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# Addressing Domestic Violence In Indian Country

## Introductory Manual

Mending the Sacred Hoop Technical Assistance Project

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# Historical Overview of Violence Against Native Women

## The Evolution of Domestic Violence and Reform Efforts Across Indian Country

### Introduction

In order to end domestic violence in all its forms, we must understand why it exists in Indian Country today, and assess our current challenges in addressing the issue. When we examine the reasons behind the presence of domestic violence in Native communities, we must first consider its historical origins.

Domestic violence in Native society came about over the course of centuries of change. Examining the history of oppression that laid the groundwork for the rise of violence against Native women shows us that efforts to end the domestic violence faced by women across Indian Country today are still in their infancy.

“You must be able to see where you have been, before you can possibly know where you want to go.” ~ Muscogee Creek

### Pre-Contact Societies

1. Native people occupying the land now known as the United States had complex societal structures that shaped the way they lived their lives. Some researchers estimate indigenous pre-contact populations at more than 45 million, while others approximate 20 million. The United States government estimates it at around half a million.<sup>1</sup>
2. In spite of the numbers disagreement, one fact remains commonly understood: Native people held women as sacred. In many societies, women were universally honored and respected for their life-giving powers.<sup>2</sup> Their ability to create life likened them to Mother Earth. Their communities respected and honored them. Acts of violence, such as rape were uncommon, and when they did occur, they evoked fear and horror because Native respect for women arose from the belief that women had power over life and death.<sup>3</sup> By many accounts, domestic violence was rare in indigenous societies prior to European contact and only became common after the onset of colonization.

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<sup>1</sup>Allen, Paula Gunn. *The Sacred Hoop: Recovering the Feminine in American Indian Traditions*. Beacon Press. 1992.

<sup>2</sup>Wolk, Lauren Elizabeth. *Minnesota's American Indian Battered Women: The Cycle of Oppression. A Cultural Awareness Training Manual for Non-Indian Professionals*. Battered Women's Project, St. Paul American Indian Center. 1982.

<sup>3</sup>Allen, Paula Gunn. “Violence and the American Indian Woman”. *The Center for the Prevention of Sexual and Domestic Violence. Newsletter: Vol. 5:4: April 1985.*

## **Colonization and The Early Erosion of Tribal Societies**

European contact began in large part in 1492, and led to an historic and tragic change in the lives of indigenous people: the beginning of the loss of culture and the change in the status of Native women.

1. Through the 1600s, tales of the “New World” spread through Europe and explorers came to lay claim to territories and riches for their homelands abroad. These colonizers held the common view that it was not only their divine right, but also their responsibility to take and use the land and its resources, without regard for the rights of the indigenous people living there at the time.<sup>4</sup> This threatened Native values and imposed the notion of ownership, a concept foreign to Native ways of life that eventually brought the ideas of men’s entitlement and women as property into some Native communities.
2. Prior to 1684, tribes were viewed as independent nations by foreign entities with the exception of Spain. Spain viewed the Native occupants of the “New World” as citizens and therefore subject to Spanish rule. This was the onset of the erosion of tribal sovereignty and eventually led to the loss of Native women’s sovereignty.
3. By the 1700s, European exploration of the “New World” had spread across the eastern seaboard, western seaboard, and as far north as Alaska, creating far-reaching avenues for the spread of the European ideals that so negatively impacted the values and roles of Native women and men.

## **Confrontation With Tribal Ways of Living**

The traditional Cheyenne saying, “A people is not defeated until the hearts of its women are on the ground,” reflects the destructive practices of the colonizers.

1. The 1700s and 1800s were times of significant suffering by indigenous people. The values of traditional Native society were being undermined by practices aimed at gaining control of the land and resources, exposing and imposing a value system foreign to Native societies, a value system that designated women as substandard citizens.
2. Native people were viewed as barbarian, savage and not human; the Native way of life was being destroyed. This labeling was a tool used to enable the widespread destruction of Native people and is commonly used today as a tactic by batterers to control and dehumanize women. There are tales of small pox infected blankets, strychnine infected biscuits, slaughters of herds of bison, the massacres of hunting parties and slaughters of Native women and children.
3. In 1800, the buffalo population was estimated to be at about 40 million and less than a century later, in 1895 it was at 1,000.<sup>5</sup> The slaughter of buffalo, a tactic used to starve Native people into extinction or submission, defiled Native societies by exposing them to values that permitted

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<sup>4</sup>University of Oklahoma Health Sciences Center, (UOHSC). Grant number 97-VI-GX-0002, Office of Victims of Crime (OVC), United States Department of Justice. 1997.

<sup>5</sup>Ibid.

such waste and were so detached from the human relationship with animals. This was unheard of in Native societies prior to this time.

4. The systematic destruction of Native cultures included a particular degradation of Native women. In many ways, the conquest of Native nations by Europeans was accomplished by making war on Indian women.<sup>6</sup> Native women were raped, abused and killed in order to seize land and force the assimilation of Native people.
5. By the mid-19th century, the United States policy makers and military commanders were stating – openly, frequently and in plain English – that their objective was no less than the “complete extermination” of any Native people who resisted being dispossessed of their lands, subordinated to federal authority and assimilated into the colonizing culture.<sup>7</sup> As Native societies were repeatedly exposed to values of the colonizers, Native men and women were being changed. The process of internalization of those values was underway. It led to the eventual belief that men have a right to certain entitlements in their relationships with women that allow them to enforce their viewpoints and control a woman’s behavior.
6. The 1883 Supreme Court decision in *Ex Parte Crow Dog* allowed the United States to interfere with the structure of tribal courts and the process by which tribes develop their own laws.<sup>8</sup> The Major Crimes Act led the way for complicating the jurisdictional issues found today in Indian country.

On the Sioux Reservation in Dakota Territory, Crow Dog shot to death Spotted Tail. The tribal system restored harmony to the two families; however, the United States criminal justice system did not honor the tribal system’s decision.<sup>9</sup> The case went all the way to the Supreme Court where tribal sovereignty was upheld and it was affirmed that the U.S. courts lacked criminal jurisdiction over crimes committed between Native people in Indian Country. As a result, the United States Congress passed the Major Crimes Act extending federal jurisdiction over certain crimes committed in Indian Country.

### **The Era of Termination and Assimilation**

1. Forced relocation led to the decimation of thousands of Native people as they were rounded up and force-marched across the country in the early 1800s to open up their tribal lands in the southeastern United States to white settlement and slavery. The most well known of these instances is the relocation of 17,000 Cherokees who were compelled to walk the Trail of Tears. Over 25 percent died of malnutrition, disease, and exposure along the way.<sup>10</sup> By 1837, most members of the five southeastern nations, Cherokee, Creek, Choctaw, Chickasaw and Seminole,

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<sup>6</sup>Supra 3.

<sup>7</sup>Ibid.

<sup>8</sup>Alex Tallchief Skibine. “Troublesome Aspects of Western Influences on Tribal Justice Systems and Laws, Structure and Process.” University of New Mexico, School of Law: Tribal Law Journal. Volume One: Fall 2000.

<sup>9</sup>*Traditional American Indian Leadership: A Comparison with U.S. Governance*. American Indian Policy Center. <http://www.airpi.org/tdsystems.html>.

<sup>10</sup>Supra 8.

had been forced off of 25 million acres of previously held tribal land east of the Mississippi and relocated west to land white settlers didn't yet want. This began a process of relocation and removal that took place across the country, forcing Native people to leave their home lands either through coercion or the results of wars waged that opened up tribal lands to settlement – “manifest destiny”.

2. The United States government also attempted to assimilate indigenous people into the mainstream of American life by changing customs, dress, occupations, language, religion and philosophy. Boarding schools were a federally sanctioned practice that transpired over the course of 100 years. In 1928, the Merriam Report to Congress outlined the harsh treatment of Native children in boarding schools and the outrageous behavior of school authorities toward Indian children.<sup>11</sup> Native people have been raised by institutions (the boarding schools) and subjected to inhumane treatment for multiple generations. This has led to the loss of traditional cultural values, Native identity and the internalization of oppression.
3. Iroquois women influenced the early suffragette movement by providing a model of women who lived liberated lives, with rights, freedoms, and a voice in government.<sup>12</sup>

Surely these white women living under conditions of virtual slavery did not get their vision in a vacuum. Somehow they were able to see from point A where they stood corseted, ornamental, legally non-persons, to point C, the regenerated world gauge predicted in which all repressive institutions would be destroyed. They caught a glimpse of the possibility of freedom because they knew women who lived liberated lives, women who had always possessed rights beyond their wildest imaginations, Iroquois women.<sup>13</sup>

4. 1924 saw the mandatory citizenship of Native people.
5. In 1934, the Indian Reorganization Act allowed tribes to develop tribal justice codes and operate court systems that enforced tribal laws enacted by the tribes.<sup>14</sup> Because the laws and regulations of the tribal courts had to be approved by the Bureau of Indian Affairs, the tribes were under great pressure to incorporate western types of judicial procedure into their own judicial systems.<sup>15</sup>
6. The 1950s saw the Bureau of Indian Affairs identify more than 100 tribes to be singled out for “termination” under the federal government’s policy to end its relationship of trust with tribes,<sup>16</sup> relinquishing itself of its treaty obligations of responsibility.
7. A major step toward termination was the enactment of Public Law 280 in 1953. It transferred federal criminal jurisdiction in Indian Country to certain states. Initially placed on six states, PL

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<sup>11</sup>Supra 4.

<sup>12</sup>Wagner, Sally Roesch. *The Untold Story of the Iroquois on Early Feminists*. Sky Carrier Press. 1996.

<sup>13</sup>Ibid.

<sup>14</sup>Ibid.

<sup>15</sup>Supra 10.

<sup>16</sup>Supra 5.

280 allowed other states an opportunity to apply for jurisdiction over tribes, without the consent of the tribal governments. 10 States were granted optional jurisdiction. Amended in 1968, partly to prohibit this situation from occurring without tribal consent, there has been almost no expansion of PL 280<sup>17</sup> and three states have retroceded jurisdiction or returned jurisdiction to the federal government. Public Law 280 further complicates jurisdiction and enforcement issues across Indian Country.

### The 1970s

1. Early organizing around violence against women in the mainstream society followed on the heels of women's participation in the civil rights and antiwar movements. The anti-rape movement was one of the earliest components of the movement to address violence against women.<sup>18</sup>
2. In 1978, the Indian Child Welfare Act (ICWA) was adopted by Congress in order to preserve the integrity of Indian tribes and ensure their future. Before 1978, as many as 25 to 35 percent of the Indian children in certain states were removed from their homes and placed in non-Indian homes by state courts, welfare agencies, and private adoption agencies. By enacting ICWA, which requires that Indian children, once removed, be placed in homes that reflect their unique traditional values (25 U.S.C. 1915), Congress was acknowledging that no nation or culture can flourish if its youngest members are removed.<sup>19</sup>
3. No one knows for certain how many Native women were sterilized during the 1970s. Eugenics, which literally means wellborn, is a movement that promoted the elimination of so-called inferior people from spreading their inferiority upon the stock of the nation.<sup>20</sup> Sterilization reached its popularity in Indian Health Services during the 1970s and was the last official eugenic effort. Native women of childbearing age numbered around 100,000 and as of 1982, it was estimated that 42% of Native American women were sterilized, having a significant impact on Native Nations' ability to reproduce its small population.<sup>21</sup> While efforts to end violence against women were growing, state sanctioned violence continued to be practiced.
4. The White Buffalo Calf Woman Society (WBCWS) was the first battered women's shelter in the country created to serve Native women, opening on the Rosebud Sioux Reservation in South Dakota. A group of Native women providing safe space for victims of domestic violence came together to develop the shelter. The purpose of WBCWS was to create a safe place for women that honored her in her own culture, her inherent right as a woman to be respected and to be held as sacred. It continues to work to reduce domestic violence by providing services and a safe environment to enable domestic violence victims to leave their abusers.

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<sup>17</sup>*Sexual Assault in Indian Country: Confronting Sexual Violence*. National Sexual Violence Resource Center (NSVRC). 2000.

<sup>18</sup>Frederick, Loretta M. *The Evolution of Domestic Violence Theory and Law Reform Efforts in the United States*. Battered Women's Justice Project, Minnesota Program Development.

<sup>19</sup>Jones, B.J. "The Indian Child Welfare Act: The Need For a Separate Law." *The Indian Child Welfare Act Handbook*. ABA Family Law Section. 1995.

<sup>20</sup>Sullivan, Michael. *A History of Governmentally Coerced Sterilization: the Plight of Native American Women*. University of Maine Law School. 1997.

<sup>21</sup>*Ibid.*

5. Contrary to the common perception that the United States is a country founded on religious freedom, it was not until 1978 that the Indian Religious Freedom Act was passed by Congress. Central in tribal societies, many ceremonies and spiritual practices were lost as a result of outlawing Native spiritual practices. Having been illegal up to 25 years ago, Native communities are working to reclaim and protect the spiritual practices that remain.
6. Early organizing saw Native leadership working to bring the voices of Native women to the domestic violence movement. Tillie Blackbear, a grandmother of the movement, was one of the founding mothers of the National Coalition Against Domestic Violence (NCADV) and the South Dakota Coalition Against Domestic Violence and Sexual Assault (SDCADVSA). In 1978, NCADV formed when battered women's advocates from all parts of the nation attended the U.S. Commission on Civil Rights hearing on battered women in Washington, DC, hoping to address common problems.<sup>22</sup> SDCADVSA formed resulting from organizing efforts, assisted by the South Dakota Commission on the Status of Women, bringing together over 75 women to the first meeting held on the Rose Bud Reservation.<sup>23</sup>

### **The 1980s**

Early work in Indian Country was slow to start compared to the mainstream movement to end violence against women. However, as Native leadership in the movement expanded, significant efforts were being developed that created Native specific responses that went beyond replicating mainstream programming.

1. The American Indian Women's Circle Against Abuse (AIWCA) was formed in 1982 as the first Native coalition with representation from 10 of the 11 tribes in Minnesota, and all the Native advocates working in battered women's programs. The AIWCA provided a range of training to Native communities and battered women's programs. The coalition was defunded in 1993 and eventually dissolved.
2. Women of Nations (WON) in Minneapolis, Minnesota formed in May 1982 as a volunteer community advocacy program originally supported by member contributions from their own pockets. In 1989, it became the first urban Indian shelter for battered women in the United States. Organizing members secured the shelter's existence by obtaining a legislative appropriation of over \$100,000 to open its shelter doors.
3. The pro-arrest code (now known as the mandatory arrest code) was passed in 1989 on the Pine Ridge Reservation, making it the first reservation to adopt a mandatory arrest policy. The code made it against the law to assault or abuse an intimate partner and included further protections such as mandatory arrest, no bond until arraignment, and mandatory sentencing.<sup>24</sup>

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<sup>22</sup>www.ncadv.org [http://www.ncadv.org]

<sup>23</sup>Maicki, Carol. "Why there are Two Coalitions in South Dakota." Paper written for the South Dakota Coalition: 2002.

<sup>24</sup>Ybanez, Victoria. "Cangleska, Working Against Domestic Violence on the Pine Ridge Reservation." Praxis International. 2001.

## The 1990s

1. In 1990, a group of Indian advocates and community members from the Fond du Lac Reservation concerned about the level of violence against Indian women formed to begin a dialogue on domestic violence. As a result, Mending the Sacred Hoop was created to develop an intervention model that would coordinate reservation and non-reservation agencies to work collectively on policy and procedure changes. It would also educate off reservation court systems and law enforcement agencies on myths and beliefs about Indian people and domestic violence, and coordinate a Council on Non-Violence, consisting of judges, prosecutors, probation officers, law enforcement, public defenders, advocates, counselors, reservation service providers and representatives of the business community. Mending the Sacred Hoop would also provide training to reservations on developing intervention projects.
2. In 1994, the Violence Against Women Act (VAWA), a part of the Federal Crime Control Bill, gave federal support to develop and strengthen law enforcement and prosecution strategies to combat violence against Indian women and children and develop and strengthen victim services particularly involving violent crimes against women.<sup>25</sup>
3. VAWA created the Violence Against Women Office (VAWO) – now known as the Office of Violence Against Women – within the Office of Justice Programs (OJP), Department of Justice. It was an historic acknowledgement by the federal government that the occurrence of violent crime targeted women.
4. 1998 brought direct funding to tribes by the Office of Victims of Crimes (OVC), and eliminated the state pass-through of the past decade that had proved to be less than ideal.<sup>26</sup>
5. Funding was slow to reach Indian Country. Advocating for change, a vocal group of Native women campaigned for VAWA set aside funds to be designated for tribes and to ensure that resources reached the tribes. As a result, the STOP Violence Against Indian Women Grant Program was created to encourage tribal governments to develop and strengthen the tribal justice system's response (including law enforcement, prosecution, victim services and courts) to violence against Indian women and to improve services to victims of domestic violence, sexual assault, and stalking. In reaffirming the United States' unique relationship with Native American tribal governments, Executive and Justice Department Policy requires OJP to work on a government-to-government basis with Indian tribes.<sup>27</sup>
6. As resources to stop violence grew across Indian Country, domestic violence responses expanded. The mid to late 1990s saw the growth of domestic violence programs, coordinated community responses, and changing tribal codes. Some tribal communities engaged in reclaiming traditional values in their efforts to end violence against Indian women.

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<sup>25</sup>*Supra* 4.

<sup>26</sup>*Ibid.*

<sup>27</sup>President's Memorandum on Relations with Tribal Governments, April 29, 1994, 59 Fed. Reg. 22951 (1995), Consultation and Coordination with Indian Tribal Governments, Exec. Order No. 13175, 65 Fed. Reg. 67,249 (2000), and Department of Justice Policy on Indian Sovereignty and Government-to-Government Relations, 61 Fed. Reg. 29424 (June 10, 1996).

