native Community OVW Program** is an Akiak Native Village not-for-profit organization created in 2008. The Program helps domestic violence and sexual assault victims with support for appropriate services. The Program also works with tribal courts to enforce tribal laws and protective orders. The Program promotes: education, prevention, and intervention.

The **Alaska Native Women's Resource Center** ("ANWRC") is an Alaskan not-for-profit organization incorporated in 2015. Having just recently incorporated, the statewide resource center for Alaska Native peoples will collect and disseminate best Indigenous practices addressing domestic violence, sexual assault, sex trafficking and child abuse as well as relevant policies and laws that affect the Alaska Native peoples and their federally recognized Tribal organizations and programs. ANWRC will support and empower rural providers and first responders and the tribal organizations and programs addressing these issues. ANWRC will provide individualized training and support relevant to our diverse Indigenous population of members in the 229 federally recognized Tribes within Alaska.

The **Alipato Project** is a California not-for-profit organization incorporated in 2012 (<http://alipato.org>). The Alipato Project is the first non-profit organization in California to provide legal representation to resisters of domestic violence suing their batterers in civil court for damages.

American Indians Against Abuse (“AIAA”) is a Wisconsin not-for-profit incorporated in 1991. AIAA is a statewide sexual assault and domestic violence tribal coalition serving Wisconsin’s eleven Tribes and member programs by providing education, support, and technical assistance to enhance and strengthen the response to victims of domestic violence, sexual assault, dating violence, and stalking. AIAA’s trainings, community awareness, and collaborative events are designed to be reflective of and have relevance to our local, regional, and nationwide indigenous people and culture.

Anishnaabek Community and Family Services - Advocacy Resource Center is a Sault Ste. Marie Tribe of Chippewa Indians not-for-profit organization incorporated in 1989. The mission of the Anishnaabek Community and Family Services - Advocacy Resource Center is to provide comprehensive, culturally appropriate and trauma informed direct services to victims and survivors that promote individual dignity and self-sufficiency through supportive advocacy and assistance.

The **Arizona Coalition to End Sexual and Domestic Violence** is an Arizona not-for-profit organization incorporated in 1980 (www.acesdv.org). The Arizona Coalition Against Domestic Violence was formed in 1980 so that concerned citizens and professionals could unite in a statewide organization to end domestic violence. In 2013, the Coalition became the designated dual coalition to address both sexual and domestic violence thus becoming the Arizona Coalition to End Sexual and Domestic Violence. The Coalition’s mission is to lead, advocate, educate, collaborate, to prevent and end sexual and domestic violence in Arizona. The Coalition’s purpose

is to increase public awareness about the issues of domestic and sexual violence, enhance the safety of and services for sexual and domestic violence victims and survivors, and end sexual and domestic violence in Arizona communities.

The **Asian Pacific Institute on Gender-Based Violence** is a California not-for-profit incorporated in 2013 (www.api-gbv.org). The Asian Pacific Institute on Gender-Based Violence (“Asian Pacific Institute” and formerly, “Asian & Pacific Islander Institute on Domestic Violence”) is a national resource center on domestic violence, sexual violence, trafficking, and other forms of gender-based violence in Asian and Pacific Islander communities. The Asian Pacific Institute analyzes critical issues; promotes culturally relevant intervention and prevention; provides consultation, technical assistance and training; conducts and disseminates research; and informs public policy. The Asian Pacific Institute’s vision of gender democracy drives its mission to strengthen advocacy, change systems, and prevent gender violence through community transformation.

The **Avellaka Program** is a La Jolla Band of Luiseno Indians not-for-profit organization incorporated in 2009. The Avellaka Program is dedicated to educating and organizing for social change, upholding the Tribe’s authority as a sovereign Indian Nation to protect its women citizens and create the laws, policies, protocols, and advocacy services addressing violence against Native women on the La Jolla Reservation.

Battered Women’s Justice Project (“BWJP”) is a Minnesota not-for-profit organization incorporated in 2015 (<http://www.bwjp.org>). The BWIP is a national technical assistance center that provides training and

resources for advocates, battered women, legal system personnel, policymakers, and others engaged in the justice system response to intimate partner violence (“IPV”). The BWJP promotes systemic change within the civil and criminal justice systems to ensure an effective and just response to victims and perpetrators of IPV, and the children exposed to this violence. The BWJP is an affiliated member of the Domestic Violence Resource Network, a group of national resource centers funded by the Department of Health and Human Services and other support since 1993. The BWJP also serves as a designated technical assistance provider for the Office on Violence Against Women of the U.S. Department of Justice. In an effort to promote more safe and just results for women and their children, the BWJP works at state, national and international levels to engage court systems in methods of accurately assessing the effects of IPV on women and children and to fashion safe outcomes that hold batterers accountable.

Bluff Country Family Resources is a Minnesota not-for-profit organization incorporated in 1984 (<http://www.bluffcountry.org>). Bluff Country Family Resources’ mission is to provide community education and non-judgmental, confidential crisis intervention, advocacy, support and resources to victims of domestic violence, sexual assault, child abuse and homelessness. Bluff Country Family Resources seeks to create a non-violent world which affirms the rights and dignity of all individuals.

Brave Women Warriors is a Bay Mills not-for-profit organization incorporated in 2009. Brave Women Warriors is a group of women residing within the Bay Mills Indian Community who are concerned about the safety and well-being of women and

children. The Brave Women Warriors' Advisory Committee was established in 2009. The members of the committee include: Diane Teeple, Survivor and Committee Member since 2009; Ruby Hatfield Victim, Advocate and Committee Member since 2009; Anna Rogers-Stott, SA Counselor and Committee Member since 2009; Soloma LeBlanc, Survivor and Committee Member since 2013; and Heather Fegan, Survivor and Committee Member since 2013. We are all women who are concerned about the problems that domestic violence, dating violence, sexual assault, and stalking have caused in our community.

Break the Cycle is a California not-for-profit organization incorporated in 1996 (<http://www.breakthecycle.org>). Break the Cycle inspires and supports young people to build healthy relationships and create a culture without abuse. It is the leading national non-profit providing comprehensive dating abuse programs exclusively to young people ages 12 to 24. Break the Cycle works everyday to give young people, and those who care about them, the tools they need to live safer, healthier lives.

The **California Coalition Against Sexual Assault** ("CALCASA") is a California not-for-profit organization incorporated in 1984 (www.calcasa.org). CALCASA is the professional association for the 84 rape crisis center programs that serve all counties in California. CALCASA provides leadership, vision and resources to rape crisis centers, individuals and other entities committed to ending sexual violence. CALCASA works closely with rape crisis centers, government agencies, campuses, institutions, policy makers, the criminal justice systems, medical personnel, community-based organizations and business

leaders by supplying knowledge, training and expertise on issues related to sexual violence.