7. Two significant resources were created for work in Indian Country. Mending the Sacred Hoop STOP Violence Against Indian Women Technical Assistance Project provides technical assistance to recipients of the STOP Violence Against Indian Women Discretionary Grants with the purpose of working to ensure the safety of victims and their families and to create accountability within the systems. Grantees are provided training and consultation. The Sacred Circle National Resource Center is one of six national resource centers in the United States addressing domestic violence and provides support primarily to 557 federally recognized American Indian/Alaskan Native Tribes across the United States.
8. According to American Indians and Crime, a study by the Department of Justice released in 1999, Native Americans are far more likely to be victims of violent crimes than members of any other racial group. The rate of violent crime experienced by Native women is nearly 50% higher than that experienced by black males. The Alaska Native Women Sexual Assault Committee was formed in January 1999 after the Federal Bureau of Investigation ranked Alaska number one in incidents of rape. Alaska had topped that crime category about two-thirds of the time over the previous two decades.<sup>28</sup>
9. 1999 saw the onset of new advance of Native coalitions. The Oklahoma Native American Coalition was formed and brings together 12 tribes to stop domestic violence and sexual assault against Native American women and children.

### **Current Issues**

Ahead of us is an overriding challenge to undo a history that supports rape and violence against Native women and to create one that strives toward both the physical survival and cultural survival of Native people.

Navajo poet Luci Tapahonso read the following during the 1991 Modern Language Association's annual convention:

I am, I am

In wisdom I walk

In beauty may I walk...

In beauty it is restored.

The light, the dawn.

It is morning.

As she read, my heart was lifted in recognition of our power, our magnificent life. I am Laguna, woman of the lake, daughter of the dawn, sunrise, kurena. I can see the light making the world anew. It is the nature of my blood and heritage to do this.

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<sup>28</sup>*Supra* 20.

There is surely cause to weep, to grieve; but greater than ugliness, the endurance of tribal beauty is our reason to sing, to greet the coming day and the restored life and hope it brings.<sup>29</sup>

Progressing in the work to end violence against Indian women must begin with the development of relevant responses that work at reclaiming pre-contact values, values that restore harmony and balance to Native communities shaken by a history of oppression.

1. Developing Native specific intervention programs must adapt an educational approach centered on the belief that violence is learned behavior evolving from a history of oppression and can be un-learned. Much of the work in Native men's groups needs to emphasize the relationships within family and community by incorporating teachings of respect, acknowledging and honoring the roles of men and women and restoring natural ways of living.<sup>30</sup>
2. Sexual assault in Indian communities is an issue that is barely addressed while Native women who are victims of sexual assault report that it is rampant in their communities. Work in this area has been slow, but Native women are beginning to organize. Sexual assault programs and sexual assault tribal coalitions are becoming resources for trainings and support for many advocates and victims.<sup>31</sup>
3. Good work is being done to address stalking in Indian country, but there is still much left to do.<sup>32</sup> With studies showing 17 percent of Native American and Alaskan Native women have been stalked,<sup>33</sup> it is of the utmost importance that we keep the issue of stalking in the front of our minds. Developing and implementing tribal anti-stalking codes is barely into its infancy and must continue while infusing sovereignty and tribal values into the laws and procedures of tribes.<sup>34</sup>
4. With well over 500 federally recognized tribes, there are barely 26 Native specific shelters in existence today with only a few more in development. Efforts must support the development and ongoing operation of shelters across Indian Country.
5. In the work to end violence against Indian women, many Native nations are finding that shelter options alone do not provide the time or the stability for women to create a solid base for change in their lives. Longer-term housing and affordable permanent housing that goes beyond providing simply the physical structure, needs to be implemented in order to create opportunities for battered women leaving abusive relationships to live in a community that extends safety, support and a place to work toward reclaiming their connections with themselves and each other.

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<sup>29</sup>*Supra* 1.

<sup>30</sup>See "Developing Men's Non-Violence Programs" in Chapter 4 of this manual.

<sup>31</sup>See "Defining Sexual Violence" in Chapter 2 of this manual.

<sup>32</sup>See "Stalking" in Chapter 3.

<sup>33</sup>Compared with 8.1 percent of women in the general population, and 2 percent of men.

<sup>34</sup>Valencia-Weber, G., and C. P. Zuni, "Domestic Violence and Tribal Protection of Indigenous Women in the United States." *St. John's Law Review* 69:69 (1995): 76.

6. There are many jurisdictional complexities and limitations in Indian Country. The confusing division of authority among tribal, federal and state governments results in a jurisdictional maze that is complicated by the lack of tribal courts' criminal jurisdiction over non-Indians, the practical impact of Public Law 280, and other limitations on tribal criminal jurisdiction. The difficulty of determining jurisdiction, and provisions for concurrent jurisdiction of certain cases, can cause conflict and confusion for law enforcement, prosecution, courts, service providers, and crime victims in Indian Country.<sup>35</sup>
7. State Coalitions (with a few exceptions) have not been effective in bringing voice to Native issues. As a result, Native Coalitions are being developed across Indian Country. Efforts to continue forming and expanding the reaches of Native coalitions across the country will support the efforts to strengthen domestic violence responses, training and leadership.
8. Struggles around the effectiveness of criminal justice responses, its historical legacy that has a disproportionate number of Native Americans confined in the United States and a search for alternative justice solutions pose significant challenges for future work. A restorative justice movement is growing in both mainstream and indigenous communities and it brings significant concerns that must be weighed heavily when deciding if and how this work ties to domestic violence efforts. There are grave concerns about how restorative justice or community justice efforts place greater power with the community. A culturally appropriate justice system cannot be achieved simply by ensuring more community members are involved.<sup>36</sup> While restoring community responsibility affirms traditional Native values, many communities lack the social structure to support shifts of power into the hands of their community. In addition, the power imbalance in relationships where domestic violence is taking place precludes an ability to involve victims of domestic violence in processes where they have equal footing with their abuser. There are a significant number of issues to be examined; those exploring restorative justice alternatives must deeply consider these issues before deciding if it is an appropriate alternative.

## Tracing the Path of Violence: The Boarding School Experience

### Introduction

In struggling to understand the frequency of violence against women in our communities, many Native American and Alaskan Native people believe that the prevalence of domestic violence and sexual assault in Native communities has its roots in the forced removal of Native children from their families to religious and government operated boarding schools. We believe that the problems affecting both rural and urban tribal communities today are a direct result of several generations of Indian children who were taken from their families and suffered abuse in over 300 boarding schools across this country beginning in 1879 and continuing well into the 1950s.<sup>37</sup> Many children who were taken from their homes learned lessons of self-hatred, and domestic and sexual violence,

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<sup>35</sup>*Supra* 16.

<sup>36</sup>Crnkovich, Mary. "The Role of the Victim in the Criminal Justice: Circle Sentencing in Inuit Communities." The Canadian Institute for the Administration of Justice Conference, Banff, Alberta, October 11-14, 1995.

<sup>37</sup>"Indian Boarding Schools". The Center for Holocaust, Genocide & Peace Studies. <http://www.wce.wvu.edu/nwche/mission.shtml>.

and brought these ways back into their communities. The boarding school era of Native experience created one of the most tragic chapters of loss in Native identity, and left in its wake a legacy of domestic and sexual violence, alcoholism, displacement, and suicide that continues to affect tribal communities today.

To completely understand the impact of the boarding school era, one must not only look at the historical events of this period but also examine federal policy, religious influence, societal values, and western colonization.

The logic of events demands the absorption of the Indians into our national life, not as Indians, but as American citizens... The Indians must conform to “the white man’s ways,” peaceably if they will, forcibly if they must. They must...conform their mode of living substantially to our civilization. This civilization may not be the best possible, but it is the best the Indians can get. They cannot escape it, and must either conform to it or be crushed by it... The tribal relations should be broken up, socialism destroyed, and the family and the autonomy of the individual substituted. -Thomas Jefferson Morgan, Commissioner of Indian Affairs, 1889

### **From Day School to Boarding School**

The first boarding schools were started in the sixteenth century and were operated by Catholic missionaries whose goal was primarily to acculturate Native children. In the 1880s, however, the U.S. government began the “boarding school experiment”, another chapter of federal Indian policy that attempted to eradicate Native culture through the forced education and assimilation of Native children.<sup>38</sup> Treaties signed between the federal government and tribes commonly included the “six to sixteen” clause, a provision that obligated the federal government to provide schools and teachers for Native children between the ages of six and sixteen.<sup>39</sup>

Initially, the federal government funded day schools for Indian children that were operated by churches and missionaries. This allowed children to attend school during the day and be with their families at night. Day schools weren’t as effective an agent of change as the government had hoped because children were still connected to their culture: speaking their language and practicing their tribal ways at home. Day schools didn’t last long.

The federal government’s second attempt to move Native children into mainstream society was the creation of off reservation boarding schools that allowed children to visit their families only during the summer and on holidays, with the condition that family members be allowed to visit their children while they were at school. This condition was soon recognized as counterproductive to enculturation, as Native children were still influenced by family members during visits with them.

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<sup>38</sup>Policy created by Thomas Jefferson Morgan, Commissioner of Indian Affairs, 1889.

<sup>39</sup>Central Michigan University Clarke Historical Library Native American Treaty Rights, [http://clarke.cmich.edu/resource\\_tab/native\\_americans\\_in\\_michigan/treaty\\_rights/treaty\\_rights\\_index.html](http://clarke.cmich.edu/resource_tab/native_americans_in_michigan/treaty_rights/treaty_rights_index.html).

The final stage of the government plan was the creation of Indian boarding schools far away from home villages and reservations starting in 1879. Children at these boarding schools were not permitted to visit their families, and were expected to stay for a minimum of four years. Captain Richard Henry Pratt was a key figure in this era of the boarding school. Pratt had been a veteran of the Indian wars and his philosophy of “kill the Indian and save the man” was instrumental in the government’s approach to the assimilation of Native children. It is at this time that the government began to attempt the cultural cleansing of Indians by the forced removal of their children to schools where they would be isolated from their family, and where the government could effectively get rid of anything Indian remaining in the child, in effect, killing the Indian in the child. This philosophy was the goal of the boarding schools, with at least one founder and administrator proclaiming it in his commencement address.<sup>40</sup> The commonly used term “savage” as a reference to Native people allowed the boarding school policy to prevail during this era. If the idea that the government was “helping” Native children to change their “savage” ways and become members of mainstream society was popularized, it justified what in any other context would amount to kidnapping and abusive treatment. According to the Commissioner of Indian Affairs (1866):

It is admitted by most people that the adult savage is not susceptible to the influence of civilization, and we must therefore turn to his children, that they might be taught to abandon the pathway of barbarism and walk with a sure step along the pleasant highway of Christian civilization... They must be withdrawn, in tender years, entirely from the camp and taught to eat, to sleep, to dress, to play, to work, to think after the manner of the white man.

Native children as young as six years old were taken from their families to these institutions, in many cases deliberately far away from their homes so that distance would strengthen the process of forced acculturation and education. There were also situations where children as young as three and four years old were sent to boarding schools. As an elder Julia Barton recalls: “I was three and a half then. I couldn’t even reach the sink to turn on the water. The older girls took care of me. They lifted me up so I could wash my hands.”<sup>41</sup>

Living conditions on the reservations during this time were deplorable: poverty, starvation, disease and death were commonplace. These conditions were a significant influence on some Native families to relinquish their children to the boarding schools that promised them a better life. Some tribal leaders foresaw that the future survival of their tribe meant that their children would have to learn “white man ways” and so willingly placed their children in boarding schools. However, many times children were taken involuntarily, rounded up like cattle, and parents were forced to turn them over to the Indian agents. Should a family resist, food and rations were withheld, and threats of imprisonment and intimidation were used to coerce them to give up their children.<sup>42</sup> The lengths to which some parents went to try to keep their children are tragic: for instance, in 1895 a group of Hopi

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<sup>40</sup>Adams, David Wallace. *Education for Extinction: American Indians and the Boarding School Experience 1875- 1928*. Lawrence: University Press of Kansas, 1995.

<sup>41</sup>Tohe, Laura. *No Parole Today*. Albuquerque: University of New Mexico Press, 1999.

<sup>42</sup>Joseph, Alvin M. Jr. *500 Nations*. New York: Alfred A. Knopf, 1994.

men surrendered to the U.S. cavalry and chose imprisonment at Alcatraz rather than give up their children.<sup>43</sup>

I would...use the Indian police if necessary. I would withhold from (the Indian adults) rations and supplies...and when every other means was exhausted...I would send a troop of United States soldiers, not to seize them, but simply to be present as an expression of the power of the government. Then I would say to these people, "Put your children in school," and they would do it. -Thomas Jefferson Morgan  
Commissioner of Indian Affairs, 1866<sup>44</sup>

### **Education: The Acculturation Curriculum**

In order to integrate Native children into the dominant culture, a methodical approach of stripping away Native identity became a strong component in the federal educational curriculum. In true militaristic style, the first order of business for children arriving at boarding school was to cut their hair. Some children had never had their hair cut. Their hair was a source of pride and honor. Short or shingled hair to many Native children had specific cultural meanings. Short hair could signal that a person was in mourning, for example. In other traditions, it could be the sign of a coward. Cutting their hair was traumatic for Native children and many experienced it as an assault:

I cried aloud, shaking my head all the while until I felt the cold blades of the scissors against my neck, and heard them gnaw off one of my braids. Then I lost my spirit. Since the day I was taken from my mother I had suffered extreme indignities. People had stared at me. I had been tossed about in the air like a wooden puppet. And now my long hair was shingled like a coward's! In my anguish I moaned for my mother, but no one came to comfort me. Not a soul reasoned quietly with me, as my own mother used to do; for now I was only one of many little animals driven by a herder.<sup>45</sup>

Children were stripped of their personal clothing and belongings when arriving at boarding school. Once stripped, they were scrubbed with lye soap that was harsh on the skin and left it dry and cracked. They were forced to wear school uniforms that were the required dress code, stripping them of their individuality and promoting uniformity. Schools were comprised of children from many different tribes each with distinctive characteristics of clothing relevant to their tribal custom. This clothing was also a strong link to their families. Older children often sewed many of the uniforms students were forced to wear. Medicine bags, jewelry, rattles and other personal items that provided comfort and connection to their families, and which had been given to them by their parents and grandparents were taken away. Some of these items would be returned to children when they left the school, however, many others were taken and burned upon a child's arrival.

The cultural deprivation Native children experienced in boarding schools included changing their names to more "American" or "Christian" names. Reformers, for the most part, frowned upon using

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<sup>43</sup>Holliday, Wendy. "Hopi History: The Story of the Alcatraz Prisoners". <http://www.nps.gov/alca/historyculture/hopi-prisoners-on-the-rock.htm>. 2003.

<sup>44</sup>*Supra* 43, page 222.

<sup>45</sup>Bonin, Gertrude (Zitkala-Sha). "School Days Of An Indian Girl." *Atlantic Monthly* Feb. 1900.

the true names of Native children as too impractical and reminiscent of their tribal identity. Educators believed that a good “American” sounding name would benefit them in their preparation for mainstream society. Some children’s names were chosen from the Bible, while others were inadequate English translations of a child’s Indian name by Indian agents for the purpose of recording them on government rolls. Initially, a child’s true name was changed, and then they were given both a first and a last name in the tradition of the dominant culture. This renaming was contrary to Native cultures in which individuals were not identified by a first name/last name system. Indian names were generally a unique description of the individual, and described them as a whole person. Quite commonly, as a child grew, or an individual made note worthy accomplishments, a new name would be taken or given that signified this life change. In addition, the imposition of “American” last names upon children directly impacted Native culture, in which family lineage was connected to a clan system traced (in the main) through the mother, and did not denote ownership but belonging. This was in contrast to the dominant culture, where ancestry was traced through the father and very often was used to show ownership of offspring. Changing the names of Native children without any forethought by Indian agents and reformers was not only insulting; it was psychologically abusive, robbing the children of their sense of self, their identity. This practice also created problems for Native families in regards to ties and ancestral lineage. For example, Lillian Bull All the Time, the daughter of Bull All the Time, became Lilian Bomfort, a problem for her future children and a hindrance to proving lineage and entitlements that sprang from that lineage.<sup>46</sup>

Native children attending boarding schools were forbidden to speak their own language. English was the only language a child was allowed to speak. This policy was strictly enforced by school personnel with punishments of varying degrees. Among the punishments children endured when caught speaking their own language were having their mouths washed out with soap, being forced to kneel for hours on a hard cement floor or on a broomstick, being stripped and immersed in ice-cold water, having their hair pulled, and having their hands, legs, and/or heads slapped with a leather belt, a rubber hose, wooden paddle, or other instrument.<sup>47</sup> A survivor recalled witnessing a boy being thrown across the room with such force that his collarbone was broken for speaking to another boy in his own language.<sup>48</sup> Another survivor recalls a relative who had difficulty pronouncing the required words of the required English language. Each time the child mispronounced a word, a nun would hit the child across the face with a switch causing her to bleed profusely. The child was repeatedly struck, until she was bleeding and unable to speak out of pain, fear and humiliation, and the frustrated nun locked her in the closet. This child eventually stopped speaking Lakota forever, and developed a nervous habit of pulling her hair out.<sup>49</sup>

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<sup>46</sup>Department of the Interior, Office of Indian Affairs, memo sent to Indian Agents and Superintendents of Schools: Washington, D.C., March 19, 1890.

<sup>47</sup>See: Powell, R. A Contemporary Indian Case Study: From Metaphor to Apple. Master’s thesis. University of North Dakota, 1997. Mills, Ray. *Center for Holocaust, Genocide and Peace Studies: Indian Boarding Schools*. Ed. Viktoria Hertling. <http://www.wce.wvu.edu/nwche/mission.shtml>. Kelley, Matt. “American Indian Boarding Schools: ‘That Hurt Never Goes Away’”. *CNews* 28 Apr. 1999, online edition: [http://www.canoe.ca/CNEWSFeatures9904/28\\_indians.html](http://www.canoe.ca/CNEWSFeatures9904/28_indians.html) (Link Inactive, Checked February 2, 2012). “Federal Education Policy & Off-Reservation Schools: 1870-1933”. Clark Historical Library Presentation Mar. 1999. [http://clarke.cmich.edu/resource\\_tab/native\\_americans\\_in\\_michigan/treaty\\_rights/federal\\_education\\_policy/federal\\_education\\_policy\\_index.html](http://clarke.cmich.edu/resource_tab/native_americans_in_michigan/treaty_rights/federal_education_policy/federal_education_policy_index.html).

<sup>48</sup>Nabakov, Peter. *Native American Testimony*. New York: Viking Press, 1998.

<sup>49</sup>Whirlwind Soldier, Lydia. “Memories”. *Shaping Survival: Essays by Four American Indian Tribal Women*. Ed. Jack W. Marken and Charles L. Woodard. Lanham, MD: Scarecrow Press, 2001. 159-214.

Shaming by ridicule also became way in which children were discouraged from speaking their own language: those who did were singled out and referred to as a “buck Indian”. Some children would speak their language in secret. Others kept it alive by quietly saying their Christian prayers in their own language. Some children kept their language alive (in the face of violent repercussions) by occasionally tormenting their educators: speaking to them in their Native tongue and feeling a sense of pride that their captors did not know what they were saying. This was an extremely dangerous act, the more strongly children resisted assimilation, the more severe the punishment and ridicule that would be inflicted upon them.

While the brutality of the physical violence that Native children endured in boarding schools can be seen as a conscious effort by school authorities to compel children to conform to the expectations of the dominant culture, the sexual abuse many children experienced at these institutions can only be described as unconscionable, it was a violation not only of a child’s body, but an assault on their spirit. Sexual abuse, especially the sexual abuse of children, creates silent victims: the abuse varies in experience; it can be disguised by the perpetrator to appear to the child as an act of affection, especially to children separated from their parents and desperate for love and attention. The sexual abuse Native boarding school survivors suffered at the hands of the adults to whom they were entrusted was varied. Some children were sexually fondled and touched, while some suffered extreme sexual violence and penetration.<sup>50</sup> An Ojibwe elder who attended the Pipestone Indian School recalls his fifth grade teacher who admired his beautiful singing voice. So much so, that on Fridays he was expected to return to her class at the end of the day, and sing for her while she fondled him.<sup>51</sup> Another child at the St. Francis Indian Mission School recalls witnessing young girls being taken in the night by priests and nuns alike and returning to their beds crying and refusing to speak to anyone about what had occurred.<sup>52</sup> At a boarding school in Winnebago, Nebraska, it was considered an initiation for thirteen-year-old boys to be sexual abused by the priest on their thirteenth birthday.<sup>53</sup> There are no accurate estimates of how many children were sexually abused at boarding schools during this era, child sexual abuse wasn’t an issue that would be addressed by psychologists until many decades later. Most of the stories come to us from survivor interviews or interviews with the relatives of survivors who struggle to understand their victimization. However, given the current publicity of child sexual abuse by clergy, we can conclude the magnitude of Indian children sexually abused at boarding school must have been great.

Many boarding schools, whether operated by military regulations or missionary rules were authoritarian and regimented. Children were housed in sparsely furnished dormitories, and forced to adjust to a strictly controlled environment. The sounds of a steam whistle, bell, or bugle regulated movement and time; such sounds would tell a child when to get up, stand, walk, eat, work, play, and sleep. The absence of family left Native children without traditional role models. Boys, for instance, were left without the positive men’s roles their culture provided: respect for the Earth, and for women as creators of life. The healthy familial relationships that Native children would have been exposed to at home were replaced by the regimented, institutionalized gender roles of the boarding schools, where women and children were subordinate to the male authorities.

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<sup>50</sup>“Walking the White Man’s Road.” *American Radio Works*. MPR. WSCN, Duluth. Feb. 2003.

<sup>51</sup>Ibid.

<sup>52</sup>Id.

<sup>53</sup>Interview with Eileen Hudon (Anishinabe), 2003.

Integrated into the reading, writing, arithmetic, and labor curriculum of the boarding schools were mandatory prayers and church attendance. Turning Native children, away from their tribal spiritual ways, had long been considered a powerful tool in acculturation. This enforced Christianity drilled the foreign concepts of corporal punishment, sin, and evil into the minds of Native children (concepts that were in striking contrast to their own spiritual beliefs), creating a strong sense of fear and confusion, and introducing children to a basic precept of domestic violence, power and control and the imposition of one's will on another through the use of violence. An Indian child's perception of spirituality did not include a God that punished one with beatings for living in the natural world the Creator had provided. Nor was the concept of physical punishment as a method of discipline culturally understood:

If my child does wrong, tell him how he must behave; but do not strike him...  
Physical pain...makes our children timid, and cowards, like the pale-faced men; but  
let them be kept ignorance of pain, and when the young brave will take the war path,  
there will be nothing to daunt his courage and he will fight like a mountain lion. -  
Letter from an Indian parent<sup>54</sup>

Christianity had been used as a tool to change Native societies since the arrival of the Spanish. At boarding schools, Christianity was used as a shaming device to portray tribal spirituality as pagan and uncivilized. After years of this forced indoctrination both in the schools and outside of them, many Native children and adults abandoned their traditional ways and converted to Christianity in some form as a matter of survival.

The loss and worry parents felt for their children in boarding schools were profound. The separation from their children caused great anxiety and sorrow, with parents imploring administrators to be allowed to visit, many writing letters that asked for permission to see their children. These letters were, for the most part, ignored and discarded. One elder recalls that his parents hid in the bushes outside the grounds of the Holy Family Mission School, just to get a glimpse of him, because visits from relatives were not allowed.<sup>55</sup> The worries of Native parents were well justified: while some children were sent home when they became ill, many other children died while at boarding school and never returned home again, leaving parents to struggle with the loss and guilt of sending their children to school. There are no accurate numbers reflecting how many children may have died at while at school, however, almost every boarding school had a cemetery on the premises.<sup>56</sup>

In trying to get back to their families, some children ran away. When these children were caught (and not all were) they were treated as escaping prisoners: they were locked up in the stockade, basement or makeshift building in order to isolate and punish them. Some children were shackled to their bed at night and forced to wear a ball and chain during the day. Runaways were also put on display: tied to a tree or made to wear a yoke and forced to parade in front of other children as an example, sometimes dressed up in ill fitting clothes with clownishly painted faces to further

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<sup>54</sup>Harrod, Howard L. *Mission Among The Blackfeet*. University of Oklahoma Press, 1999.

<sup>55</sup>Kelley, Matt, "American Indian Boarding Schools: That Hurt Never Goes Away". [http://www.dlncoalition.org/related\\_issues/ethnic\\_cleansing\\_and\\_schools.htm](http://www.dlncoalition.org/related_issues/ethnic_cleansing_and_schools.htm)

<sup>56</sup>Ibid.

humiliate them.<sup>57</sup> Some children successfully made it home, while other's died in their attempt to be reunited with their families, some children's despair at their forced separation was so overwhelming that they committed suicide.<sup>58</sup>

In addition to the cultural and familial deprivation Native children experienced at the boarding schools, they also endured their caretakers' often blatant indifference to their physical well being. This indifference amounted to institutional racism; it sprang from society's perceptions of Indians as less than human, and was supported by federal policies created to address the "Indian Problem". Native children were mistreated because the federal policy of the period allowed it.

As the treatment of Indians and Indian Education became public knowledge, the federal government commissioned a survey to evaluate the administration and effectiveness of federal Indian policy. The Institute for Government Research, in its report to Congress, entitled *The Problem Of Indian Administration*, (also referred to as the Merriam Report) stated, "the survey staff finds itself obliged to say frankly and unequivocally that the provisions for the care of the Indian children in boarding school are grossly inadequate."<sup>59</sup>

The Merriam report found that medical attention was inferior and irresponsible, leaving healthy children exposed to children with communicable diseases and infections, some of which could have been treated by an adequate diet. This pattern of substandard treatment in the area of addressing the medical needs of children was detected in most schools, and was the norm rather than the exception. The report also lists insufficient attention to dietary needs as a cause of concern: many children were found to be below normal health status, as much as 17 pounds underweight in some children. Another concern was the industrial and labor training children underwent, in particular the use of Indian children as labor to support the maintenance of the boarding schools during their time there, as well as the practice of "outing" in which Indian children spent some of the school year living with white families as laborers for the family. Children became a cheap source of labor for farms and merchants in the area. The report found it questionable whether this training was a beneficial preparation for mainstream society, or an issue of involuntary servitude and the exploitation of a ready and vulnerable work force,<sup>60</sup> stating:

The question may very properly be raised whether much of the work of Indian children in boarding schools would not be prohibited in many states by the child labor laws, notably the work in the machine laundries.<sup>61</sup>

## Lessons Learned

There were many things Indian children learned at school besides English. The most debilitating message was one of self-hatred. This lesson was repeated over and over again through the use of violence and racism. Native children who came to the boarding schools with a distinct cultural base

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<sup>57</sup>Lee, Lanniko L., et al. *Shaping Survival*. Lanham, MD: Scarecrow Press, 2001.

<sup>58</sup>Ibid.

<sup>59</sup>*The Problem of Indian Administration: Report to Congress*. Baltimore: John Hopkins Press, 1928.

<sup>60</sup>Ibid.

<sup>61</sup>Id.

of different values, customs and social norms that had been practiced from generation to generation were confronted with a life altering cultural conflict detrimental to their very existence. In their home cultures, Native children were considered gifts within the tribe and were treated with admiration. A child was nurtured in their development; grandparents (elders) were a significant part of a child's upbringing, instructing them in life-ways such as hunting, gathering, preparing food, cooking and other activities. There were teachings that guided a child in their growth and relationships with other people and the world around them; for instance, respect and care for elders instilled appreciation and responsibility as a family member. Customs such as putting out a tobacco offering before the taking of any animal or plant fostered a reverence for Mother Earth and the gifts of the Creator, which reflected a spiritual and ecological understanding. These teaching defined a child's place in the world and secured their identity. Instruction for a child included learning from the natural world around them: watching the seasons and life-cycles and knowing how these elements intersected with their life was all part of a child's educational growth. A child's development included ceremonies, separate for girls and boys, which marked in time rights of passage from one age to another. These cultural ways instilled confidence and courage and a personal sense of self worth that was vital to the child and tribe; in sharp contrast to the dominant culture of the time, Native children were not taught that they were less important than adults and elders. However, all this and more changed upon their entrance to boarding schools where Indian children learned to modify their behavior to conform to the ways of the dominant society. All too often, however, this was still was not enough for the reformers. No matter how well a child conformed to dominant culture beliefs and behaviors in an attempt to survive, in appearance they were still Indian.

Esther Naghanab, an Ojibwe elder, recalls that when a teacher at her boarding school visited her home, she demanded that Esther's parents wash her more often because her skin was dirty (it was brown). Ester's father, in an attempt to make her life easier at school, tried to bleach Esther's skin with lemon juice in an attempt to lighten it.<sup>62</sup>

The guardians of children at Indian boarding schools who were entrusted with their care and development failed. They failed to recognize that these were children—children who were still learning about the world around them, Native children who were powerless and alienated from their cultural base—who had to deny their own existence as indigenous people, and were forced to re-invent themselves in order to survive.

After the Merriam Report was publicized in 1928, the era of the boarding school finally began to come to an end, with the last of the government-operated boarding schools closing in the 1950s. Many children returned home to their communities and families as strangers, as prisoners of war,<sup>63</sup> a war on Native culture, beliefs and way of life.<sup>64</sup> For some children returning home, the years of separation and deculturation had been too great. Many events had transpired in their absence; parents, siblings, and relatives had passed away. The returning children's primary language was English; they even arrived home called by a different name than when they had left for school. Their phys-

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<sup>62</sup>*Nokomis, Voices of Anishinabe Grandmothers*. PBS. KTCA, Mpls./St.Paul,1994.

<sup>63</sup>Adams, David Wallace. *Education for Extinction: American Indians and the Boarding School Experience: 1875- 1928*. Lawrence, Kansas: University of Kansas Press, 1998.

<sup>64</sup>*Supra* 43.

ical appearance was different and alienated them from others. As Helen Sekaquapatewa (Hopi) recalls:

I didn't feel at ease in the home of my parents now. My father and my mother, my sister and my older brother told me to take off those clothes and wear Hopi attire...I didn't wear them...My mother said she was glad I was home. If I would stay there, she would not urge me to change my ways. I could wear any clothes that I wanted to wear if I would just stay at home with her.<sup>65</sup>

The cultural transformation created life long divisions between these children and others in the communities they returned to. The shame and internalized oppression that the boarding schools had ingrained in children followed them home; they looked at their relatives as poor and ignorant. The casualties in this war on children would not be measured immediately. It would be years before the full damage of the boarding school era would be known.

### **The Legacy**

When Indian children passed through the boarding school doors, they arrived in the hundreds, and eventually thousands. In the 39 year history of the Carlisle Indian Industrial School over 12,000 children passed through their doors alone.<sup>66</sup> These children came to the boarding schools as distinct individuals who had mothers, and fathers, grandmothers, and grandfathers, aunts, and uncles. They were members of Nations that had a direct lineage to centuries of traditions and customs handed down from generation to generation.

This lineage, this direct line back through the centuries was broken by the boarding school experience and the resulting losses can only be measured by the problems that affect tribal members today. We are Nations struggling with restoring our way back to tradition, handicapped by our relatives who are the survivors of abuse. Some of us are so traumatized that we deny the residual affects and grieve through alcohol. Some of us are still not able to identify as "Indian" because we were removed for too long and never made our way back. We live on the fringes of two worlds, we want to belong in both, but we may not be fully accepted by either. Too often, we use the rage and anger of our common experience against one another. Today, the disparaging slang term "apple" is a used amongst Native people to define someone who left the reservation or who has taken on dominant culture ways; red on the outside and white on the inside. This can be traced back to the children that survived the boarding school experience in the only way they could, by adopting the ways of the dominant culture, only to have their forced assimilation used against them. We use internalized oppression against each other to cover our fears. There are many people who struggle with their Indian identity today and deny that the ravages that currently affect tribal communities have their birthplace in the era of acculturation. The right to parent our own children in traditional ways was replaced by the violence many of us encountered in the boarding school, and now that violence has

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<sup>65</sup>Lindauer, Owen. "Archaeology Of The Phoenix Indian School". *Archaeology* (Online Feature). <http://www.archaeology.org/online/features/phoenix/> March 27, 1998.

<sup>66</sup>Landis, Barbara. "About the Carlisle Indian Industrial School". [http://www.english.illinois.edu/maps/poets/a\\_f/erdrich/boarding/carlisle.htm](http://www.english.illinois.edu/maps/poets/a_f/erdrich/boarding/carlisle.htm). 1996

become a part of our lives, traveling from generation to generation traced back to the original traumatic events.

There is a name for the trauma we have experienced, according to Dr. Maria Yellow Horse Brave Heart; it is called Historical Trauma Response (HTR). A notable element of this theory is that the manifestations of HTR, such as depression, suicide, domestic violence, alcohol abuse and other social problems are passed on from generation to generation. Included in this theory is research that explains our connection to our ancestors in the past and how we as descendants experience their suffering in the present time.<sup>67</sup> The destructive behavior adapted from boarding school plays out in ways that perpetuate the cycle of suffering. Children learn by example. If the parenting lessons children receive center on the use of extreme violence to discipline, having their basic needs neglected by their caretakers, and the violation of their bodies and spirits by sexual abuse, these children are often incapable of parenting well, and pass these lessons down in varying degrees to their own children and communities.

The cumulative years of the boarding school era can be categorized as cataclysmic. Though this education experiment transitioned many Indian children into mainstream society, many other children and families were devastated. There were some children who adapted and benefited from their educational experiences. They went on to become authors, teachers, athletes, and other leading figures in America and their respective tribes. However, for those tribes whose children never came home, or died, or whose broken spirits never recovered, the loss cannot be calculated in terms that today's mainstream society can understand—there are no words.

It was a warm summer evening when I got off the train at the Taos station. The first Indian I met, I asked him to run out to the pueblo and tell my family I was home. The Indian couldn't speak English, and I had forgotten all my Pueblo language. Next morning the governor of the pueblo and the two war chiefs came into my father's house. They did not talk to me; they did not even look at me... The chiefs said to my father, "Your son who calls himself Rafael has lived with the white men. He has been far away... He has not... learned the things that Indian boys should learn. He has no hair... He cannot even speak our language. He is not one of us."  
-Sun Elk (Taos Pueblo)

## **Mending The Sacred Hoop**

The complexity of the boarding school experience and the issues it raises are too numerous to address in a brief overview such as this article. Many people, including our own relatives, say to let the past go and move toward the future. However, there are some of us who cannot move toward the future unless we face the historical events that shaped our lives today.

In the PBS documentary *Nokomis: Voices of Anishinabe Grandmothers*, Bea Swanson, a White Earth elder, travels to the old St. Benedict's Mission School. She walks through the door of the abandoned school building and is overwhelmed by memory. Bea walks into one room and sees the old school sign on the floor. Trying to keep control over her voice and her emotions, she remarks

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<sup>67</sup>"Historical Trauma Response." *The Circle Archives*: Vol. 22.

that she believed that enough time had passed for her to be able to face this place. However, after standing in the place where she spent her childhood, the memories that come back are still too real. She says that in her mind, she cannot go back there. She is afraid of remembering; the pain is still there, many years after she left St. Benedict's.

As a society we must take responsibility to acknowledge past wrongs. We can honor our ancestors by helping to heal the generations of broken spirits who are the descendents of this removal era. We need to address these issues by working on restoring a sense of tribal sovereignty that strengthens our identity as American Indian and Alaskan Native people, recognizing that violence against women is not a part of our culture, it is a learned behavior forced upon generations of Native children. It is only by telling the stories and acknowledging the pain that we can trace the paths of domestic violence and sexual assault to their beginnings and start to heal our communities.

## **Because We Are Women**

It was 1984. We were women from the Anishanabe Club at the University of Minnesota, Duluth. At this time in our lives, most of us were trapped in our experiences as women, experiences that had dehumanized and degraded us. We sat silently in our blankets of shame not knowing that what we were about to hear would touch our hearts and bring back to us what we always knew but so easily could have forgotten...