California Partnership to End Domestic Violence is a California organization incorporated in 1993 (<http://www.cpedv.org>). The California Partnership to End Domestic Violence (“the Partnership”) is California’s recognized domestic violence coalition, representing over 1,000 advocates, organizations and allied groups. The Partnership promotes the collective voice of a diverse coalition of organizations and individuals, working to eliminate all forms of domestic violence. As an advocate for social change, the Partnership advances the mission by shaping public policy, increasing community awareness, and strengthening members’ capacity to work toward the common goal of advancing the safety and healing of victims, survivors and their families.

The **California Women’s Law Center** is a California not-for-profit organization incorporated in 1989 (<http://cwlc.org>). The California Women’s Law Center breaks down barriers and advances the potential of women and girls through transformative litigation, policy advocacy and education.

The **California Tribal TANF Partnership** is a California not-for-profit organization incorporated in 2003 (www.cttp.net). The California Tribal TANF Partnership (“CTTP”) is associated with 20 Tribes and other organizations that operate tribal Temporary Assistance for Needy Families (“TANF”) programs for Native American people. CTTP was established on July 8, 2003, and remains operational under the governing body Robinson Rancheria of Pomo Indians as lead administrators. CTTP’s goal and purpose is to help families achieve self-sufficiency through educational training, career and employment opportunities,

as well as various supported services and programs with temporary financial assistance. CTPP continually seeks to add more partners to the consortium and to extend temporary assistance and programs to more Native Americans in need.

Catalyst Domestic Violence Services (“Catalyst”) is a California not-for-profit organization incorporated in 1979 (<http://www.catalystdvservices.org>). Catalyst is administered by a seven-member board of directors. Catalyst’s mission is “to reduce the incidence of intimate partner violence through crisis intervention and community education and the promotion of healthy relationships.” Catalyst subscribes to a client empowerment model building on the self identified strengths of our clients. Catalyst provides a range of domestic violence intervention and prevention services.

CAWS North Dakota is a North Dakota not-for-profit incorporated in 1978 (www.cawsnorthdakota.org). CAWS North Dakota is the statewide sexual and domestic violence coalition. CAWS North Dakota supports and presents a unified voice for the 20 crisis intervention centers across North Dakota. CAWS North Dakota’s mission is to provide leadership and support in the identification, intervention and prevention of sexual and domestic violence.

Clan Star, Inc. is an Eastern Band of Cherokee Indians not-for-profit organization incorporated in 2001 (<http://www.clanstar.org>). Clan Star is devoted to improving justice to strengthen the safety of Indigenous women through legal, legislative, and policy initiatives, and, education and awareness. Clan Star works to develop public policy strategies addressing violence against Native women.

The **Coalition of Immigrants Refugees and Communities of Color** (“CIRCC”) is a Washington not-for-profit organization incorporated in 2001 (www.wearecircc.org). CIRCC builds engaged, involved and equitable communities.

The **Coalition to Stop Violence Against Native Women** (“CSVANW”) is a New Mexico not-for-profit organization incorporated in 1996 (www.csvanw.org). CSVANW is a tribal coalition resource center for a diverse member network of rural and urban tribal domestic violence and sexual assault programs, shelters, organizations and agencies that are committed to ending violence against Native women and children in the State of New Mexico in addition to southwest Texas and the Four Corners region. CSVANW’s network includes tribal community response partners (tribal leadership, law enforcement, emergency response teams, tribal courts, offender programs, etc.), as well as survivors, tribal youth and key community stakeholders. CSVANW’s mission is to stop violence against Native women and children by advocating for social change in tribal communities. CSVANW takes ownership and responsibility for the future of Native women and children by providing support, education and advocacy using our strengths, power and unity to create violence-free communities.

The **Colorado Coalition Against Domestic Violence** (“CCADV”) is a Colorado not-for-profit organization incorporated in 1977 (www.ccadv.org). As the federally recognized domestic violence coalition of the State of Colorado, CCADV works with a diverse network of rural and urban Colorado domestic violence victim service programs to encourage appropriate and comprehensive responses to family violence, domestic violence, and dating violence against

adults or youth within Colorado. Now in its 38th year, CCADV provides a strong statewide voice to improve the safety and options for victims of domestic abuse by engaging in strong systems advocacy, public policy development, public awareness and education, and capacity building for Colorado domestic violence programs and allied programs and individuals. CCADV respects the interconnection between all forms of oppression and violence, especially violence against women. Our values support the dignity and worth of all people and we recognize that self-determination is the antidote for power and control inflicted by one person over another.

DNA-People's Legal Services is a not-for-profit legal aid organization, founded in the Navajo Nation in 1967 (www.dnalegalservices.org). "DNA" is an acronym for Diné be'iiná Náhiilna be Agha'diit'ahii, a Navajo phrase that means "attorneys who work for the revitalization of the people." DNA focuses its services on low-income individuals, regardless of race or ethnicity, and its services reach members of seven Tribes – the Hualapai, Havasupai, Kaibab Paiute, Hopi, San Juan Southern Paiute, Jicarilla Apache, and the Navajo Nation. The mission of DNA is to help clients and communities to live in Hozho, or harmony, by addressing the causes and symptoms of poverty, fostering individual independence and dignity, and protecting and promoting tribal sovereignty.

The **Domestic Violence Legal Empowerment and Appeals Project** ("DV LEAP") is a Washington, D.C. not-for-profit organization incorporated in 2003 (<http://www.dvleap.org>). DV LEAP was founded by one of the nation's leading domestic violence lawyers and law professors to advance safety and justice for

abused women and children through appellate litigation. Despite numerous legislative and policy reforms designed to protect victims of domestic violence, many abused women and children are deprived of legal protections and rights in court. The appellate review process is the only way to correct these trial court errors, but appeals are rare because they are costly and require scarce appellate and domestic violence expertise. DVLEAP responds to this vital need through *pro bono* appellate representation as well as training and strategic assistance to lawyers and courts.

The **Emmonak Women's Shelter** ("EWS") is a not-for-profit organization incorporated in 1983 in the State of Alaska. EWS provides advocacy services to victims of domestic violence, dating violence, and sexual assault. EWS is located in the Native Village of Emmonak. The shelter is the only off-road Alaska Native women's based shelter program in Alaska.

End Domestic Abuse Wisconsin is a Wisconsin not-for-profit organization incorporated in 1979 (www.endabusewi.org). End Domestic Abuse Wisconsin is Wisconsin's coalition of domestic violence victim service providers and the voice for survivors in the state.