We had many teachers in the American Indian Mental Health Project who were always advised by a team of men and women who lived the traditional ways of life. We all loved and thought highly of this particular teacher, Jimmy Jackson, one of the most respected elders and Indian doctors (nah non dah wi ih way wi ni ni) at that time. His teaching that day had a great impact on me, and most of the other women in the Anishanabe Club. I have kept and used what I learned for many years. These are my notes from that day.

In this particular class we learned that women are to be protected, not because we are weak, but because we are strong. Our strength is like that of Mother Earth (Akee), and it comes from the same source.

Our stories teach the lessons of life. They display codes of conduct, and how to take care of our bodies; they show us how to help, how to heal, how to use humor, and they give us permission to dream and be happy.

### **Life Lessons:**

#### *Humor*

We use humor to show we're not so:

1. Perfect

2. Educated
3. In balance
4. Adult
5. Child-like
6. Good
7. Serious

*Balance*

We strive for balance and inside that balance is humor—the ability to laugh at ourselves.

One of our teachers said that as Indians, we tend to blame ourselves rather than blaming others—our parents or society.

Sometimes we dull our senses to alleviate the pain of emotional troubles like:

1. Frustration
2. Disappointment
3. No confidence
4. Feelings of inferiority

As Indian people, we became disorganized by:

1. Wars
2. The cultural invasion of the Jacksonian Era (1828):
  - a. 1830 Indian Removal Act to remove all Indians tribes West of Mississippi: The Trail of Tears
  - b. 1878 Dawes General Allotment Act
3. Contemptuous settlers
4. Military subordination
5. Placement on Reservations
6. Food Rations Systems

As Indian people, we are now rebuilding our Nations. We are doing this by understanding how we got this way. We start with self-understanding: building our own self-confidence, learning to be happy, and acquiring skills that alleviate frustrations, and give us strength. With knowledge we can defeat anything.

Sometime our circle is broken, and then we are outside of our circle. A spiritual person or helper can help us connect again. We can also crawl into our circle, and then we need help to go out (when we are blaming ourselves, or hating ourselves). To stand in the circle is to realize our personal growth, to be able to ask for help, and also to be able to give it.

Some of us do not seek help because we are reluctant to get back on the path, maybe because it's too painful. If we see someone with their circle broken we should be around in case they need help. It is not an Indian way to go and give help without being asked.

A squirrel working hard to break open a nut finally gets to the good stuff. It's the same with people; they show a hard outer shell but inside is the good stuff. That's what we see and remember.

If our circle is broken we don't know the power of our own mental force. We need to understand the disconnection in order to reconnect.

### **Indian Women's Roles:**

Men may destroy or slay each other, but will never overcome the woman for in the quietude of her lap lies the child.

An Indian woman has many roles in her lifetime:

#### *Women's first career*

Motherhood  
Wet nurse  
Planner  
Organizer  
Administrator  
Teacher  
Nurse  
Politician

#### *Women's second career*

Clan mother  
Teacher of spiritual life  
Medicine woman  
Mid-wife  
Nurse  
Doctor

Consultant  
Interpreter of behavior  
Politician  
Member of community

### **Indian Men's Roles:**

An Indian man's role is to be the protector of the woman and her sacredness.

I felt a lump in my throat and tried to not let a tear drop from my watery eyes. I had never heard anyone say this many good things about women, and I felt a strength come into me because I knew this, I always had known this somewhere inside myself. Now I was hearing the truth as if for the first time and feeling my own truth awaken inside me.

I couldn't hold my tears back; I looked around and I saw other women silently crying like me. I realized that we were ashamed of our own tears... In that moment, we understood that we had to re-claim our tears as our natural way of healing, of cleansing ourselves. Like the rain is to the Earth, our tears were cleansing us of the dehumanizing words we were called, the objectifying way our bodies were treated, the loss of our own truth of who we are, the loss of our voices... The loss.

Hot tears slowly moved down our faces as the cleansing continued. Then, we took a refreshing deep breath. We breathed a collective sigh, exhaling all that contamination and inhaling a new beginning.

The blanket of shame dropped, and we held our heads up high with a new inner strength because we are women!

-By Babette Sandman, Women's Advocate, Mending the Sacred Hoop

### **A Voice for Her People**

*i am the fire of time,  
the endless pillar  
that has withstood death.  
the support of an invincible nation.  
i am the stars that have guided  
lost men.  
i am the mother of ten thousand  
dying children.*

*i am the fire of time.  
i am an indian woman!*<sup>68</sup>

Traditionally, the influence and respect that Native women hold in their societies not only gives them a voice, but also keeps them safe from domestic violence, sexual assault and stalking. Standing Bear, a leader of the Ponca Indians said of his mother, “in her humble way, [she] helped to make the history of her race. For it is the mothers, not her warriors, who create a people and guide her destiny.”<sup>69</sup>

Historically, many tribes are women-centered and matrilineal.<sup>70</sup> These tribes include, but are not limited to, the Iroquois, Mohegans, Chickasaws, Seminoles, Pawnees, Dinè, Hopis and Zunis. In terms of tribal structure, matrilineal means that a child’s ancestry is traced through her mother, and that the family property is passed down through the female line, from mothers to daughters to granddaughters. In some cases, this is also true with family names. In many tribes, not only does a woman own<sup>71</sup> the land, she owns the dwelling her family lives in. Married couples stay with the women’s family, and in cases of divorce, the custody of the children goes unequivocally to the mother. If subject to abuse or exploitation, a woman’s blood relatives defend her. In cases of divorce, women are fully supported by their blood relatives. These social factors are a testimony to the power and influence women hold in our traditional Native society.

Native women’s responsibilities include providing for themselves, their children, relatives, the sick, elderly, disabled and community at large. Women are seen as the creators of life and involved in all things that deal with creativity from planting to harvesting to giving birth and raising children. Women not only give birth physically to children, but also to ideas, plans and other forms of life. An example is how Pueblo people pray for “female rain”, believing that women have power over the lifecycle.

Traditionally, Native women are nurturers and sustainers of their communities, building and maintaining housing and supervising family affairs.<sup>72</sup> The land as well as the crops belongs to them rather than their husbands or brothers. Men are traditionally the hunters for the community, with women skinning, packing and preparing the kill; and in the spring, joining the men in fishing. Because men’s duties (hunting, conducting trade, defending the community, etc.) require them to be often absent from the community, their social position is traditionally often weaker than that of women. In addition, many Native women are the artists of their communities, widely known and acknowledged, with their works being highly sought after. In many societies, their skills extend to house construction, for instance, the plastering done by the Pueblo women, and boat construction,

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<sup>68</sup>Paulzine, Niki. “Untitled.” *I Am the Fire of Time: the Voices of Native American Women*. Ed. Jane B. Katz. EP Dutton, 1977.

<sup>69</sup>Clores, Suzanne. *Native American Women*. Chelsea House Publishers, 1995. p. 13

<sup>70</sup>Ibid.

<sup>71</sup>The word “own” is used many times throughout this article, but it does not refer to personal possession or belonging. Rather, to own something means to take care of it for the people, a responsibility. When something is owned, it is a gift to be maintained and cared for. There is no sense of possessions for traditional Native communities, no sense of me, or this is mine.

<sup>72</sup>In matrilineal societies, a tribe’s survival depends on women and the roles they fulfill. Men’s roles often take them away from their village so it is up to the women to provide for the communities’ needs. The women support their tribe.

such as that accomplished by Native women of the Great Lakes. This pattern of mutual service between men and women represents the balance and harmony of the universe.

The traditional stories of many tribes demonstrate the importance of women. The Lakota story of White Buffalo woman tells that when she came to the people, she presented them with the gift of the sacred pipe, giving women the gifts of corn, wild turnip, and pemmican, as well as teaching them how to build a fire and cook food by dropping red hot stones into water. In Iroquois legend, Sky Woman buries her daughter after she dies in childbirth. From her daughter's body emerge the essential crops of corn, beans and squash. These and other stories, credit women with feeding and blessing the tribe, and providing their people with everything they need to survive.

Indian cultures have long recognized special roles for certain women, roles that differ from traditional tribal roles. Not only are there women who have the ability to prophesy, and to heal, but there are also those who are known as "hunting women" as well as those called "warrior women". Among the Crow, some men dressed and lived as women and some women lived like men. In other tribes, there are numerous stories of women fighting, battling in place of their killed husbands, or in order to protect them. Women often fought as warriors along with the men, carrying the honor of singing or dancing during war rituals.

One such example of a woman warrior is the Blackfoot tale of Brown Weasel Woman. When she was young, Brown Weasel Woman asked her father to teach her to hunt. The other tribal members did not think she should be allowed to learn this skill, but her father disagreed. He made her a bow and arrows so she could practice shooting. He brought her on buffalo hunts and she became a skilled hunter. During one of their hunts, Brown Weasel's tribe was attacked and her father's horse was shot. She knew that without his horse, her father would die under attack. Knowing this, she turned around, faced the enemy and rescued her father. Braving the enemy to rescue someone on foot was considered one of the bravest acts that could be performed. Brown Weasel continued to prove her bravery and the chief gave her the name Running Eagle, a name that had been given to some of the tribe's bravest men. Running Eagle served as the leader of many war parties and men eagerly followed her.

Traditionally, women provide nourishment for their community not only by collecting, gathering, planting and harvesting, but also by playing central roles in rituals and ceremonies, including those centered around farming, hunting and fishing. For example, a woman is central to the Pueblos' hunting ceremony, where a group of men imitate deer while a Pueblo woman with long dark hair, dressed in white boots and an embroidered manta, plays the Mother of Game, or Earth Mother, the source of all things including men. In this ritual, she leads the men/deer to a place where they are good targets and then one by one, she symbolically kills them. Participation in hunting ceremonies by women is very important. Although primarily men perform the actual hunt, women's ceremonial presence is necessary, both women and men share not only the responsibility, but also the rewards and acknowledgement when the hunt is successful.

Women in Native societies are instrumental not only to the survival of their tribe, but also in the role they played in the survival of European colonizers. For instance, one of the primary keys to survival in the wilderness of the Great North was sturdy footwear: moccasins in the summer and

snowshoes in the winter. Explorers in the North could not make shoes to handle the rugged wilderness. The shoes they made lasted, at best, one day. In the winter, with the cold and harsher conditions, it was not only important to have shoes that could endure the climate and weather but that would keep feet dry and warm. Only Native women made such shoes.<sup>73</sup>

Traditionally, Native women contribute directly to trade operations by their knowledge and skill in cleaning and cutting furs as well as their participation in making canoes. Another example is found in house building. Most Native women built shelters for their families, generation after generation. Because of their history, Native women, in the southwest particularly, were expert plasterers. Spanish colonizers thought this was an inappropriate role for a woman, and wished to change the practice. However, one of the priests wrote, “If we compel any man to work on building a house, the women laugh at him and he runs away”.<sup>74</sup> Native women use the skills they possess to not only provide the basic needs of shelter but also food and nourishment to their communities. One trader described a time when he was injured and without food “till the berries became ripe and the kind hearted Indian women brought me plenty”.<sup>75</sup> Another remembered how his Indian wife saved a large group from starvation because she alone possessed the skills of making and mending fishnets. Traditionally, Native women prepare the food, fish, collect berries, sap, wild rice, snare small game and preserve buffalo meat. In some tribes’ traditions, clan matrons select local chiefs.<sup>76</sup> When the chief dies or is deemed corrupt, the matrons review the ranks of adult men and nominate a successor. Although councils that develop policy are composed of men, elder women meet regularly to discuss policies, and decisions are never made without their input and agreement. Men’s role and women’s role in government are both necessary—separate in balance.

During the 100-year war between the Iroquois and the French, Native populations were drastically reduced and changes occurred in local power structures.<sup>77</sup> Traditional chiefs gradually lost authority and war leaders took their places. Because the majority of men were fighting, women fully controlled their villages. During the 18th century, women chiefs assumed power and the influence of matrons increased, with women’s councils more directly influencing policy matters.

Although wars were typically fought by men, women decided whether wrongs were to be avenged or wars with other tribes were declared. The actual decision-making was in the hands of the women’s council. These women could also forbid the men from participating in a war. The chief would simply state to their enemy tribe, “We cannot war with you. Our clan mother forbids it”.<sup>78</sup> A Native woman’s letter to Benjamin Franklin urged him to rightly consider that “woman is mother of all and the woman does not pull children out of trees or stumps nor out of old logs, but out of their bodies, so that [men] ought to mind what a woman says.” These words reflect the Cherokee belief that a woman’s role as mother gives her authority to guard the welfare of society as a whole.<sup>79</sup>

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<sup>73</sup>Demos, John. *The Tried and the True: Native American Women Confronting Colonization*. Oxford University Press, 1995.

<sup>74</sup>*Supra* 72, p. 35.

<sup>75</sup>*Ibid*, p. 63.

<sup>76</sup>*Supra note* 76, p. 28.

<sup>77</sup>*Ibid*, p. 28

<sup>78</sup>*Id*, p. 17.

<sup>79</sup>*Supra* 72, p. 81.

In some societies like the Cherokee and Iroquois, women traditionally create the community government and advocate on behalf of their people. Their opinions are very respected because they represent not only their own best interests, but also the interests of the children, and therefore, the greater community. Sarah Winnemucca, a Paiute, describes the participation of women in Native governments this way:

The women know as much as the men do, and their advice is often asked . . . The council-tent is our Congress, and anybody can speak who has anything to say, women and all. They are always interested in what their husbands are doing and thinking about. And they take some part even in the wars. They are always near at hand when fighting is going on, ready to snatch up their husbands and carry them off if wounded or killed . . . If women could go into your Congress, I think justice would soon be done to the Indians.<sup>80</sup>

Sarah Winnemucca is an example of the role Native women play in bettering their communities. When most of her people's land was taken in the late 19th Century, the Paiutes were forced from reservation to reservation, finally, to be relocated in Yakima, Washington. The conditions on the reservation worsened after a new Indian Agent was appointed, and during a severe winter many Paiutes died. Sarah Winnemucca traveled to Washington D.C. to advocate and speak on behalf on her people. Sarah persevered with her demands; the Secretary of the Interior Carl Schurz and President Rutherford B. Hayes promised her that the Paiutes would be allowed to leave the reservation in Washington and move to Oregon. However, when Sarah returned, the Indian Agent in charge of the reservation refused to let the Paiutes leave and the government backed his decision. Sarah then turned to the greater community outside the reservation to raise awareness of the plight of her people and gain their support. She began lecturing extensively, giving over 400 speeches. She didn't stop at community support but looked to empower her own community through establishing schools for Native children, which educated the young, teaching them the ways of their people as well as their language. These schools, however, operated only briefly until the Dawes Severalty Act of 1887 required Native children to attend English-speaking boarding schools. Sarah published her autobiography, *Life Among the Paiutes*, in 1883, making her the first Native woman to secure a copyright and publish in the English language. This was accomplished at a time when white women's rights were very limited; they did not even have the right to vote. Sarah's book follows oral tradition, spreading the word of the injustice and corruption among government agents and telling the Paiutes' story during their first forty years of contact with explorers and settlers with a deep personal appeal. While Sarah did succeed in making the public aware of the plight of the Paiutes, she died in 1891 without the rights of her people being restored. But because of her persistence and diligence, a voice was given to the Paiute community. Sarah Winnemucca is known as "The Princess" by non-Natives, "Mother" by the Paiutes, and "the most famous Indian woman on the Pacific Coast" by historians.<sup>81</sup> As a result of her work, Congress eventually approved a grant of land in Nevada for Paiute use.

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<sup>80</sup>Ibid, p. 17.

<sup>81</sup>White, Julia. Tocmetone (Sarah Winnemucca)–Paiute. <http://www.powersource.com/gallery/womansp/paiute.html>

The United States Government undermined Native women's authority with their attempts to "civilize" tribes. Native men were forced to give up hunting and stay on farms. This meant women could no longer utilize their talents in tanning and quilling. Once prized skills became useless. The U.S. also banned traditional ceremonies, songs and dances under the federal "Civilization Regulations" and traditional Native people were not allowed to go to or pray at sacred places.<sup>82</sup> Women who had been central in their communities' ceremonies and rituals lost their importance. Many were persecuted for practicing their traditional beliefs, facing incarceration or death. Those who still practiced traditional ways were forced into secrecy, with some ceremonies outlawed to the point of extinction, until the American Indian Religious Freedom Act of 1978 declared that Native American religious practices and the sanctity of sacred sites protected as de facto First Amendment rights.<sup>83</sup>

Women's part in governance shrank as tribes lost influence and adopted white standards and new systems. These systems excluded women from voting and holding office; Native women were pushed to the political sidelines. They lost the opportunities, influence, and status that belonged to them. No longer were both women and men expected to contribute to the common good, each respected for the roles they fulfilled, men superior in some tasks and women in others, each sex balancing the other out. The natural balance that had worked for centuries was disrupted.

Traditionally, Native women are highly respected because their contributions are vital to survival. Blackfoot Indians tell a story. According to legend, Old Man created the World in which he had women and men live apart. Old Man visited them both. Upon reaching the women's dwelling, Old Man notes what a good life the women are living. They have fine tepees made of tanned buffalo hide and fine clothes they have made to wear. The Old Man had just visited the men and found them living in brush shelters made of raw, stinking green hides with a few pelts wrapped around their loins as their only clothing. Old Man then realizes he had made a big mistake having men and women live apart and knows they would be happier living together so he travels again to visit the men. When he leaves the women's village, the chief woman discovers his footprints and sends a woman to follow him. This woman discovers the men's village and travels back to share what she saw. She tells the other women that there are other humans existing in another village. They are taller and stronger with sharp shooting sticks, which give them many different types of game, food the women do not have. They will never be hungry. She had seen the balance they could provide each other.

The story concludes with the women moving into the men's village, bringing with them their many skills. The women tan and quill for the men; the men hunt for the women. This relationship grows into love, then happiness, then marriage and children.