Faith Action Network ("FAN") is a Washington not-for-profit organization (www.fanwa.org) formed in 2011 at the union of the Washington Association of Churches ("WAC"), a historical ecumenical agency, and the Lutheran Public Policy Office ("LPPO"), the highly effective advocacy arm of the State's largest Protestant denomination. FAN now builds a more powerful force for change. The merger opened the door for other faith communities to partner in this interfaith movement for the common good. FAN is a

statewide interfaith advocacy 501(c)(3) non-profit organization through which thousands of people and more than 100 faith communities across Washington State partner for the common good. Together, we are a powerful voice of the faithful building a more just, peaceful, and sustainable world.

Family Violence Appellate Project (“FVAP”) is a California not-for-profit organization incorporated in 2012 (<http://www.fvaplaw.org>). FVAP was founded by members of the University of California, Berkeley School of Law community to ensure, through the appellate legal system, the safety and well-being of domestic violence survivors and their children. The goal of FVAP is to aid in creating a body of precedent that will help protect families across California. To that end, FVAP provides direct appellate representation for survivors of domestic violence, in collaboration with *pro bono* attorneys, and offers training to domestic violence attorneys and advocates on issues pertinent to domestic violence appeals. In addition, FVAP monitors litigation and identifies and submits *amicus curiae* briefs in those cases that have the potential to affect the interests of domestic violence survivors and their children statewide. This is one of those cases.

The **First Nations Women’s Alliance** is a North Dakota not-for-profit organization incorporated in 2008 (<http://www.nativewoman.org/>). It is the mission of the First Nations Women’s Alliance to strengthen Tribal communities by creating a forum for leaders to come together to address the issues of domestic violence and sexual assault. The Alliance is committed to ending all forms of violence by providing culturally relevant services and resources and facilitating

the provision of those services by others in our communities.

FORCE: Upsetting Rape Culture is a Maryland not-for-profit organization incorporated in 2012 (www.upsettingrapeculture.com). FORCE: Upsetting Rape Culture is a creative activist collaboration to upset the culture of rape and promote a culture of consent. The organization believes that a more difficult and honest conversation needs to happen in America to face the realities of sexual violence, and the organization envisions a world where sex is empowering and pleasurable rather than coercive and violent. To promote this needed conversation, FORCE creates art actions to generate media attention and get millions of people talking.

FreeFrom is a California not-for-profit organization incorporated in 2015 (www.freefrom.org). FreeFrom is a nationwide organization seeking economic justice and opportunity for survivors of domestic violence, child abuse, sexual assault, and sex trafficking. FreeFrom's strategy is threefold: (1) tort litigation on behalf of survivors; (2) public policy reform to strengthen the economic rights and recourses of survivors; and (3) entrepreneurial support to help survivors start their own businesses.

Futures Without Violence ("FUTURES") is a California not-for-profit organization incorporated in 1984 (www.futureswithoutviolence.org). For more than thirty years, FUTURES has been providing groundbreaking programs, policies, and campaigns that empower individuals and organizations working to end violence against women and children around the world. Providing leadership from offices in San Francisco, Washington D.C. and Boston, FUTURES

has established a state-of-the-art Center for Leadership and Action in the Presidio of San Francisco to foster ongoing dialogue about gender-based violence and child abuse.

The **Georgia Coalition Against Domestic Violence** (“GCADV”) is a Georgia not-for-profit organization incorporated in 1992 (www.gcadv.org). GCADV’s mission is to collaborate, advocate, educate, and empower. GCADV envisions a Georgia free of domestic violence. GCADV empowers survivors and the programs that serve them. GCADV educates the public, and GCADV advocates for responsive public policy. Our strength is in numbers, as GCADV collaborates throughout Georgia to stop domestic violence.

Healing Hearts is a Northern Cheyenne (Montana) not-for-profit organization incorporated in 2000 (www.northerncheyennenation.com). Healing Hearts is a domestic violence program that provides: support and advocacy services to victims of domestic violence and sexual assault; 24/7 on-call crisis services; transportation to shelter/safe homes; referrals to other local programs (recovery; behavioral health, etc.); and domestic violence/sexual assault education and awareness. We provide services on the Northern Cheyenne Reservation to victims and their families. Healing Hearts serves five Districts including: Busby, Ashland, Birney, Lame Deer and Muddy. Our purpose is to help victims of domestic violence and sexual assault by providing support/advocacy and ensuring their safety and overall well-being through crisis intervention and shelter/safe home housing.

The **Hoopa Valley Tribe Project Connect** is a Hoopa Valley Tribe not-for-profit organization incorporated in 2011 (www.hoopa-nsn.gov/mc-events/

project-connect-domestic-violence-advocacy-course). Project Connect is a domestic violence/sexual assault program, providing education and outreach and direct emergency services. Project Connect offers services to all members of the Hoopa Valley Community.

HopeWorks of Howard County, Inc. is a Maryland not-for-profit incorporated in 1978 (www.wearehopeworks.org). HopeWorks provides support and advocacy to survivors of sexual, dating and domestic violence, and aims to be the catalyst in the community to change the cultural norms that allow sexual and domestic violence to happen. Our mission is to reduce the harm and effects of sexual and domestic violence in Howard County while working towards their elimination. Change must happen. Sexual and domestic violence are not acceptable. We are guided by a vision that sees a community in which everyone is free to live a self-determined life without the threat of these terrible aggressions.

The **Hopi-Tewa Women's Coalition to End Abuse** is an Arizona not-for-profit organization incorporated in 2009. The Coalition is a tribal domestic violence and sexual assault coalition located on the Hopi Reservation in northeast Arizona. The coalition provides training, technical assistance, policy development, advocacy support and education to the Tribal Government, program partners and community. The Coalition's mission is to advocate for a coordinated and effective response system that creates a safety net towards building healthy communities, while embracing the strength of Hopi cultural values and traditions.

The **Illinois Coalition Against Domestic Violence** ("ICADV") is an Illinois not-for-profit organization incorporated in 1978 (www.ilcadv.org). ICADV

is a membership organization comprised of over 50 local non-profits whose primary mission is to provide services to victims of domestic violence and their dependents. ICADV's mission is to build networks of support for and with survivors, and advance statewide policies and practices that transform societal attitudes and institutions to eliminate and prevent domestic abuse.

The **Indiana Coalition Against Domestic Violence** ("ICADV") is an Indiana not-for-profit organization incorporated in 1980 (www.Icadvinc.org). ICADV is committed to ending violence against women through addressing the root causes of violence. Until the violence ends, ICADV will work to improve protective conditions that create a violence-free community.

The **Indian Child Welfare Program of Native Village of Tetlin** is an Alaska not-for-profit organization incorporated in 1932. The purpose of the Program is to provide services to children of which many have witnessed domestic violence in their families and homes.

Indian Health Council, Inc. ("IHC") is a consortium of nine Tribes dedicated to the continual betterment of Indian Health, wholeness, and well-being. With a main facility located adjacent to the Rincon reservation in Pauma Valley and the Santa Ysabel Community Health Center located on the Santa Ysabel Reservation. IHC provides a full spectrum of on-site and outreach services and programs to the North San Diego County reservations of Inaja-Cosmit, La Jolla, Los Coyotes, Mesa Grande, Pala, Pauma, Rincon, San Pasqual, and Santa Ysabel. IHC is concerned for the safety of Native women and

provides services to victims of domestic and sexual assault.

The **Indian Law Resource Center** is a Washington, D.C. and Montana not-for-profit organization incorporated in 1978 (www.indianlaw.org). The Indian Law Resource Center is a non-profit legal and advocacy organization that provides assistance to Indian and Alaska Native Nations and other indigenous peoples throughout the Americas who are working to protect their lands, resources, environment, cultural heritage, and human rights. The Center's principal goal is the preservation and well-being of Indian and other Native Nations and Tribes. The Center's Safe Women, Strong Nations project works to end the epidemic levels of violence against Indian and Alaska Native women and children and its devastating impacts on Native communities by raising awareness of this issue nationally and internationally, by strengthening the capacity of Indian and Alaska Native Nations and Native women to prevent violence and restore safety to Native women, and by assisting national Native women's organizations and Indian and Alaska Native Nations to restore tribal criminal authority and preserve civil jurisdiction.

It's Not Fiction: Domestic Violence, Mental, Physical Abuse & Sex Trafficking-A Survivor's Story ("It's Not Fiction") is a New York not-for-profit organization incorporated in 2015. It's Not Fiction is an organization of individuals working to end domestic violence, mental, physical and sexual violence against men and women by sharing stories of resiliency to break the silence and allow for healing through: (1) providing a voice for victims, their children, families and friends to share and advocate their concerns; (2) acting as an informational resource for

survivors and their allies; and (3) encourage victims of sex slavery to share their stories to help restore and bring justice to vulnerable women, men and children.

Jewish Women International (“JWI”) is a Washington, D.C. not-for-profit organization founded in 1897 (www.jwi.org). JWI is the leading Jewish organization empowering women and girls through healthy relationship training, financial literacy education, and the proliferation of women’s leadership. JWI’s innovative programs, policy advocacy, and philanthropic initiatives protect the fundamental rights of all girls and women to live in safe homes, thrive in healthy relationships, and realize the full potential of their personal strength.

Kene Me-Wu American Indian DV/SA Program (“Kene Me-Wu Program”) is a California not-for-profit organization incorporated in 2000. The Kene Me-Wu Program honors Indian families for who they are and their needs regarding domestic violence or sexual assault. The Kene Me-Wu Program respects and listens to the needs of the family member coming forward, respecting their rights as a sovereign nation person.

Mending the Sacred Hoop is a Minnesota not-for-profit organization incorporated in 2006 (www.mshoop.org). Mending the Sacred Hoop works from a social change perspective to end violence against Native women and children while restoring the safety, sovereignty, and sacredness of Native women. Mending the Sacred Hoop is committed to strengthening the voice and vision of Native peoples through grassroots organizing, as well as restoring the leadership of Native women in addressing and ending domestic and sexual violence.

The **Michigan Coalition to End Domestic & Sexual Violence** (“MCEDSV”) is a Michigan not-for-profit organization incorporated in 1978 (mcedsv.org). MCEDSV is a statewide membership organization whose members represent a network of more than 70 domestic and sexual violence programs and over 200 allied organizations and individuals. We have provided leadership as the statewide voice for survivors of domestic and sexual violence and the programs that serve them since 1978. MCEDSV is dedicated to the empowerment of all the State’s survivors of domestic and sexual violence. Our mission is to develop and promote efforts aimed at the elimination of all domestic and sexual violence in Michigan.

The **Minnesota Indian Women’s Resource Center** (“MIWRC”) is a Minnesota not-for-profit organization incorporated in 1984 (www.miwrc.org). MIWRC works with Native American women and their families to deliver a comprehensive array of services and maintain an extensive referral network to fully meet the needs of the women and families. MIWRC’s mission is to empower families to exercise their cultural values and integrity, and to achieve sustainable life ways, while advocating for justice and equity.

The **Minnesota Indian Women’s Sexual Assault Coalition** is a Minnesota not-for-profit organization incorporated in 2004 (www.miwsac.org). The Coalition is a statewide tribal coalition and a national tribal technical assistance provider. The Coalition works with 11 Tribes in Minnesota and more than 25 Tribes nationwide. The Coalition works to address sexual violence and sex-trafficking of Native women, and the Coalition’s vision is to create safety and justice through the teachings of our grandmothers.

The **Minnesota Indigenous Women's Society** ("MIWS") is a Minnesota not-for-profit incorporated in 2011. MIWS provides direct services to victims of crime in the Upper and Lower Sioux Communities 24 hours a day, 7 days a week. Direct service includes the provision of the following: crisis hotline, information and referral, shelter, other safe housing, food, clothing, personal hygiene items, infant formula, diapers, transportation, and other necessities. MIWS Advocates accompany victims to court, police departments, as well as other social services appointments as requested. Women can receive assistance with filing and making claims for victim compensation.

The **Missouri Coalition Against Domestic and Sexual Violence** ("MCADSV") is a Missouri not-for-profit organization incorporated in 1980 (www.mocadsv.org). MCADSV unites Missourians with a shared value that rape and abuse must end, and advances this through education, alliance, research and public policy. MCADSV provides education and technical assistance, and communication with Missouri's domestic and sexual violence service providers. MCADSV researches the extent of violence against women to more effectively reduce its impact and occurrence in the lives of Missouri's women, children and men. MCADSV works to improve laws, systems, and policies in order to address and prevent violence against women in Missouri.

The **Montana Coalition Against Domestic and Sexual Violence** ("MCADSV") is a Montana not-for-profit organization incorporated in 1986 (www.mcadsv.com). MCADSV is a statewide coalition of individuals and organizations working together to end domestic and sexual violence through advocacy, public education, public policy, and program development.

We advance our mission to: Inspire. Engage. Mobilize!
We envision a Montana that honors individual dignity
and celebrates diversity, equality, and peace.

The **Montana Native Women's Coalition** ("MNWC") is a Montana not-for-profit organization incorporated in 2007 (www.mtnativewomenscoalition.org). MNWC is the Indigenous Circle of Seven relations with a common goal to honor each Tribe's spirituality and culture. MNWC provides collaborative, cohesive, and respectful efforts to end sexual and domestic violence within the Indian Nations and the State of Montana.