Native women traditionally play a key role in providing food, clothing, and shelter in Native American societies and their opinions are necessary for tribal decisions, until the shift in the role and status of Native women that comes with the arrival of Europeans. In 1788, an Iroquois named Domine Pater gave a speech stating: "Our ancestors considered it a great offence to reject the

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<sup>82</sup>Shown, Harjo. "Indian Country Today." [http://turtlettrack.org/ManyVoices/V\\_2/Issue12/Sacred\\_Places\\_0706.htm](http://turtlettrack.org/ManyVoices/V_2/Issue12/Sacred_Places_0706.htm) (Inactive Link, Checked February 2, 2012)

<sup>83</sup>"Issues We Work On—Native American Advocacy." <http://fcnl.org/issues/nativeam/>

counsels of their women . . . they were esteemed the mistresses of the soil. Who, said they, bring us into being? Who cultivates our land, kindles our fires, but our women?"<sup>84</sup> These are the ideals to remember, the tales untold.

When a group of Cherokee met with British representatives during the 18th Century, they were surprised that all of the British representatives were men. The Cherokee, on the other hand, never made important decisions without women. The leader Outaciti's first words at this meeting were, "Where are your women?"<sup>85</sup> This chief noticed the Europeans' lack of balance in representation and it was a signal to him of their lack of harmony and balance in daily life.

We as Natives did not simply surrender but responded to our loss with courage, flexibility and resourcefulness. The survivors of dismantled tribes regroup and join together to make a new stand against white encroachment. Ancient tribal traditions, customs, beliefs, and values are carefully preserved for the future. Sometimes we bend to the right or left, up and down, but seldom we break. Even now we survive and live on.

Native women lead the way making the transition from old roles to new lifestyles. We are not vanquished. In the words of a Cheyenne proverb: "A nation is not conquered until the hearts of its women are on the ground. Then it is done, no matter how brave its warriors or how strong its weapons." <sup>86</sup>

There are many Native women today who hold a place of respect in their communities and work to better them. Although colonizers actively attempted (by their actions and documentations) to deliberately erase the presence and respect Native women traditionally held, they did not entirely succeed. Our women's ability to survive and overcome is a large part of the strength of Native communities. Women's power and status have been diminished, but history is not simply the past but a evolving continuum. Traditional values and their importance still exist and Native women are still integral to their communities' survival. Native women, in a large way, have been responsible for the survival of the Native people and culture, working to revive traditional languages, ceremonies and stories.

Traditional skills are becoming highly prized once again. A Hopi woman, Nampeyo, is known for her pottery, reproducing ancient designs found on artifacts discovered in the 1890s, which have not been seen in centuries. Maria Martinez, a Pueblo potter inspires others to take up these traditional skills. Native women are active in preserving their traditions and languages. They record traditional songs, oral traditions, stories and legends and write literature in their tribe's language. Women's organizations come together to promote traditional beliefs in order to help their communities prevent alcoholism, drug abuse and family violence as well as to improve education and preserve traditions and language. Women organize new schools, materials, and write books and magazines that spread knowledge.

Women give voice to our people. Daughters of an Omaha chief, Susan and Suzette LaFlesche educated the public on the conditions of Native people through lectures asking for more support,

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<sup>84</sup>*Supra* 72, p. 24.

<sup>85</sup>Hill Witt, Shirley. "The Brave-Hearted Woman." *Akwesasne Notes*, 1976. p. 17.

more medical assistance and more attention to the people's needs. Suzette wanted citizenship for Native people because she believed the lack of official citizenship meant there was no protection under the law, and Native rights were not recognized. Susan advocated for better health conditions on the reservations and campaigned against the trust system, in which tribal property is held in trust by the federal government because she found this to be detrimental to Indian self-determination. Susan was one of the first Native women physicians in the United States. As a physician, she combined "modern" medical practice with Native American healing practices and formed a new branch of medicine, one that provides services in a culturally acceptable manner. Her methodology is still used in providing medical services to populations around the world.<sup>86</sup> She was able to raise funds for the first hospital on the reservation not funded by the government. Her life was devoted to promoting health, healing illness, serving the community and fostering respect between races. In the words of an Omaha Tribe historian:

Susan truly had faced obstacles above and beyond those faced by nineteenth century white women, yet she overcame every one and dedicated her life to her grateful people. Her story is a litany of frontier vignettes of which classic legends are made, and it needs no embellishment. Dr. Susan could very well emerge as one of the more notable heroines in American History.<sup>87</sup>

Another voice that rose against the ills done to her people in the late was Gertrude Simmons Bonnin<sup>88</sup> (1876-1938), granddaughter of Lakota Chief Sitting Bull. She lobbied for the right of tribes to make their own decisions regarding the economics and politics of their communities, for them to have the right of self-determination. Gertrude used her talents and contributions in literature, music and politics to create understanding between the dominant white and Native cultures, seeking to increase Native American employment in the Indian Service (the federal agency charged with managing Indian affairs), codifying laws pertaining to Natives, achieving citizenship, opening the courts to all just claims regarding land settlements between Native peoples and the government and preserving Native history. Her work prompted some government officials to take a closer look at the Indian Service in 1928, resulting in a study on the living conditions among Natives, "The Problem of Indian Administration" or the Merriam Report. This report covers the state of life on reservations and the high death rate among all age groups, the failure of the educational system, the widespread poverty and malnutrition. Focusing national attention on the status of Native Americans in America encouraged immediate action. With the next administration, the Indian Reorganization Act of 1934 was passed granting Natives more self-government and the right to keep observing their own cultural ceremonies and other events.

Recently, more women have become involved in tribal leadership. Women head 22% of tribal government in California, the state with the highest Native population.<sup>89</sup> In 1980 & 1981, 12% of

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<sup>86</sup>LaFlesche, Susan. SJSU Virtual Museum. <http://www.sjsu.edu/depts/Museum/laf.html> (link inactive, checked on 6-18-12)

<sup>87</sup>Hastings, Dennis. "Just the Facts about Susan LaFlesche Picotte." [http://www.ruralmedicaleducation.org/just\\_the\\_facts\\_susan\\_picotte.htm](http://www.ruralmedicaleducation.org/just_the_facts_susan_picotte.htm)

<sup>88</sup>Much of this information on Gertrude Simmons Bonnin is referenced from the the following websites: <http://www.native-pubs/Apps/bios/0025BpmmomGertride/asp?pic=none> (Inactive Link, Checked February 2, 2012) <http://voices.cla.umn.edu/authors/GertrudeSimmonsBonnin.html> (Inactive Link, Checked February 2, 2012)

<sup>89</sup>*Supra* 72, p. 63.

about 500 federally recognized tribes were led by women. One such tribal leader is Wilma Mankiller, former principal chief of the Cherokees. Wilma became active in the 1960s Indian Rights movement, working to secure better housing, health care, and job opportunities for Natives. She was elected deputy chief, and in 1987 she ran for the office of principal chief. During this election time, many thought that a woman should not lead the tribe. It was at this time, that others reminded those in opposition of women's traditional role in government and politics before colonization. Outaciity's question was recalled, "Where are your women?" In fact, Outaciity's name is interpreted to mean Mankiller, the ancestor of Wilma Mankiller who discussed the return to traditional values.<sup>90</sup> She speaks out to lead us into a new time:

Despite the last 500 years, there is much to celebrate . . . Our languages are still strong, ceremonies that we have been conducting since the beginning of time are still being held, our governments are surviving, and most importantly, we continue to exist as a distinct cultural group in the midst of the most powerful country in the world. Yet we must recognize that we face a daunting set of problems and issues . . . To grapple with these problems in a positive, forwardthinking way, we are beginning to look to our own people, community and history for solutions . . . We look forward to the next 500 years as a time of renewal and revitalization for Native people throughout North America.

## **A Framework for Understanding**

### **The Face of Violence<sup>91</sup>**

There are a number of theories that attempt to define and explain domestic violence. But what is it really? If during an argument, your partner grabs you and holds you down while he his screaming in your face, and threatening to "bust you up", would you call this domestic violence? A woman in this situation might ask herself, "Can I call the police and tell them my partner is screaming at me? Will they respond? How seriously injured do women have to be in order to be considered victims of domestic violence?"

We sometimes tend to forget that violence hurts. It leaves in its path broken bones and broken homes. It takes the intimacy in a relationship and gives it the name of fear and intimidation. Domestic violence grows like a weed, and left unattended, it covers everything in its path. Domestic violence and sexual assault don't just harm women physically; they also harm them mentally and spiritually, exposing them to unreasonable expectations and blame for their own victimization. The following women's stories are intended to provide the reader with a personal perspective on the many faces of violence.

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<sup>90</sup>Ibid, p. 66.

<sup>91</sup>The women's stories in this article were shared with MSH-TA staff by the survivors. We thank them.

*Visible Signs of Injury:* I remember the first time I knew violence. We were at the sobriety pow-wow and an old childhood friend, who I hadn't seen in a long time, came over to talk to me. We visited for the longest time; it had been years since childhood that I had last seen my friend. When our visit was over, he walked away, and James asked me who he was. He asked me, "Why was I talking to him?" The way and tone in which James was talking to me made me feel afraid of him. The way in which he was questioning became more threatening. That evening as we went to bed, James wanted to make love. I was not comfortable, but he kept bothering me, and eventually, I gave in. While we were having sex, James was very rough, he was not tender. He called me dirty names. I asked him to stop because he was hurting me; when it was over he rolled over and went to sleep. As I lay there, I thought of his behavior and how he was determined to have sex. It wasn't making love; it was like he wanted to conquer me. If he was angry that I had talked to a male friend, why didn't he just talk to me? Why was I the one he punished with his brutality? I went out of our tent and stood alone in the dark, looking up to the night sky. I started crying and it was a long time before I could stop crying. This night James didn't leave any "visible signs of injury" on my body, but he left his mark on my spirit that night and many nights to come until I finally built up the courage to live a better life.

*All My Relations:* I am a Navajo woman. I met my husband who is from another tribe when we were both students at school in Arizona. After we graduated, we decided to move to his reservation and live close to his family. Life was good in the beginning... when I had our son, my relatives came to see our boy and missed me and wanted me to move back home. When they were visiting, they didn't feel welcomed by my husband's relatives and did not stay long. I told them life was good for me and not to worry. I had a son and things would start changing. I didn't want to worry my mother so I didn't tell her about some of the things that Carmen was doing to me. Eventually, life for me grew worse. Instead of a slap on the head when I walked by him, Carmen started regularly beating me. He would accuse me of flirting with his male relatives. I worked at the same school where some of his family members worked. When other co-workers would ask about the bruises on my arms or face, I would make some excuse up so as it wouldn't get back to his family. His family would tell him things that weren't true and made fun of me all the time, saying cruel things about my own customs. They didn't like how I was raising our son and would call me stupid. During one event, Carmen struck me when I was holding our son. He hit our son accidentally, and he fell, hurting his hand requiring five stitches. I decided to see if I could get some help from the tribal social service department. When I got home, Carmen was furious, he had somehow found out that I went to tribal social services, and used another beating to silence me. I eventually moved out and got my own place with my son. I liked my job at the school, but it became impossible to work there. My husband's family was a well-known and powerful family on the reservation, powerful because of their reputation for violence.

My car was vandalized, my windows at my home were broken, and I would come out of work to find nasty notes left on my car telling me to leave the reservation.

When I called law enforcement either they didn't show up or when they did they wouldn't fill out a report. The last straw was when social services began to pressure me into mediation with my husband and his family through family counseling. The more I resisted mediation, the worse life got for me. I don't live on the reservation anymore, I moved into town. I am working to earn enough

money to move back home to my family. I picked up the newspaper this morning and read that they found the body of a woman dead in her home. She had been dead for three days. She had an Order for Protection, too bad it didn't protect her.

*Visits With My Mother* I am an Ojibwe woman. I am twenty-two years old now and have a child of my own. My auntie on my mother's side has raised me since I was 11 years old. I have two brothers and two sisters younger than me. I try to visit my mother at the nursing home as often as I can, sometimes I will bring her grandchild, who always asks me why she sleeps so much. She is too young to understand why grandma cannot come home to live with us. My mother cannot speak; she does not know who she is or who I am. She cannot get out of her bed and walk to me or hold her grandchild in her arms. When I am visiting and her eyes cloud up with water, I do not know if they are tears and she is remembering that I am one of her children, or if the condition of her body and the medication she is on creates these tears.

There were a lot of people in our house that night. Too much free liquor and partying going on. My aunt Martha came to pick us kids up to spend the weekend with her and her husband. They did not have any children and liked having us over. I remember how beautiful my mom looked that night. She looked happy and yet a little nervous. The last thing I remember about her is the blue beaded barrette in her long black hair. I remember Clay, my mom's boyfriend giving my auntie some money for us kids. We kids never went back home that night. The police would not let my auntie in the house to get us kids clean clothes or to talk to her sister. I remember my auntie crying, wailing into the night, no one, not even my uncle, could console her. When I was finally able to see my mother again, she was in a hospital, her long black hair gone, white bandages around her face and head, tubes

*It's A Girl* Chicago, Illinois, the windy city—a place of forgotten memories; for me, a place of violence, a place where motherhood was taken from me. I am a Native woman. I come from the Hualapai tribe in Arizona. The year was 1975. My husband and I drank a lot and he would beat me. One night we were fighting and arguing, he started beating on me and the police were called. The police took me to a hospital; I do not remember the name of that hospital. I was passing out and coming to. I heard the doctors and nurses talking, the doctors were asking what tribe I was from. The nurses replied they didn't know. Next thing, I heard a doctor say "she's one of those drunken Indians." They took me and began taking care of my cuts. When I came to, I went to the bathroom and my belly hurt. I looked down at my belly and saw stitches. I asked the nurse, "Did my husband do this? Did he kick me?" She said the doctor performed a tubal. I didn't know what a tubal was. I made many attempts to talk to my husband about this, but we kept drinking and never mentioned it. Later on I found out what a tubal was. The doctor who did this, did this without my permission, I don't remember signing any papers.

I never told my mother about this. The first time I began talking about this was when Mending the Sacred Hoop had a training in Portland. I felt safe, and all the hugs and support they gave me when I told my story made me cry. I always wondered how it would be to have a daughter. People use to tease me about not having any girls. I always thought about having a daughter or more children. My husband never mentioned or talked about it. After I sobered up, then I started to think about this.

*He Was A Spiritual Leader* My partner was a prominent leader in the Indian community, a medicine man. In 1980, we lived in Seattle, Washington. He was a member of the Cherokee Nation. I am a Tlingit woman from Alaska. The abuse was more mental and emotional than physical. He used many tactics of power and control. He used his position of medicine man to make me look like the evil one; he told others that I used “bad medicine on him.” I was isolated from my family and friends; he always put down my friends and family. During episodes of fighting and arguments, I would run from our home and call friends or family and stay with them. He would belittle my 4-year-old son and me to others after we left. When my son got older he shared stories about the abuse with his friends, including being locked in the closet when I wasn’t home.

We attended pow-wows outside of Seattle many times, and my partner would get mad for no reason and threaten to drop us off in the middle of nowhere. Usually a friend would accompany us on these pow-wow trails, and when my partner threatened to leave us somewhere our friend would always tell us not to worry because he would get off with us and take care of us. For as long as I stayed in the relationship I was always walking on eggshells. I would break up with my partner off and on. Finally, after one of our break ups, he got married. His present wife is now abused, and at one time, I had counseled her. One of his former partners said he did the same to her.

I walked out of this relationship. I left with my son and a paper bag of our belongings. Friends helped out by making arrangements for us to stay with others until I got back on my feet. Others from the community told me to go back to my people, to get out and to get away from this abusive man. The community was divided when it came to believing that he abused women, that he abused me.

It took about 14 years before I made a commitment in a relationship. I was afraid of commitment after that experience. I had gone through a lot of healing, and took a long time to recover. Today, I am happily married and work to end domestic violence. My community has a volunteer group of community members who wear badges and who took an oath to combat domestic violence. I am one of those volunteers.

*Butterflies Are Free:* Abuse has always been a part of my life. I grew up in a large family and was “Daddy’s little girl”. My father took me on many trips with his sister; both of them would take me to bed and rape me. My mother never believed my father could violate me in such a way—she said I should be grateful that I was so special to him. I wanted out, so I purposely got pregnant at age 15. I thought I could escape, just me and my baby, and live happily ever after somewhere. I couldn’t. My mom forced me to marry the father of my child. She said if I didn’t she would have him arrested for statutory rape. I didn’t love him but I didn’t have a choice.

My husband moved my baby and me to another state where I didn’t know anyone. In this isolation, he started to beat me. He sold me to his friends for sex. I didn’t like it, but when I refused, he beat me. He decided I could make more money at a “massage parlor”. I wouldn’t go. I was afraid and I refused. He tied me face down on the bed and repeatedly anally raped me. He left me without food or water, sometimes for more than a day. He threatened that this would continue until I agreed to take the new job. I finally broke down and agreed. What else could I do? Prostituting me not

only included forcing me to have sex with his friends and now strangers, but forcing me to pose for pornography, including *Hustler* magazine.

I got pregnant and my husband didn't think it was his. He forced me to get an abortion against my will. He said either I could get an abortion or have the baby beat out of me. I had to pay for it but my husband had all of my money. He made me apply for welfare to pay for an abortion that I desperately did not want.

When my son was five I stole \$10,000 of drug and prostitution money from my husband and ran away. This was one of the happiest times of my life, as my son and I traveled and played and were safe, but the money soon ran out. I went home to my mother, thinking she would protect me. Again, she didn't believe me. No, my husband loved me. He couldn't be so horrible. She said that if I didn't go back to him that I would never see my son again. I went back. I would rather be beaten than lose my son.

I finally escaped for good five years later. My husband had me arrested for welfare fraud, the same welfare he made me apply for to get my abortion. He got full custody of my son by showing the court the pictures he had taken of me for *Hustler*, as well as pictures of the time he made me have sex with another woman. I went to the county jail for one day and then was transferred to the women's prison to be arraigned. The prosecuting attorney said I was high risk. The judge had me released without bail - she was outraged that I had to sit in the county jail on welfare fraud. At the trial, after listening to all testimony, the charges were dropped pending an order that I read three books on women's rights, write an essay, and appear in court in one year. Once I did that and she read my essay, all charges were off my record. My ex-husband retained full custody of my son.