The **Muscogee (Creek) Nation Family Violence Prevention Program** ("FVPP") is a Muscogee (Creek) Nation not-for-profit organization founded in 1996 (www.muscogeenation-nsn.gov/Pages/FamViolence/famviol.html). FVPP operates within the government of the Muscogee (Creek) Nation, a federally recognized Indian Tribe. The Mission of the Family Violence Prevention Program is to provide advocacy and supportive services to victims/survivors of domestic violence, sexual assault, dating violence and stalking in an effort to achieve safety, justice, and healing for individuals, families and our great Muscogee (Creek) Nation.

Naa Vúra Yeéship is a behavioral health treatment program for children within the **Karuk Community Development Corporation**, a Karuk Tribe of California chartered not-for-profit organization incorporated in 1982 (<http://www.karuk.us/index.php/departments/community-development>). The mission of the Karuk Community Development Corporation is to develop among tribal members of the Karuk Tribe of California the managerial and technical capabilities to assume leadership roles in

building diversified and sustainable economies. Naa Vúra Yeéship furthers and supports this goal by cultivating and nurturing our most precious resource; the children of the Karuk Tribe. Supported by California's American Indian Child Abuse Treatment ("AICHAT") funding, the Naa Vúra Yeéship staff provides therapeutic and intervention services to both Native and non-Native children who live in the organization's catchment area of Yreka, Happy Camp, and Orleans, the three major population centers of the Karuk. Cultural activities incorporating Karuk ceremony, traditional healing and food sustainability projects combine with evidence based talking treatments allow clients to heal in an environment that is culturally appropriate. Naa Vúra Yeéship empowers its clients to not only "survive" but "thrive."

The **National Alliance to End Sexual Violence** ("NAESV") is a Washington D.C. not-for-profit organization incorporated in 2011 (www.endsexualviolence.org). The NAESV is the voice in Washington for the 56 state and territorial sexual assault coalitions and 1300 rape crisis centers working to end sexual violence and support survivors. The local rape crisis centers in our network see every day the widespread and devastating impacts of sexual assault upon survivors and provide the frontline response in their communities advocating for victims, spreading awareness and prevention messages, and coordinating with criminal justice and other professionals who respond to these crimes.

The **National Coalition Against Domestic Violence** ("NCADV") is a Colorado not-for-profit organization incorporated in 1978 (www.ncadv.org). The vision of NCADV is to create a culture where domestic violence is not tolerated; and where society

empowers victims and survivors, and holds abusers accountable. NCADV's mission is to be the voice of victims and survivors. NCADV is the catalyst for changing society to have zero tolerance for domestic violence. NCADV does this by effecting public policy, increasing understanding of the impact of domestic violence, and providing programs and education that drive that change.

The **National Domestic Violence Hotline** is a Texas not-for-profit organization incorporated in 1996 (www.thehotline.org). Every day, 24/7/365, the National Domestic Violence Hotline provides confidential, compassionate, and practical help to the more than 400,000 people who contact the Hotline for help with domestic and dating violence issues every year via phone, chat and text. With a database of more than 5,000 providers and resources in the United States, Puerto Rico, the U.S. Virgin Islands, and Guam, the Hotline and its youth component (www.Loveisrespect.org), provide confidential conversations and crucial information to help guide survivors to appropriate programs and safety. Since 1996, more than 3.7 million people have received help from The Hotline.

The **National Network to End Domestic Violence** ("NNEADV") is a Washington, D.C. not-for-profit organization incorporated in 1995 (www.nnedv.org). NNEADV is the leading voice for domestic violence victims and their advocates. As a membership and advocacy organization of state domestic violence coalitions, allied organizations and supportive individuals, NNEADV works closely with its members to understand the ongoing and emerging needs of domestic violence victims and advocacy programs.

NNEDV ensures those needs are heard and understood by policymakers at the national level, and offers a range of programs and initiatives to address the complex causes and far-reaching consequences of domestic violence.

The **National Resource Center on Domestic Violence** is a Pennsylvania not-for-profit organization incorporated in 1993 (www.nrcdv.org). The mission of the National Resource Center on Domestic Violence (“NRCDV”) is to strengthen and transform efforts to end domestic violence. Since 1993, the NRCDV has provided comprehensive and individualized technical assistance, training and resource development related to domestic violence intervention and prevention, community education and organizing, and public policy and systems advocacy. The NRCDV strives to be a trusted national leader and sustainable organization, renowned for innovation, multi-disciplinary approaches, and a commitment to ensuring that policy, practice, and research is grounded in and guided by the voices and experiences of domestic violence survivors and advocates.

The **Native Alliance Against Violence** is an Oklahoma not-for-profit organization incorporated in 2009 (www.oklahomanaav.org). The Native Alliance Against Violence is Oklahoma’s only tribal domestic and sexual violence coalition. Through the Spirit of respect and cooperation, the Native Alliance Against Violence strives to unify tribal service programs throughout Oklahoma by providing culturally appropriate technical assistance, training and support to eliminate domestic violence, sexual violence, dating violence, stalking and sex trafficking to restore balance and safety for Native communities.

The **Native Women's Coalition** is an Idaho not-for-profit organization incorporated in 2009. The Coalition provides awareness through education, training and technical assistance to Native and non-Native service providers to stop domestic violence and sexual assault against Native women and children, both on reservation and in rural and urban off reservation communities. The Coalition believes it is essential that all providers understand the unique need for the delivery of culturally appropriate services to victims, especially child victims.

The **Native Women's Society of the Great Plains** is a South Dakota not-for-profit organization incorporated in 2008 (www.nativewomenssociety.org). The Coalition's mission is to promote the safety of Native women. The Coalition is comprised of organizations that provide shelter and services to Native women experiencing violence in their homelands.

The **New Jersey Coalition to End Domestic Violence** ("NJCEDV") is a New Jersey not-for-profit organization incorporated in 1979 (www.njcedv.org). NJCEDV is a statewide coalition of 30 domestic violence programs and concerned individuals whose purpose and mission is to end domestic violence. With the support and perseverance of our member programs, the Coalition stands united in its efforts to provide safety and support to victims and survivors of domestic violence, to hold offenders accountable, to engage community-based systems to enhance their response to all forms of domestic and sexual violence, and to develop and implement programs that promote the prevention of domestic and sexual violence. NJCEDV recognizes that domestic and sexual violence

knows no boundaries regardless of race, class, education level, socio economic status, gender, sexual orientation, age, nation of origin, etc. Through NJCEDV's Inclusion and Access Initiative, NJCEDV strives to work with member organizations and community partners to ensure that programs and services are inclusive and accessible to individuals from all backgrounds and communities.

The **New Mexico Center on Law and Poverty** is a New Mexico not-for-profit organization incorporated in 1996 (www.nmpovertylaw.org). The New Mexico Center on Law and Poverty is dedicated to advancing economic and social justice through education, advocacy and litigation. We work with low-income New Mexicans to improve living conditions, increase opportunities, and protect the rights of people living in poverty. We work to assure that the policies, laws, and practices intended to address the problems of those living in poverty are well-designed and are implemented legally, fairly, and effectively.