My Indian name is Mengwaa (Butterfly Woman). I am a survivor, and free to fly from all the pain in my past. I will never forget what happened to me, but I will share my story in hopes that women find the courage to leave their predators.

## **What Are We Talking About?**

### *Defining Domestic Violence*

- How is domestic assault different from domestic violence?
- When we talk about domestic or family violence, who are we talking about?
- When a woman is assaulted is she being battered?
- How does what we are talking about portray violence against women?
- How do terms such as *battered woman* or *victim* affect the women we are working with?

So many questions...

Many of the terms used to talk about violence against women are being used interchangeably. There are times that these interchanges make sense, but more often we find that it confuses what we are

talking about, especially as a new advocate or domestic violence worker. Without being clear about the meaning of these terms, we find that we are using them in ways that lead to inaccurate representations and misunderstandings as we work with battered women, with each other and across disciplines.

*Abuse:* Behaviors that physically, sexually, emotionally, psychologically act to diminish or dehumanize a person.<sup>92</sup>

*Assault:* An act which intentionally inflicts bodily harm through the use of force or which puts someone in fear of imminent bodily harm.<sup>93</sup>

*Battering:* A pattern of intimidation, coercion, and threats of or actual violence used by an individual to establish and maintain control over his or her partner.<sup>94</sup>

### **Domestic Violence, Family Violence, and Domestic Assault**

Domestic violence describes physical violence or sexual violence occurring within a domestic or family relationship committed by an intimate current or former partner. Generally, domestic violence is seen in male/female or same sex partner relationships. Domestic violence gets confusing because some disciplines also use it to describe violence being committed by a parent towards a child or perpetrated by an adult child towards an elderly parent, or violence perpetrated by a sibling. We can also see family violence used interchangeably with domestic violence.

The term “family violence” more frequently encompasses all domestic or familial relationships. The confusion that can come out of using certain terms interchangeably can be illustrated by a personal experience. I was working with a program whose name included Family Violence Services. We were examining their mission and vision for their agency. The staff expressed their frustration with the name of their organization; they felt it misled the public about what the agency did. Their program provided services primarily to women seeking assistance from intimate partner violence. Because of their name, however, they received a high number of requests to intervene in child abuse cases, and abuse between other family members such as between brothers, uncles and nephews, etc. They were not equipped to respond to these forms of violence nor did the program have the ability or desire to expand its services to address this need.

In working to end violence against women, it is important for advocates to be clear about what they are talking about, taking the time to clarify the terms when working across disciplines. As the example above demonstrates, lack of clarification can lead to adding more burdens to people whose lives are already touched with crisis.

The term domestic violence is often used to describe domestic assault related incidents as well. Domestic assault is refers to the legal nature of the violence and is defined by tribal, state, or local code. Using domestic violence and domestic assault interchangeably can be misleading to domestic

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<sup>92</sup>Ellen Pence, Coral McDonnell, Kate Regan and others. *A Guide for Conducting Domestic Violence Assessments*, Domestic Abuse Intervention Project. Duluth, Minnesota. 2001.

<sup>93</sup>Ibid.

<sup>94</sup>Id.

violence advocates who are using a broader definition of domestic violence. While the law defines domestic assault specific to the act, advocates include tactics of power and control in the framework of domestic violence. These tactics go beyond the legally defined act of violence and include: using economic abuse, using coercion and threats, using intimidation, using emotional abuse, using isolation, minimizing, denying and blaming, using children, and using male privilege.<sup>95</sup>

### **Gender Specific Nature of Domestic Violence**

Many people think it is important to remain gender neutral in our discussions of domestic violence, recognizing that men can also be victims of abuse by a partner. While it is true that men experience domestic violence, they comprise a very small portion of the population affected by a partner's use of violence. Remaining gender neutral masks the gender specific nature of violence occurring between intimate partners. According to the Bureau of Justice Statistics Special Report, *Intimate Partner Violence and Age of Victim*, 1993-99, intimate partner violence is primarily a crime against women. In 1999, women accounted for 85 percent of the victims of intimate partner violence (671,110 total) and men accounted for 15 percent of the victims (120,100 total).

- While women are less likely than men to be victims of violent crimes overall, women are five to eight times more likely than men to be victimized by an intimate partner.<sup>96</sup>
- From 1993 to 1998, victimization by an intimate accounted for 22 percent of the violence experienced by females. It accounted for three percent of the violent crime sustained by males.<sup>97</sup>
- Rates of violent victimization for females are higher among American Indians than for all races. The rate of violent crime experienced by American Indian women is nearly 50% higher than that reported by black males.<sup>98</sup>
- Male violence against women does much more physical damage than female violence against men; women are much more likely to be injured than men.<sup>99</sup>
- In looking at the number of men experiencing intimate partner violence, it is important to consider the number of males experiencing violence in same sex partner relationships. According to the National Anti-Violence Coalition Program's 2001 report, "Lesbian, Gay, Bisexual, Transgender Domestic Violence", estimates of the prevalence of LGBT domestic violence remain highly provisional. It suggests that 15-20% of gay male relationships become abusive. Elsewhere they describe it as "the third most severe health problem facing gay men today," behind HIV/AIDS and substance abuse.

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<sup>95</sup>Power and Control Wheel, Domestic Abuse Intervention Project, Minnesota Program Development, Inc. Duluth, Minnesota.

<sup>96</sup>U.S. Department of Justice, Violence by Intimates: Analysis of Data on Crimes by Current or Former Spouses, Boyfriends, and Girlfriends. March 1998.

<sup>97</sup>U.S. Department of Justice, Intimate Partner Violence. May 2000.

<sup>98</sup>U.S. Department of Justice, Office of Justice Programs, American Indians and Crime. February 1999.

<sup>99</sup>Straus, Murray A. and Richard J. Gelles. *Physical Violence in American Families*. 1990.

## **Battering, Battery, Batterer**

Some states use the term battery in describing domestic assault. Knowing that, we could conclude that a person who uses battery is a batterer. That is not accurate.

Battering is another term that is often used interchangeably with domestic or family violence and domestic assault. Battering is a system of behaviors used by the offender or perpetrator to establish control or dominance over the victim. Not all violence is the same. Violence committed in reaction to physical and sexual violence is not the same as violence initiated to control the actions, words, feelings, or thoughts of another.<sup>100</sup> A batterer then is a person who uses a system of behaviors, including violence, to control their partner. It does not describe a person who commits a single assault, but refers to a person who engages in a pattern of control.

This distinction is critical, especially as we see more dual arrests and arrests of battered women. I was in a large meeting of women and we were discussing women's use of violence. As we went around and shared our reasons for being there, several women identified themselves as batterers. It was surprising. As we moved through the meeting and discussed different forms of violence and gained a deeper understanding of the difference between battering and assault, many of the women who identified as batterers realized they were not using a system of behaviors to gain control but were using an illegal form of violence in one act.

As advocates, we will find ourselves in situations where we can mistakenly assume that a person committing an assault is a batterer or the other way around. Clarity is critical in order for us to be effective. Having a context for the violence gives us a greater understanding of what is happening; it is essential that we look beyond the use of force or an illegal act to see if there is a pattern of power and control.<sup>101</sup>

## **Battered Woman or Victim**

What do we call a person who is a victim of domestic violence? Referring to women as victims seems to happen more and more often. While a woman who has experienced abuse by her partner has been the victim of an act of some form of violence; using the term victim can label and objectify her.

As we engage in our work to end violence against women, it is significant that we do not utilize some of the batterers' same tactics in our efforts. Physically abusing a peer is difficult; batterers usually dehumanize victims prior to and during an assault.<sup>102</sup> In our work, we must be careful not to engage in the same sorts of dehumanization that battered women have been faced with in their

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<sup>100</sup>Pence, Ellen. *Coordinated Community Response to Domestic Assault Cases: A Guide for Policy Development*. Minnesota Program Development, Inc. Duluth, Minnesota. 1985.

<sup>101</sup>From the Power and Control Wheel, tactics include: using economic abuse, using coercion and threats, using intimidation, using emotional abuse, using isolation, minimizing, denying and blaming, using children, using male privilege.

<sup>102</sup>*Supra* 10.

abusive relationships. Conversations with women who have been battered<sup>103</sup> reveal how being called victim objectifies them, using the term removes the name and face from their story and de-humanizes their experiences.

As we work with and for battered women, we struggle to engage them in a process that retains their humanness, when we using terminology that objectifies them, it becomes an obstacle to our long-term effectiveness.

## Defining Sexual Violence

### What is Sexual Violence?

Sexual violence encompasses all acts that have the intent to harm, injure, insult, and improperly use a person sexually. Such acts negatively impact the sexuality of the person targeted, harming their sexual health and well being, and robbing them of a positive image of who they are and how they define themselves. Sexual violence includes a wide range of sexual activities that are forced upon someone, eliminating their right to consent, erasing their choice and denying them their sexual freedom and ownership of their sexuality.

Many Native women were sexually abused as children and all too often this sexual abuse was by a relative or friend of the family:

*“When I was a child, I was raped in my own home. In our house we always had lots of relatives and people over, and my parents drank a lot. One night, when my parents left to go to get more beer, a relative who I trusted raped me.”*

Native Women Focus Group – October 2002.

### Sexual Violence May consist Of:

- *Fondling*: Unwanted touching, caressing, playing, feeling of body parts. This is not limited to intimate body parts such as breasts, vaginal or buttock area.
- *Pornography*: Forcing a woman to watch videos of sexual acts, forcing her to perform sex acts and/or recording or taking pictures of such sexual acts without her knowledge or permission. Forced exposure to pornographic material: magazines like *Playboy* or *Hustler*, sexually explicit, exploitive pictures, and Xrated videos.
- *Sexual remarks or language*: Referring to women in derogatory terms, and making any other remarks that strip away a woman’s value as a human being, including belittling a woman’s appearance: commenting negatively on her weight, attire, looks, the way she walks and putting down her other physical, spiritual, and emotional attributes.

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<sup>103</sup>Victoria Ybanez: “In my work at Women’s Transitional Housing Coalition and American Indian Community Housing Organization with battered women over the course of the past 17 years, battered women have repeatedly expressed their dislike of being labeled victim.”

- *Exhibitionism*: Acts that consist of indecent exposure by the abuser: undoing one's clothing and sexually rubbing/playing with oneself or masturbating in front of her. Such acts may also include forcing her to watch the abuser perform a sexual act with another, or forcing her to perform a sexual act in front of the abuser and/or someone else.
- *Rape*: Forced sexual intercourse, and/or using force to commit oral, anal or vaginal sex.
- *Unwanted sexual advances and/or touches and degradation*: Unwanted caressing of your various body parts. Sexually explicit gestures such as flicking their tongue at you, rubbing or pressing themselves against you, invasively asking for touches and not taking "no" for an answer. Actions that degrade you: pinching your buttocks as you walk past, talking about what they can do to you sexually if you go on a date, offering gifts or money for sexual favors.
- *Disrespecting the privacy/physical boundaries of an individual*: Invading privacy by walking in on someone while they are dressing or in the bathroom. Invading their privacy, watching someone undress or use the bathroom without their knowledge (voyeurism, or being a "peeping tom"), refusing to leave the room when asked, not letting the doors be closed, etc.
- *Forced prostitution*: Forcing a woman to perform sexual acts in return for favors, friendships, trade or money.
- *Expected sexual favors*: Insisting upon sexual favors for repayment of a loan or for the expense of a date. Making her "put out," not going home until sexual acts are completed, making her feel as though she constantly owes the abuser for any gifts, or for anything that has been done for her and her children.
- *Spiritual Abuse*: Using spiritual practices such as doctoring and sweat lodges to take advantage of the closed surroundings in order to commit sexual acts. Self proclaimed spiritual advisors, traditional healers, etc. who use their status to spiritually coerce another to engage in sex, stating "the spirits said that I need to have sex with you for you to heal" or "you need to be doctored, or touched, in that place" for healing. Instilling fear by telling women they will use "bad" medicine against them.

Native women who spoke at the Native Women Focus Group in October of 2002 about their experience of sexual assault often described it as happening after or during a party. Jane (name changed) said, "I went home after a party. I drank too much and I went home to pass out. I came to and a man from the party was on top of me, he jumped off and left. I pulled my pants and underwear back on and fell back to sleep, when I awoke I remembered what happened and felt sick about it, but I never told anyone. I know I didn't invite him along with me home. He must have followed me and came into my house and assaulted me after I passed out. I never told anyone because I felt ashamed and knew that if I hadn't drank so much and passed out this would not have happened."

## What is Marital Rape?

Marital rape is the crime of forcing another person to submit to sexual intercourse within the context of a marriage, and constitutes abusive treatment. Battered women, and even women who may not be battered, often face sexual violence in their relationship, and find it difficult to get help. A woman may assess her situation and deem it hopeless, thinking that no one can protect her from her partner's unwanted sexual advances. (See text box.)

## In Conclusion:

Native American communities remain at a distinct disadvantage when addressing sexual violence. All too often, the problems they face can seem insurmountable. Denial, lack of services, no money for programs, jurisdictional issues, and the rural nature and isolation of many Native communities, are compounded by the lack of formal training for law enforcement, and the fact that small communities often mean no confidentiality for the victim—the list can go on and on. Further complicating the issue is the fact that records of reported sexual violence against Native American Indian women are hard to find, because most cases are never prosecuted. According to the Bureau of Justice Statistics, more than 70% of sexual assaults go unreported, the most often stated reason being that the victim fears the assailant (76%). In Indian country particularly, it is very difficult to document the extent of sexual assault, and therefore, difficult to gather specific statistics, largely because of jurisdictional authority issues.

He asked what was wrong and I said I wasn't in the mood. He replied, "Why? Did you have some already today?" His comment made me angry. As a woman was I expected to be in the mood at any given time? How many women put up with an attitude like this and let him have his way, even if they don't feel like it? How many women are forced to engage in sex, when they weren't in the mood or feeling sick? And who would protect them from this type of behavior? What would a police officer say if I called and said my partner wants sex and I don't want to? I'm afraid of him.  
-Sexual Violence Survivor

Native women organizing around the issue of sexual violence have formed tribal/state coalitions, women advisory groups, and volunteer led groups for sexual assault victims, Sexual Assault Response Teams (SART). Without such organizing efforts the level of help available for sexual assault victims would remain at little or no services or support, women's organizing provides a glimmer of hope at the end of the tunnel.

While communities are addressing the issue of sexual assault, too often it's been at a snail's pace. Too many times communities address the issue only after a major event takes place: a woman is raped and murdered, or sexual assault victims come out and tell their stories, prompting people to come together and say, "let's do something about this". Communities are rightly motivated by these events to take action. When a community goes beyond responding to a specific event, and begins organizing coordinated community efforts to ensure the safety of women, a change begins to take place within the community. Members of the community who feel strongly about an issue feel empowered to take the lead and commit to a project or event to create change. They begin to make things happen. Sometime these projects or events are so important that they become an annual

event for the community, or they may diminish, be missed and then someone will come along and start them up again. When communities make a committed effort to ensure women's safety, change comes, it happens, and it changes again and again. With the momentum created by many smaller changes communities as a whole begin to change, and although it may take time for some to grasp it, they will, knowing that it is a good change, a change definitely needed.

## Embracing Our Two Spirited Relatives

Homophobia is a relatively new phenomenon in Native communities, one that stems from the lack of understanding and acceptance that colonizing Europeans had towards Native culture. The openly practicing homosexuals that they encountered in Native communities reinforced colonizers' beliefs that they had a divine right to destroy Native people and their culture.<sup>104</sup> Homosexuality, to the Europeans, was forbidden, a taboo, a blasphemy to their God, and yet another reason that Native Americans needed to be converted to Christianity. Sadly, many Native communities now perpetuate this same homophobia, resulting in Native lesbians being forced off their reservations to urban areas where they hope to find acceptance. This exile deprives them of their family and community support network, and also robs the community of their traditional contributions. In order to correct the misguided record left by conquest, this piece looks at the history of Native lesbians, or two-spirits, and our Native tradition of acceptance and appreciation and how it too often is replaced by the rejection and heterosexism of the dominant culture. We have a responsibility to acknowledge the fact that homophobia (in all its forms) is a form of violence, and when homophobia is practiced in our communities it makes the violence many two-spirit women encounter in their intimate relationships impossible to address.

The term two-spirit itself is drawn from the traditional belief that sexuality is inseparable from other aspects of life.

The term two-spirit itself is drawn from the traditional belief that sexuality is inseparable from other aspects of life. Academics commonly try to separate sexuality and gender although Native people consider these to be connected. Native American societies do not conceive of the universe as being composed of absolutes and polarities of black and white, male and female, good and evil. Nor is it traditional to automatically equate gender identity and sex roles with biological sex characteristics. Traditionally, to be two-spirited, is to be seen as a gender other than man and woman.

Some of the traditional categories of gender include: male, female, male homosexual, men who acted within the social context of women (became wives, usually a second wife to a man), women who acted within the social context of men (married wives), bisexual, heterosexual men who dressed female but acted within the social context of male (married wives), heterosexual women who dressed male but acted within the social context of female (became wives). These are but a few categories. Traditionally, Native life is lived, not in terms of opposite categories, for instance, male at one end of a gender spectrum and female at the other, but in terms of a continuum of masculine and feminine with varying degrees of each, comprising a circle of individual identity.

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<sup>104</sup>Barstow, Ann Llewellyn. *Witchcraze: A New History of the European Witch Hunts*. San Francisco: Pandora, 1994.

An acknowledgement of the existence of two-spirited people exists in all tribes, each with their own name.<sup>105</sup> Din`e call them *nadleehe*, meaning one who is transformed. The Lakota use the term *winkte*, the Mohave name them *alyha*, to the Zuni they are *ihamana*, to the Omaha they are *mexoga*, the Aleut and Kodiah use the term *achnucek*, the Zapotec call them *ira`muxe*, and to the Cheyenne they are known as *he man eh*. This abundance of terms testifies to the familiarity of Native people with the gender-variant people in their tribes and communities. The Mohave creation story shows an open acceptance and understanding of two-spiritedness, stating, “Ever since the world began, there have been transvestites, and from the beginning of the world, it was meant that there should be homosexuals.”<sup>106</sup>,

Traditionally, what is “natural” to a person is what the spirits tell that person to be or what is in her nature or what her dreams make her. Difference is seen as a positive to be celebrated. Traditional Native communities accept her for who she is, welcoming individual gender flexibility as a rare and precious aspect of human experience, a special talent to live life in a fresh, spontaneously authentic way that enriches and empowers the lives of the greater community. A man raised with his two-spirited cousin said, “The boy lived as though he had some higher understanding of life.”<sup>107</sup> Through this viewpoint, someone who is different offers advantages to society precisely because he or she is freed from the restrictions of the usual and is closer to the spirits.

Traditionally, the origins of how a person is a lesbian differ among tribes. Some think a girl is born as a lesbian; others think it comes as a message or gift in a dream or vision. Historically, others had special ceremonies to determine sexuality. For instance, some Californian tribes sat a child on the ground with the traditional tools and weapons for men and women. Grass was placed around the child and set on fire. The child determined her future by the tools she chose to take with her when fleeing from the fire. In the Lakota tradition, Terry Calling Eagle recounts that, “Winktes have to born that way. People know that a person is going to become a winkte very early in his life. At about age twelve, parents will take him to a ceremony to communicate with past winktes who had power, to verify if it is just a phase or permanent thing for his lifetime. If the proper vision takes place, and communication with a past winkte is established, then everybody accepts him as a winkte.”<sup>108</sup>

In the words of a Crow traditionalist, “We don’t waste people the way white society does. Every person has their gift.”

Two-spirited people walk in two worlds, both materially and spiritually, and this connection to the spiritual world means they are traditionally held in great esteem and respect. This is one reason same gender loving people historically were not harassed or bothered. Most tribes believed it very dangerous to attempt to interact with the spiritual realm and felt fortunate to have a two-spirited individual in their midst that was gifted in this way. While dominant society views homosexuality as an aberration, Native tradition sees being two-spirited as bridging the gap between the material and spirit worlds.

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<sup>105</sup>William, Walter L. *The Spirit and the Flesh*. Beacon Press, 1986.

<sup>106</sup>Roscoe, Will, ed. *Living the Spirit: A Gay American Indian Anthology*. St. Martin’s Press, 1991.

<sup>107</sup>Roscoe, p.52.

<sup>108</sup>Ibid, p.54.

Historically, gay traditions were prevalent in pre-contact Native life; there are reports of both women and men living in same sex marriages. Many tribes valued same gender loving people and when they displayed these characteristics often they were picked for special office. These chosen people were regarded as having special intellectual, artistic and spiritual qualities. They were known as hard workers. Their ability to combine female and male qualities often put them into the role of mediators between the sexes because homosexuals were seen as people of power. They had maleness and femaleness totally entwined into one body; they were known to see with the eyes of both men and women. These attributes caused them to be called upon not only as mediators, but also as healers, dream interpreters, and to have other important roles in ceremonies. If two-spirited people did extraordinary things in any aspect of life, it was assumed that they had the license and power to do so and therefore, were not questioned.<sup>109</sup> Great things were expected of them because of their special insight into life and the spirit world.

Women could assume traditional male roles and live as men. Girls in the Yukon who declined marriage and childbearing would dress as men and take part in hunting expeditions. This was also true of Lakota women who became warriors and married women. In the Kaska Indian families of Canada, some parents would raise one of their daughters to become a warrior. Her sexual experiences would be with other women. Indeed, if there were sexual contact with a man it would ruin the lesbian's luck with game.

It is hard for the dominant culture to grasp this Native philosophy—especially when it clashes so fundamentally with European sexual taboos. When colonizers encountered two-spirit people, they often described them as hermaphrodites, having both male and female sex organs. This is a distortion of a Native term that translated as half-man, half-woman in referring to two-spirits. However, these terms refer to a person's spirit or character, and do not always refer to ambiguous genitalia (although Native tradition considers inter-sex people to be extremely powerful and also part of the greater gender continuum). Colonizing Europeans, who placed themselves at the pinnacle of civilization with sex and gender roles rigidly classified, could not understand the complexity of the Native American societies they encountered—Native societies practiced an understanding and acceptance of their own people that embraced duality and ambiguity, and provided for many alternative gender roles.

While respect and esteem for two-spirits is a traditional part of Native society, many two-spirited people have lost the status they once held in their community. While some may have their twospiritedness downplayed by others who say, "that is just Sue, our mother, our cousin, our sister, our friend", other two-spirits have been ostracized or banished from their communities and their contributions to their societies denied. Homophobia can be rampant in some Native communities, which is why in 1990, at a Native American/First Nations gay and lesbian conference, the term "two-spirited" was adopted as a way of reclaiming traditional terms and vocabulary. This term delineates Native American experience and identities from the experience of non-Native lesbian and gays. Two-spirited emphasizes the spiritual aspect of one's life and the accepted traditional Native gender continuum, stepping away from the dominant culture's definition of homosexuality. When we use the term two-spirit, it reclaims the traditional way homosexuality is defined for Native Americans.

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<sup>109</sup>Farrer, Claire R. "A Mescalero Apache Singer of Ceremonies." Two-Spirit People. University of Illinois, 1997.

It gives us an accurate idea of where we come from and helps us more fully embrace where and why we are what we are today. We must ask ourselves, how can the needs of the community be met if each individual is not accepted for who she is? Domestic violence is a real issue in the lives of two-spirit women. If the individual person is not acknowledged, how then can the abusive relationship she is in be acknowledged and addressed? Reclaiming two-spiritedness is a process, a way of “remembering again who we are and that our identities can no longer be used as a weapon against us. It is once again a source for healing.”<sup>110</sup>

## **Domestic and Sexual Assault in Native American/Alaskan Native Lesbian and Bisexual Relationships**

Native American/Alaskan Native lesbian or bisexual women frequently experience not only homo/biphobia and sexism, but also a host of other forms of oppression, including racism, ageism, ableism, and classism. There are countless stereotypes and beliefs that many individuals have about Native people, including that they are all drunks; are lazy and keep to themselves; are deeply spiritual/lost their spirituality; are rich from casinos or the Alaska Native Corporations, etc. LBTG (lesbian/bisexual/transgender/gay) people have the added stereotypes that they are sexual predators (they try to convert non-LBTG people) and that they sexually abuse and prey on children.

Native lesbian and bi women often face horizontal hostility/oppression from their tribe or other tribes. Before European contact, many tribes held in reverence “two-spirited” people (defined as walking in two worlds, LBTG Native individuals, or those who identify with traditional tribal gender categories) because they were deemed wise and powerful. With the forced colonization and encroachment of various religions, “two-spirited” people are now considered sick and abnormal. Native lesbian and bi women face other forms of violence in addition to horizontal hostility/oppression.

Domestic and sexual violence can be serious issues in any lesbian and bisexual relationship, but they are rarely talked about. It is estimated that one in three same gender relationships have incidences of domestic and sexual violence – roughly the same as in heterosexual relationships. Any effort to stop violence against Native women should therefore include lesbian and bisexual Native women.

In same gender abuse, “...a pattern of violent or coercive behaviors exists where one seeks to control the thoughts, beliefs, or conduct of their intimate partner or to punish their partner for resisting their control...”<sup>111</sup> The abuse can be physical, sexual, emotional, and or/psychological. The main purpose of this abuse is to gain power and control over another. One important factor in maintaining power and control over the victim, especially if she isn’t “out” (openly lesbian or bi), is to threaten to disclose her same gender preference/sexual orientation to family, friends, or people at her place of work.

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<sup>110</sup>Jacobs, Sue Ellen, Wesley Thomas, and Sabine Lang, eds. *Two Spirit People: Native American Identity, Sexuality, and Spirituality*. University of Illinois Press, 1997.

<sup>111</sup>Lobel, Kerry, ed. *Naming the Violence*. The National Coalition Against Domestic Violence.

Lesbians and bisexual victims of abuse experience many obstacles when trying to find services. Shelter programs are geared towards heterosexual women and their children. If a woman who is in a lesbian or bi relationship uses a shelter program, all too often she must decide whether or not to disclose her gender preference/sexual orientation. If the staff or residents of the shelter are homo/biphobic, this creates added stress and tension. If the woman has children and discloses her gender preference/sexual orientation to the shelter staff, she will more than likely lose her children to Children Protective Services, not only because of the abuse, *but also due to her same gender preference/sexual orientation.*

It is important to stress that many people in the LBTG community are reluctant to disclose same gender abuse, so there is denial and/or rationalization of the problem. A main concern in discussing same gender violence is that heterosexuals will use this as proof that same gender relationships are sick, abnormal, or unhealthy. In addition, it is often assumed that same gender abuse is “mutual” especially if the victim fought back, therefore creating confusion about determining the primary aggressor.

Native lesbian and bi women who are victims of violence experience shame, guilt, and humiliation that is often exacerbated by internalized forms of oppression. Internalized oppression is described as believing the views and beliefs of the oppressor, therefore taking on the form of self-hatred, blaming oneself, and despair. It is important to note that with the connection of different forms of oppression, *the maintenance of societal and individual power and control require the use of violence and the threat of violence.*

What is rarely talked about is that lesbian and bi women are often sexually assaulted by their abusive partner. We tend to hold onto the belief that women don't hurt other women “like that” or cannot be abusive. Lesbian and bi women often experience the same abusive behaviors associated with heterosexual relationships, some of which are:

*Emotional/Psychological Abuse:* name-calling & other verbal attacks, labeling, humiliating the victim in front of others, isolation, withholding affection, stalking;

*Economic Control:* abuser controlling finances; isolating from family and friends, therefore ensuring control over the partner;

*Physical Abuse:* hitting, grabbing, shaking, shoving, pushing, restraining, throwing, or slapping, using weapons, choking;

*Sexual Abuse:* comparing to previous partners; labeling, degrading; using sex as a form of “power-over”, as a form of control, i.e. withholding sex or forcing unwanted sex.

In order to provide safe and adequate services for the Native lesbian and bi women who are victims of abusive relationships, it is crucial to commit to ensuring safety for all women. Some suggestions are:

- National and local trainings on lesbian/bi-phobia, and internalized oppression for programs that work with victims of domestic and sexual violence. This should include the hospital, state and tribal courts, police/village public safety officers, other tribal programs, and Children Protective Services.
- Shelter program staff needs to include in their policies/procedures ongoing trainings on lesbian/bi-phobia, racism, classism, ageism, ableism, anti-Semitism, and all forms of oppression that are connected. We cannot rid ourselves of one form of oppression if we do not talk about the connections of oppressions, which mirror hatred, fear, ignorance, violence and the threat of violence. Residents, Board of Directors, and anyone else involved in Shelter Programs should be included in these trainings.
- If lesbian and bi women are reluctant to use shelter programs, we need to ensure that there are safe homes for them to go to if they choose to get away from their abusive partner.
- National and local programs that are specific to LBGT need to have ongoing trainings and dialogue among programs to ensure inclusiveness of bisexual and trans-gendered people. In other words, lesbian and gay people need to overcome their bi/trans-phobia.
- There needs to be a hate crime law enacted in each state. There are far too many LBGT individuals being targeted for who they are, too often leading to violence and even death.
- Lesbian and bi women need to have access to emergency funds. If they bought a house together with their abusive partner, shared finances, or have a joint checking/savings account, often the victim does not have legal process to assist in making sure assets are evenly divided.
- Local, statewide and national Tribal organizations need to ensure that they will commit to inclusiveness of LBGT people, particularly lesbian and bi women, [sharing leadership on a tribal level]; therefore ending ostracizing and isolation of lesbian and bi women.
- Network with other local and national organizations that commit to ensuring inclusiveness of lesbian and bi women. Providing a strong, unified voice for social justice is crucial to ending all forms of oppressions.
- The LBTG community needs to overcome their denial and rationalizations about the domestic and sexual violence that occurs in LBTG relationships. Often victims of same gender relationships are ostracized in their community. If it is a small community, other LBTG people often will take the side of the abuser.
- Community education in schools, churches and other programs addressing the needs of LBTG young people ought to be implemented. Too many of our young LBTG people have killed themselves because of the homo/bi/trans-phobia that exists in their communities.

All women have a right to be safe, regardless of their gender preference/sexual orientation. In order to alleviate all forms of oppression and violence, we need to overcome our homo/bi/transphobia, fear, and ignorance. No one should have to stand alone.

## **Dialogue on Restorative Justice and Women Who Are Victims of Violence: A Discussion Paper In Preparation for the Restorative Justice and Violence against Women Workshop, January 2002.**<sup>112</sup>

Justice Options for Women Project started in 1999 because some community members and organizations were concerned that restorative justice approaches would be used in cases where women had been victims of violence without enough consideration of the needs of women and consultation with the community. A Steering Committee for the project said at that time - we need to ensure women have options within the justice system, and not just focus on restorative justice. The Justice Options for Women, Phase One study asked women who were victims of violence about their perspectives, needs and issues in relation to justice. The women interviewed said they needed: access to help to stop the abuse, financial security, prevention of violence, safety for their children, ability to have some control over the process, safety for themselves, to maintain family relationships, respect, the abuser to be held accountable, support in making changes and breaking the cycle of abuse, and information and education. Women and justice system representatives acknowledged that the system alone cannot keep women safe. The study made four recommendations:

- ongoing support for women to access justice and other services
- communities and families to take violence against women seriously
- mechanism to deal with the total justice system and hold the system accountable
- financial support for victims to leave and start over.<sup>113</sup>

Many of the concerns identified by the women interviewed were also shared by community advocates, police and government staff. Most acknowledged that while there are improvements, there is no one answer to understanding and preventing women abuse.

With a clearer understanding of these needs and concerns Justice Options Phase Two, *Restorative Justice and Women Who Are Victims of Violence*, wants to better understand the problems and benefits of restorative justice approaches for women, while emphasizing important points. The purpose of the discussion paper and workshop is to:

- Ensure that violence against women continues to be a criminal matter seriously addressed by the justice system
- Ensure that the needs of women who are victims of violence are addressed in any activities about restorative justice
- Learn together and dialogue on issues of restorative justice and violence against women.

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<sup>112</sup>By Julie Devon Dodd of the Justice Options for Women Project. Reprinted by permission of the author.

<sup>113</sup>Lund, Kirsten and Julie Devon Dodd. *Justice Options for Women who are Victims of Violence: A Framework for Ensuring that Women who are Victims of Violence are not Re-victimized by Justice Options, Summary Report*, PEI June 2001.

This Phase of Justice Options for Women focuses on criminal areas and does not address family law issues. We recognize that some restorative processes like mediation are used in family law areas and that there are many issues that need to be addressed when there has been abuse in relationships. What we learn from this phase can contribute to ongoing discussions in family law areas.

### **Dialogue Needed**

There is a tension in discussions about restorative justice and violence against women. At one end of the spectrum are those who say restorative approaches should never be used when women are victims of violence. At the other end of the spectrum are those who say that restorative approaches should be used in all types of crime, no matter how serious the crime or the relationship of victim and abuser. People's views are across the spectrum. Some are outside the spectrum all together because people lack knowledge or are confused about restorative justice. There are two key reasons why dialogue is needed:

1. Women need information on which they can make informed choices. Women need to better understand the risks and benefits of justice and restorative processes and be supported in making choices for themselves and their children
2. Justice and community interveners need to better understand the dynamics of woman abuse and restorative justice so that they may ensure policies and procedures do not revictimize women, and so that they may adequately inform women about processes and their choices.

### **Restorative Justice**

Unlike the justice system that has two parties active in court - an offender, represented by a defense attorney, and the state, represented by the Crown attorney,<sup>114</sup> a restorative model has four parties: victim, offender, community and government. The diagram shows the roles of each of the players in achieving justice.<sup>115</sup> The victim's role is to describe the impact of the offence and what might be needed to assist with healing. The offender's role is to accept responsibility for harmful actions and to make amends. The community's role is to make safety and peace, with a responsibility to the victim to assist with healing and to the offender to support rehabilitation. The government's role is to assist in providing safety by maintaining order in the community. Government's role also includes ensuring fairness to the offender and redress for the victim.

### **Values of Restorative Justice**

Restorative justice is based on a set of values or guiding principles. Some of the values include:

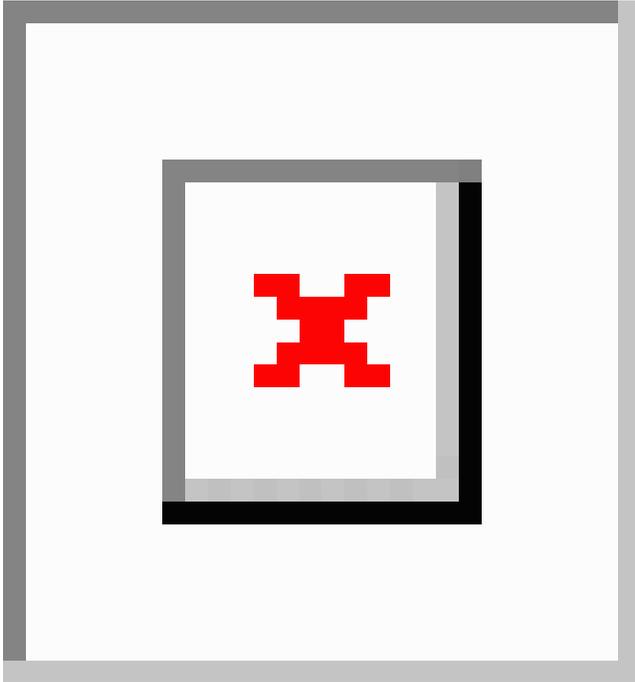
- meaningful and voluntary participation of the victim, the offender and the affected family or community in a face to face meeting to get information, express feelings, develop understanding and arrive at an agreement.

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<sup>114</sup>Justice Options for Women is a Canadian organization; the legal terminology used by the author is pertinent to the Canadian legal and government system.

<sup>115</sup>Van Ness, Dan and Karn HeetDerks Strong. *Restoring Justice*. Cincinnati: Anderson Publishing:, 1997.