The **North Carolina Coalition Against Domestic Violence** ("NCCADV") is a North Carolina not-for-profit organization incorporated in 1981 (www.nccadv.org). NCCADV is a statewide organization that works to create social change through the elimination of the institutional, cultural, and individual oppressions that contribute to domestic violence. NCCADV works to support all North Carolinians in building peaceful communities and families.

The **Oglala Sioux Tribe Victim Service Program** ("OST Victim Service Program") is an Oglala Sioux Tribe not-for-profit organization incorporated in 1924. The OST Victim Service Program is a family violence prevention program that serves to support victims of domestic and sexual assault. Within the

service community of the OST Victim Service Program these forms of violence are predominantly perpetrated against women, children, young girls, and young men. Any victim of such abuse shall not be denied service due to economic status, tribal affiliation, nor will anyone be denied service on the basis of race, ethnicity, age, gender, or sexual orientation.

The **Osage Nation Domestic Violence Program** is an Osage not-for-profit organization that first opened in 1995. The Osage Nation Domestic Violence Program has the only Native American shelter in northern Oklahoma where we serve everyone.

P&S Legal Advocacy, PLLC is an Oklahoma limited liability company incorporated in 2010 (www.pslegalok.com/index.php/partners). P&S Legal Advocacy, PLLC (“PSLA”), was formed by Sheree L. Hukill and Penny L. Pricer in 2010 to provide direct legal services to our clients. Ms. Hukill and Ms. Pricer also formed Integrated Concepts, Inc. (“ICI”), a Women’s Business Enterprise National Council Certified consulting firm in 2008 to encourage collaboration among non-profits, government entities, educational institutions, and businesses to build stronger, safer communities. All members of the ICI/PSLA teams strive to continually build and maintain professional knowledge and relationships with national, tribal, state, and local service providers and legal professionals within the DV/DV, SA, and Stalking field. The P&S Legal Advocacy founding partners have attended and/or presented at over 125 hours of training in these areas within the last three years. Each team member is well versed in the dynamics of change and learning/thinking theories necessary to meet the ever-changing needs of our individual and non-profit clients.

Rape Advocacy, Counseling and Education Services is an Illinois not-for-profit organization incorporated in 2009 (www.cu-races.org). The mission of Rape Advocacy, Counseling and Education services is to deconstruct rape myths and empower victims and survivors of sexual violence through advocacy, counseling, education, crisis intervention, and activism. The organization also works with non-offending significant others, allied professionals, and the community at large to end all forms of sexual violence. The organization believes that working to end sexual violence, a widespread form of oppression that primarily victimizes women and children, is essential to building a world free from all forms of oppression.

Restoring Ancestral Winds, Inc. (“RAW”) is a Utah not-for-profit organization incorporated in 2013 (www.restoringancestralwinds.org). The mission of RAW is to support healing in our indigenous communities. RAW will advocate for healthy relationships; educate our communities on issues surrounding stalking, domestic, sexual, dating and family violence; collaborate with Great Basin Region community members and stakeholders; and honor and strengthen traditional values with all our relations.

Sacred Spirits First Nations Coalition (“Sacred Spirits”) is a Minnesota not-for-profit corporation incorporated in 2001. Sacred Spirits is a non-profit that has been addressing domestic violence and sexual assault of Native American and Alaska Native Women for 14 years. Sacred Spirits’ mission is to reclaim the sacred spirits of women, men, and their families for the next seven generations by healing the effects of historical trauma through culturally competent practices utilizing traditional Anishinaabe values and beliefs. Sacred Spirits is dedicated to unifying the

safety response on behalf of Native women, men and their families being victimized by sexual and domestic violence. Sacred Spirits, in its mission, vision, and strategic plan, keeps a priority to reduce or eliminate domestic violence, dating violence, sexual assault in the White Earth area or surrounding area.

Salem Lutheran Church is a Maryland not-for-profit organization incorporated in 1885 (www.salem-southbaltimore.org). Salem Lutheran Church has served in the Riverside section of Baltimore, Maryland for 130 years. The Church is a justice-minded congregation whose membership is committed to sharing faith, hope and God's love to all whom they encounter. The leadership of the Church has been actively engaged in efforts, both locally and nationally, to eradicate rape and domestic abuse from American culture and society.

The **SD Coalition Ending Domestic & Sexual Violence** ("SDCEDSV") is a South Dakota not-for-profit organization incorporated in 1978 (www.sdcedsv.org). The SDCEDSV is dedicated to social change to ending violence against women and their children. Our organization provides technical assistance, training, material development, etc., to support community-based organizations that offer advocacy, shelter, and prevention education to victims of domestic and sexual violence.

The **Seminole Nation Domestic Violence Program** is a Oklahoma not-for-profit organization incorporated in 2005. The Seminole Nation Domestic Violence Program serves Native American and non-Native families by providing advocacy in the areas of domestic violence, sexual assault, stalking and/or dating violence. The Seminole Nation Domestic Violence Program's mission is to empower both Native

and non-Native families in breaking the cycle of violence by helping them understand the different types of abuse, finding safe housing and obtaining healthy relationships that do not involve manipulation or control of another person.

The **Seven Dancers Coalition** is a New York not-for-profit organization incorporated in 2009 (www.sevendancerscoalition.com). The Coalition is located in upstate New York, and thus the Coalition's territory straddles the United States and Canadian border. The Coalition is established to bring awareness and prevention on SA, DA, Campus Safety, Teen Dating, Stalking and Sex Trafficking. The Coalition's mission is to uplift families of indigenous communities by educating and restoring traditional values with the purpose of strengthening self-confidence and dignity. We strive for an environment of peace and tranquility in order to heal the damaged spirit.

The **Sexual Assault Response Team Program of the Pauma Band of Mission Indians** is a Pauma Band of Mission Indians not-for-profit organization incorporated in 2010. The Sexual Assault Response Team of the Pauma Band of Mission Indians was established to respond to crimes of sexual assault committed on the Pauma Indian reservation. The program is designed to provide tribal based services to Luiseno women on tribal lands and also advocate for tribal sexual assault victims within the California state county system.

The **Soboba Women's Group** is a not-for-profit organization incorporated in 2008 in the State of California. The Soboba Women's Group provides community education, crisis response and advocacy services to Native women and children who are victimized by physical and sexual violence.

The **Southern California Tribal Chairmen's Association** ("SCTCA") is a multi-service non-profit corporation established in 1972 for a consortium of 19 federally-recognized Indian tribes in Southern California. The primary mission of SCTCA is to serve the health, welfare, safety, education, cultural, economic and employment needs of its tribal members and descendants in the San Diego County urban areas. A board of directors comprised of tribal chairpersons from each of its member Tribes governs SCTCA.

The **Southwest Indigenous Women's Coalition** ("SWIWC") is an Arizona not-for-profit organization incorporated in 2006 (www.swiwc.org). SWIWC is located in Mesa, Arizona, and works to end domestic and sexual violence against Native women. Through training, technical assistance, policy development, and outreach education, SWIWC helps to build the capacity of Tribes in Arizona to better address and respond to the violence occurring in their communities.

The **Strong Hearted Native Women's Coalition, Inc.** is a California not-for-profit organization incorporated in 2006 (www.strongheartedwomen.org). Strong Hearted Native Women's Coalition was founded in 2005 to bring awareness against Sexual Assault, Domestic Violence, Youth Violence, and Stalking in North County of the San Diego County. Native women from the Indian reservations of Rincon, Pauma, Mesa Grande, Santa Ysabel, La Jolla, San Pasqual, Los Coyotes, Pala, and Inaja/Cosmit make-up our coalition membership. Over the years, our coalition has expanded to include Tribes from all of Southern California as well as other Tribes throughout the state of California. The purpose of the Coalition is to enhance the capacity of survivors,

advocates, Indian women's organizations, and victim services providers to form non-profit, nongovernmental tribal domestic violence and sexual assault coalitions to advance the goal of ending violence against American Indian and Alaskan Native women. The overarching goal of the Strong Hearted Native Women's Coalition program is to increase the amount of dedication to improving systemic and community responses to victims. To raise awareness, educate, and to provide technical assistance, training, and supportive services for victims of sexual assault, domestic violence, dating violence, stalking, and human/sex trafficking including cultural and unique barriers facing Native American Women. The Strong Hearted Native Women's Coalition by honoring our women ancestors, advocates for women and their families by promoting safety and a traditional non-violent lifestyle. The Coalition works towards empowering women with the tools for independence, courage, and a strong direction to make healthy life choices for herself, her children, and family.

Survivor Outreach Services is a Little Traverse Bay Bands of Odawa Indians not-for-profit organization incorporated in 2012 (www.ltbbodawa-nsn.gov). Little Traverse Bay Bands of Odawa Indians Survivor Outreach Services is designed to assist Native American and non-Native intimate partners who have/are experiencing domestic violence, sexual assault, stalking, and dating violence.

The **Three Sisters Program** ("Three Sisters") is a St. Regis Mohawk Tribe not-for-profit organization incorporated in 2005. Three Sisters is a state and federally funded domestic violence and sexual assault program servicing three countries advocating for victims and families in crisis and during challenging

times in their lives. With the help of other St Regis Mohawk, Canadian, and local coalitions and programs, Three Sisters is able to provide wrap-around services that will not only help the victim and family in crisis, but will also work to heal and empower them to be their own advocates.

The **Ti Hirasa Domestic Violence and Sexual Assault Healing Center** is a Pawnee Nation not-for-profit organization incorporated in 2009 (www.pawneenation.org/page/home/divisions/division-of-health-community-services/ti-hirasa-domestic-violence-program). Ti Hirasa is a confidential support service to victims of domestic violence, dating violence, sexual assault, and stalking. The Center serves all of Pawnee County regardless of age, economic status, race, religion, or education background. The Center prioritizes Native American women and members of the Pawnee Nation. The Center's mission is to provide prevention and awareness and increase victim safety and offender accountability.

The **Tribal Law and Policy Institute** is a California not-for-profit organization incorporated in 1996 (www.tlpi.org). The Tribal Law and Policy Institute is a Native American owned and operated non-profit, organized to design and deliver education, research, training, and technical assistance programs which promote the enhancement of justice in Indian Country and the health, well-being, and culture of Native peoples.

The **Tulalip Office of Civil Legal Aid and the Legacy of Healing** is a Washington not-for-profit organization incorporated in 1936 (www.tulaliptribesnsn.gov/Home/Government/Departments/TribalCourt/Attorneys/TulalipOfficeofCivilLegalAid.aspx). The Tulalip Office of Civil Legal Aid and the Legacy of

Healing's role is to provide culturally sensitive, competent legal representation in a holistic manner for referred adult victims of domestic violence, sexual assault, dating violence, and stalking at no cost to the victim. This legal representation includes a wrap-around service of civil legal matters, in tribal and state court, that affect victims of domestic violence, such as custody, safe visitation, divorce, child support, and protection orders.

Uniting Three Fires Against Violence is a Michigan not-for-profit organization incorporated in 2009 (www.unitingthreefiresagainstviolence.org). Uniting Three Fires Against Violence ("UTFAV") is a statewide tribal coalition against domestic and sexual violence. UTFAV's mission is "[t]o support Michigan Tribes in promoting the social change necessary to address the disproportionate rates of violence impacting our communities." UTFAV envisions: (1) empowered Native American survivors with access to essential and culturally appropriate services throughout the State of Michigan; (2) tribal communities that have access to the resources necessary to provide the identified services; and (3) tribal, State and Federal responses that are guided by culturally appropriate and trauma informed practices.

The **Utah Coalition Against Sexual Assault** is a Utah not-for-profit organization incorporated in 1997 (www.ucasa.org). The Utah Coalition Against Sexual Assault ("UCASA") was originally formed by a small group of rape crisis program directors to address identified gaps in the response to sexual violence survivors in Utah. Today, UCASA continues to engage individuals and organizations in local and statewide collaborations to strengthen the effectiveness of sexual violence education, prevention and response in Utah.

In collaboration with state and local partners UCASA coordinates delivery of a 40-Hour Rape Crisis Advocacy Curriculum; provides training and technical assistance for Rape Prevention Educators in several Utah communities; provides training and support on the coordination of Sexual Assault Response Teams; and increases statewide capacity to train and support Sexual Assault Nurse Examiners. UCASA recognizes that to ensure accessibility of services and protections for the most vulnerable communities, society must increase the representation of marginalized and underserved populations in the planning, coordination, and provision of sexual assault prevention and response, and thus UCASA is actively pursuing this goal through local and national partnerships with culturally specific organizations and those committed to achieving social justice for all.

The Vermont Network Against Domestic and Sexual Violence is a Vermont not-for-profit organization incorporated in 1986 (www.vtnetwork.org). The Vermont Network Against Domestic and Sexual Violence (“Vermont Network”) is a feminist organization dedicated to eliminating domestic and sexual violence through advocacy, empowerment, and social change. The Vermont Network is a coalition of 14 domestic and sexual violence programs throughout Vermont with a statewide office located in Montpelier. The Vermont Network envisions a world free of oppression where actions, beliefs and systems support all people to thrive. The Vermont Network’s purpose is to work with others to create that world. To do this, the Vermont Network works to create conditions which are favorable for member program success. Member Program Success means survivors are supported and empowered in getting their needs met and

communities are working toward eliminating domestic violence and sexual assault.

The **Violence Intervention Program, Inc.** is a New York not-for-profit organization incorporated in 1975 (www.vipmujeres.org/#). The Program's mission is to lead Latina victims of domestic abuse to safety, to empower them to live violence-free lives, and to reach and sustain their full potential. The Program pursues this mission by raising community awareness, engaging in activism, and by providing culturally competent services.

The **Wabanaki Women's Coalition** ("WWC") is a Maine not-for-profit organization incorporated in 2013 (www.wabanakiwomenscoalition.org). The mission of the WWC is to increase the capacity of tribal communities to respond to domestic and sexual violence and influence tribal, national, and regional systems to increase awareness, safety, justice, and healing for all our relations. The WWC's vision is to guide the evolution of systems and policies that reflect the WWC's Wabanaki voice on behalf of survivors of domestic and sexual violence. The vision is also to create a technical resource center that affirms Wabanaki cultural values and tribal sovereignty, and empowers tribal service providers to serve, educate and influence their communities in an effective and uniform way. The WWC also seeks to be recognized as the informed resource for issues on Wabanaki survivors of domestic and sexual violence.

The **Washington State Coalition Against Domestic Violence** is a Washington not-for-profit organization incorporated in 1990 (www.wscadv.org). The Washington State Coalition Against Domestic Violence ("WSCADV") is the leading voice for ending domestic violence in Washington State. WSCADV

mobilizes member programs and allies to end domestic violence through advocacy and action for social change. WSCADV recognizes the sovereignty of Tribes and the critical role tribal courts and Tribal Governments have in ending domestic and sexual violence against Native women.

The **Washington State Native American Coalition Against Domestic Violence & Sexual Assault** is a Washington not-for-profit organization incorporated in 2005 (www.womenspirit.net). The Coalition envisions a Nation where Native women live safely and where all citizens embrace these core values as they strive towards a collective vision of safety. The Coalition believes in the empowerment of survivors, restoration of spiritual and traditional practices, human rights advocacy, restorative justice, and promoting healing from trauma.

We' We' Netthege' is a Hannahville Indian Community not-for-profit organization incorporated in 1990 (www.Hannahville.net). Our organization is a Victim Advocacy Program within the structure of the Hannahville Indian Community Tribal Court system. Our mission is to serve victims of crime on the reservation and those tribal and descendent members living off reservation in the surrounding counties. We have been in operation since 1990 and will continue to offer services that enhance the healing of victims and promote non-violence within Indian Country.

The **White Buffalo Calf Woman Society Incorporated** ("WBCWS") is a Rosebud Sioux Tribe not-for-profit organization incorporated in 1978 (www.wbcws.org). WBCWS was the first Native American Women's Shelter in the United States. WBCWS is committed to providing shelter, safety, and advocacy for individuals victimized by violence. It is also the

mission of the WBCWS to support everyone in the exploration of ourselves and our attachment to beliefs that justify our own oppression and the oppression of others. As all work to transform the world into a circle of peace and harmony, individual responsibility and self-growth is essential. We are committed to providing shelter, safety, and advocacy for individuals victimized by violence. We recognize the necessity of a multi-faceted approach – the need to develop an effective response to systems in our community such as health, criminal justice, and other institutions that minimize violence against women. It is our hope that our federal courts will support inherent tribal power by supporting the Tribes' inherent right to protect its citizens when a non-Indian conduct has harmful consequences on its tribal citizens.

Wica Agli is a South Dakota not-for-profit organization incorporated in 2013 (www.wicaagli.org). Wica Agli is working to create more male allies for women. We work with men and boys to create a nonviolent environment. We do this by reintroducing traditional cultural life ways.

Wiconi Wawokiya, Inc., (“Wiconi Wawokiya”) is a South Dakota not-for-profit organization incorporated in 1987 (www.wiconiwawokiya.org). Wiconi Wawokiya's (Helping Families) mission is to reduce violence in the homes, workplace, schools, and the communities in which we live. Wiconi Wawokiya strives to provide safety to the victims of domestic violence, dating violence, stalking, adult and child sexual assault victims. Wiconi Wawokiya empowers those who are oppressed by providing information, encouragement and support. Wiconi Wawokiya works to promote respect for individual differences and diversities. Wiconi Wawokiya educates society on the dynamics of

domestic violence and sexual assault in intimate relationships, stalking, rape, human trafficking, and child sexual assault.

Wild Horse Butte CDC is a South Dakota not-for-profit organization incorporated in 2011 (www.wildhorsebutte.org). Wild Horse Butte CDC works on the Pine Ridge Indian Reservation on social issues. The organization's mission is to create a better quality of life for tribal members, including a life free of domestic violence and sexual assault. Wild Horse Butte CDC operates a domestic violence shelter known as the Sacred Shawl Society Domestic Violence Shelter on the Pine Ridge Indian Reservation.

The **Wisconsin Coalition Against Sexual Assault** ("WCASA") is a non-profit organization incorporated in the State of Wisconsin in 1985 (www.wcasa.org). WCASA is a statewide member organization composed of sexual assault programs, sexual assault survivors and individuals and agencies promoting the social change necessary to end sexual violence. WCASA currently has over 140 members. WCASA provides training and technical assistance to 51 sexual assault victim advocacy organizations throughout the State of Wisconsin and other agencies that work directly with victims of sexual assault.

Women of Color Network, Inc. is a Pennsylvania not-for-profit organization incorporated in 2009 (www.wocninc.org). The Women of Color Network, Inc. is a national grassroots organization amplifying the leadership and voices of women of color and tribal women seeking to end oppression and violence across all communities.

The **Wyoming Coalition Against Domestic Violence and Sexual Assault** (“WCADVSA”) is a Wyoming not-for-profit organization incorporated in 1987 (www.wyomingdvsa.org). WCADVSA is a statewide domestic violence/sexual assault (“DVSA”) coalition with 23 local DVSA program members that constitute the core membership. WCADVSA advocates for programs and the victims they serve. WCADVSA also provides assistance and support to the Wind River Indian Reservation.

The **Yupik Women’s Coalition** (“YWC”) is an Alaska not-for-profit organization incorporated in 2007 (www.yupikwomen.org). The YWC strives to promote safety of women through education and advocacy. The YWC is committed to organize community efforts to end violence against women and children with Yup’ik villages through strengthening the traditional Yup’ik beliefs and teachings that have guided the Yup’ik people for thousands of years. The YWC is dedicated to the safety of women and believes in all the rights of all people to live without fear, threat, violence and oppression.

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