- the offender attempting to repair the harm done to the extent possible, as an action symbolic of taking responsibility for the harm done.
- when a crime occurs, both the victim and the offender can experience alienation from the family or community; value is placed on reconnecting both into community life as whole, contributing, and productive persons.



### **Types of Restorative Processes**<sup>116</sup>

Restorative justice is a way of “looking at” the problem of crime, rather than a specific program. Programs that are restorative include: mediation, family group conferencing, community justice forums, and circle sentencing. Restorative justice processes can be used at any phase of the criminal justice system. They require the voluntary participation of the victim. The offender must accept responsibility for the actions and agree to participate.

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<sup>116</sup>Please note: The following types of restorative processes are meant to define and clarify some types of restorative justice, and are not intended to be read as endorsed by MSH-TA or the U.S. Office on Violence Against Women.

*Victim-Offender Mediation*<sup>117</sup> A person trained in the process of mediation meets with the victim and offender to increase understanding about the impact of the crime and to negotiate an agreement.

*Family Group Conferencing* A facilitator meets with the victim, offender, affected family and friends, and service providers, to increase understanding about the impact of the harm and to support the extended family in making a plan for safety and healing.

*Community Justice Forums* A facilitator meets with the victim, offender, family and community to increase understanding about the impact of the harm done and to make a plan for healing the harm and holding the offender accountable. Community Justice Forums are most often used with young offenders.

*Circle Sentencing* A facilitator meets with the victim, offender and broader community to consider the impact of the crime on the victim and community and recommend an appropriate sentence to the judge. Some Circles are for the purpose of healing rather than sentencing. Circles are often held in Aboriginal communities.

Alternative Measures are options to formal criminal processes that are based in law and are guided by policy. Alternative Measures can be, but are not necessarily, restorative. The Prince Edward Island Alternative Measures Policy is usually a pre-charge process, amended in 1998 to include Community Justice Forums.

## **Violence Against Women**

Women are victims of violence when they are hurt physically, sexually assaulted, emotionally abused, threatened, when someone takes or damages their property. Physical violence is punching, kicking, biting, shoving, or injury with a weapon; sexual assault is rape or any forced sex act; threatening is someone saying they will harm or kill or following person when told to stop; taking or damaging property can include stealing money or things, destroying things, and hurting or killing pets. Emotional abuse is criticism, name-calling and put-downs, alone or in front of friends, which attacks self-esteem.

Women are usually harmed by people they know. Women who are sexually assaulted usually know the person who hurt them. Women who are married or living common-law are sometimes hurt by their partner. Sometimes a friend, teacher, parent or other relative may harm them. Occasionally, a woman doesn't know the person who harms her.

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<sup>117</sup>Please note: Victim-Offender mediation is only recommended in cases of non-violent crime where the perpetrator is less powerful than the victim (for instance, property crimes committed by a juvenile against an adult member of the community). It is strongly discouraged in crimes of domestic violence and sexual assault, where the survivor and the assailant do not share equal power, and where it likely would create a situation in which the survivor could be revictimized. See "concerns" listed on p. 65.

Some women are more vulnerable to abuse because of characteristics like age (younger or older), disability, language or cultural differences. It is important to keep these differences in mind when thinking about women who are victims of violence<sup>118</sup>.

Woman abuse in relationships includes a cycle of violence with escalation, abusive incident, and cooling down that can result in apology and “making-up”. Without intervention to stop the abuse, there is a pattern of abusive incidents being more frequent and the “making-up” period shorter.

### **Re-Victimization of Women**

While not every woman who has experienced abuse will be impacted in the same way, there are some commonalities that could contribute to re-victimization of a woman during justice or restorative justice approaches.

Here are a few examples. A woman may:

- blame herself, take responsibility for the abuse
- feel shame and humiliation that this is happening
- fear that she or her family will experience more violence, or possibly be killed for telling someone about the abuse or asserting her needs
- be socially isolated, either by her partner or by the nature of the offense, and lack support networks of friends or family.

If the offender was the woman’s intimate partner, she may, for example:

- have learned during her relationship with the offender to give in and pacify the abuser in hopes of avoiding further abuse
- be financially dependant on the offender
- tend to be passive rather than assertive in her interpersonal relationships
- have low self-esteem
- tend to minimize the violence as a way of coping with the pain in her life.

Men who abuse their partners also tend to have some common characteristics, which raise concerns about the potential for restorative approaches re-victimizing women. For example, abusers may:

- deny responsibility for their actions
- blame the victim

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<sup>118</sup>Please note: It is important not to equate a person’s vulnerability with responsibility for the assault. In other words, it should not be suggested that if the survivor had somehow made herself less vulnerable, she would not have been assaulted.

- denigrate the victim (privately and publicly)
- minimize or deny the abuse.

### **Concerns About Restorative Justice and Violence Against Women**

A recent study examining issues of restorative justice and violence against women identified concerns about restorative justice.<sup>119</sup> They include:

- lack of consultation about restorative justice with women's and victim's groups
- women victims feel pressured to participate and do not get enough information on which to make a choice about participating or not
- power dynamics of abuse are not addressed, making the process unbalanced and putting women at risk
- programs are being transferred to the community without resources made available
- restorative justice initiatives don't sufficiently denounce domestic and sexual violence, and
- lack of training for facilitators, standards and evaluation mean the issues are not recognized.

Other concerns raised by victim advocates include:

- because men who abuse their partners often deny or minimize the abuse or blame the victim, restorative justice may be inappropriate in cases of family violence
- abusive men are often very manipulative and facilitators are not trained to recognize this
- programs do not effectively deal with issues of safety and risk
- participating in restorative justice processes that that "address relationship issues" can foster inappropriate feelings of responsibility in the victims
- appropriately trained and culturally appropriate support persons may not be available to women
- primary focus is on offenders and not victims.
- programs and standards are not often regulated, monitored or evaluated
- confusion resulting from lack of knowledge about restorative processes and woman abuse by justice personnel.

### *Re-victimization of Women in Restorative Processes*

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<sup>119</sup>Coward, Stephanie. "Restorative Justice in Cases of Domestic and Sexual Violence: Healing Justice?", Directed Interdisciplinary Studies, Carleton University, December, 2000.

Some women have reported feeling re-victimized by their participation in restorative processes. For example, in a report by the Pauktuutit Inuit Women's Association, the story of an Inuit woman, the victim of domestic violence who participated in a sentencing circle is told:

“She does not speak unless the judge calls upon her to do so, an indication of the measure of control held over her by her husband, who also sits in the circle, only three have any supportive relationship to the victim... The sentence that is created requires that the victim and accused attend counseling together, a proposal put forward by the accused. ...the judge strongly suggests to the victim that this would be a positive step, assuming the victim would speak out should the abuse continue. She hears the suggestion as an order and feels compelled to comply, though it is unlikely that she will speak out about further abuse. She has been silenced not only by fear of her husband but by a process that should have given her voice.”<sup>120</sup>

### **Potential Benefits of Restorative Justice For Women Who Are Victims of Abuse**

There have been many criticisms of the current justice system by women's advocates. A report by the Provincial Association Against Family Violence, Newfoundland and Labrador reports that “Victims have concerns about not being a part of the process and sometimes feel like they are on trial instead of the person who has committed the crime. This has been particularly true for women who are victims of abuse and violence. The system is often very overwhelming.”<sup>121</sup>

Research into the experience of victims has found that “contact between the victim and the administration of criminal justice has been primarily a source of re-victimization, frustration, disappointment and annoyance rather than a contribution to the solution to the victim's problems.”<sup>122</sup> Many victim's advocates suggest that victim's needs are not met in a criminal proceeding whose objectives often have very little to do with the actual harm done to the victim and that this process does not encourage the offender to truly take responsibility for his actions.<sup>123</sup> In some cases, women who have participated in a restorative process report satisfaction. One B.C. woman, who was a victim of rape over 20 years ago, stated in a video that she has healed more in the few years since participating in a restorative process and hearing her attacker admit that he was guilty, after having been found not guilty in court, than she had done in the 18 years since the rape.<sup>124</sup>

While there are strong concerns being raised, one Canadian researcher found that the majority of victim's advocates interviewed “are not necessarily opposed to restorative justice initiatives per se. Rather, they are opposed to these initiatives as they are presently developed and applied. Many of the women consulted during this research stated that they had serious concerns with present

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<sup>120</sup>Pauktuutit Inuit Women's Association, *Inuit Women and the Administration of Justice: Progress Report No. 2*, Ottawa, Ontario, October 4, 1993, pp. 41-43.

<sup>121</sup>Provincial Association Against Family Violence, Newfoundland and Labrador, *Keeping an Open Mind: A Look at Gender Inclusive Analysis, Restorative Justice and Alternative Dispute Resolution*, St. John's, Newfoundland, June, 1999, p. 24.

<sup>122</sup>The Church Council on Justice and Corrections, *Satisfying Justice: Safe Community Options that attempt to repair harm from crime and reduce the use or length of imprisonment*, Ottawa, Ontario, 1996, p. X.

<sup>123</sup>*Ibid.* p. XI.

<sup>124</sup>Restorative Justice: Making Things Right, Mennonite Central Committee (video).

restorative justice initiatives but that they would like to see them implemented in the future, after careful research and consultation has been carried out.”<sup>125</sup>

Those who support the use of restorative justice in cases of violence against women note the following potential benefits:<sup>126</sup>

- opportunity that the victim has to speak and be listened to without judgment can assist in healing
- initiatives are designed to allow healing processes to occur
- an opportunity to involve the victim’s family and community in helping to prevent future violence and to support the victim
- immigrant women who fear jeopardizing Canadian Informed<sup>127</sup> status or police involvement may feel more comfortable in a process which does not involve police
- women who do not speak the language have an opportunity to involve community members from their own culture as facilitators or supporters
- the offender is held accountable for his actions and for the harm done and has an opportunity to hear from the victim how his actions impacted on her.

### **Key Issues To Consider**

Shared goals of justice and restorative processes are to end abuse, keep women safe, and hold offenders accountable. Restorative processes also want to aid victims in healing, offenders in habilitation, and communities in restoring balance. There are many issues to consider in addressing woman abuse, especially using restorative processes.

*Improving the Justice System* The risk of re-victimization of women through criminal justice processes is well documented. There is a risk that the flaws of criminal justice processes will be repeated in restorative processes. It is important that needed improvements in the justice system are made, and the problems not passed on to alternatives.<sup>128</sup>

*Goals of Restorative Processes* The primary goals of restorative justice interventions must be clear. When the goals focus on the offender, or cost-savings for the system, risks to the victim increase. A New Zealand study recommends that the primary goals of any intervention in domestic violence situations must be the safety and autonomy of victims over any other outcomes including reconciliation or conciliation of the parties.<sup>129</sup>

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<sup>125</sup>Coward, p. 13.

<sup>126</sup>Presser, Lois, & Emily Gaarder, “Can Restorative Justice Reduce Battering? Some Preliminary Considerations”, *Social Justice*, 27(1) (2000): 176.

<sup>127</sup>See note 117.

<sup>128</sup>Hooper, Steven & Busch, Ruth, *Domestic Violence and Restorative Justice Initiatives: The Risks of a New Panacea*. WLR: *Domestic Violence And the Criminal Justice Process* at [http://www.waikato.ac.nz/law/research/waikato\\_law\\_review/volume\\_4,\\_issue\\_1,\\_1996](http://www.waikato.ac.nz/law/research/waikato_law_review/volume_4,_issue_1,_1996)

<sup>129</sup>Ibid.

*Informed Consent* Some women feel pressured by justice personnel, family or an abusive partner to participate in restorative processes. It is essential that her participation in restorative processes be voluntary. Informed consent means that women have a full description of the purpose and process of an intervention and are aware that participation is a choice at every stage of the process. A victim must be made aware that she can stop the process at any time. The consequences and alternatives should be clearly outlined. This is best done by a victim support person.

*When the Offender is Known to the Victim* Most reports recommend extreme caution in restorative approaches when the offender is known to the victim.<sup>130</sup> There are two key issues: the feeling of safety and autonomy on the part of the victim, and the ability of the offender to manipulate not only the victim, but the process facilitator. Reports recommend that mediation, which typically has the goal of negotiating an agreement, is not appropriate in cases of domestic violence or sexual abuse when there is a relationship of some duration.<sup>131</sup>

*Timing* Restorative processes that are victim focused take place when the victim is ready. This will mean preparation for the victim so that she may choose and when to participate. Timing with criminal justice processes may not fit the timing of the victim.

*Offender Accountability* While restorative processes showed promise in short-term follow-up, longer-term follow-up resulted in less victim satisfaction. This was related to the lack of follow-through by offenders, and lack of monitoring by anyone.<sup>132</sup>

Offender accountability and follow-through, including monitoring by authority is often lacking in restorative processes.

*Training* The dynamics of woman abuse are such that without deep understanding of the social and gender dynamics, facilitators of restorative processes inadvertently perpetuate the environment of abuse. Training of facilitators must include gender-based analysis of issues and historical, social, economic, and cultural context of woman abuse.

### **Some Questions To Think About**

1. Is it possible to ensure safety in restorative justice processes (mediation, family group conferencing, community justice forums, circles) for women who have been affected by a violent offence, such as sexual assault or spousal assault?
2. What would be required to ensure such safety?
3. If safety can be achieved, what community resources and expertise would be necessary to prepare women and their abusers for such face to face encounters, to facilitate the encounters and to provide for follow through on any agreements that might be reached?

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<sup>130</sup>Presser et al, Hooper et al.

<sup>131</sup>Hooper.

<sup>132</sup>Wemmer, Jo-Anne & Canuto, Marisa. Victims Experience With, Expectations and Perceptions of Restorative Justice: A Critical Review of the Literature. University of Montreal. November, 2001.

4. If safety can be achieved, how should the justice system be changed in order to allow for appropriate restorative justice processes for women who have been victims of violence?<sup>133</sup>
5. How can the needs of women who are the victims of violence be met? How can the justice system meet these needs? How can restorative processes like mediation, conferencing, and circles, meet these needs. (See needs identified by women p. 1, paragraph 2.)

## **Justice and Healing: How the Judicial Process Can Aid in Healing Women**

Luke\* came back to Minnesota after his release from prison in California. What brought him here or why he was in prison remains unknown. We eventually learned that his brother is a white supremacist, and that he had beaten two women from the Fond du Lac Reservation who were afraid to press charges. Unfortunately, this information wasn't commonly known when he began establishing a relationship with Noodin Ekway (Wind Woman)\*, a Native woman from the White Earth Band of Ojibwe who was residing in Duluth. Luke had good manners and one could say he was a "perfect gentleman". Noodin was comfortable with this friendship. He began to hang out at her place, coming and going with ease.

On March 7, 2000, Noodin was babysitting her neighbor's two-year-old and four-week-old baby boys. A fifteen-year-old visitor watched the boys as Noodin took a short nap on the couch. Suddenly, Noodin was grabbed off the couch and forced to stare into the intense, angry eyes of Luke. "Why do you have n-----s in this house?" He was referring to the African American children Noodin was babysitting. He began hitting her, punching her in the face until she felt her face "explode". Blood was everywhere.

"Now I'll have to kill you because I'm on parole!" He hit and punched her face some more. The fifteen-year-old tried to help Noodin, only to end up getting hit too. "Is this a nightmare, a bad dream?", Noodin thought. "This can't be happening...."

Noodin barely remembers the ambulance ride to the hospital. She would need surgery to reconstruct her face, especially her nose. The doctor stated that it appeared Luke had tried to push broken fragments of bone from Noodin's nose up into her brain, but that a bone lying sideways had prevented him from killing her. Noodin had footprints all over her body from Luke's steel-toed boots. She endured three surgeries on her face.

Noodin had never experienced violence before. She was totally traumatized. She saw Luke standing in the distance, walking down the street, everywhere she went – he was there. Noodin knew he was incarcerated, she would call to make sure, but she could still feel him around her like a dreaded darkness.

Noodin worked hard to rid herself of the feeling of surrounding darkness that was a constant reminder of that March day when she took a short nap on the couch. She would submerge herself in a bathtub full of warm water and burn sage, hoping that the purifying medicine would wash away

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<sup>133</sup>The first four questions are adapted from Consultation on Restorative Justice and Violence Against Women held in Saskatchewan in February 2001.

the darkness that brought Luke's presence so eerily near. She also called upon her strong support network of advocates and friends that stretched from Duluth to Fond du Lac. Nothing, however, seemed to shake the dark feeling that haunted her every day. It was a constant trauma for Noodin as she watched Luke represent himself in court and felt her rights as a crime victim shrink away even as he seemed to gain rights as a citizen accused of felony assault.

On April 8, 2001 Noodin attended Luke's sentencing hearing, prepared to give her victim impact statement. She had lived in a traumatized state for over a year, filled with outrage, fear, and a lingering darkness. Noodin had spent every evening for the past year, one month, and a day trying to wash the trauma of violence away. Finally, she was standing strong and alone in the courtroom before Judge Oswald, the Victim Witness Coordinator, the Prosecutor, the Defense Attorney and Luke. The call came so late in the day about the decision to go ahead with the hearing that Noodin had no time to gather her advocates and other support persons. Noodin had to run to the courtroom as it was already after 4:30. She stated what had happened to her and the tremendous impact that Luke's violence had had in her life. She had Judge Oswald look at the photographs of her face and her body, demonstrating the severity of the violence she suffered. She addressed the court and she directly addressed Luke with her truth, her rage, and her bewilderment, asking, "WHY? How could you do this to me!"

Judge Oswald looked at the pictures and stated, "This is the most heinous crime I have ever seen!"

Luke was charged with 3rd degree assault against Noodin, as well as assaulting a guard while he was incarcerated and awaiting trial. Luke would spend the next four years and one day in Stillwater prison. Luke was also the first person to remain incarcerated for one year, one month and a day in St. Louis County.

Judge Oswald continued speaking to Luke, "And when you get out and Noodin so much as glances up and sees you in the distance, she just has to call us and you will go directly back to Stillwater!" Noodin left the courtroom with lifetime protection.

That night Noodin sank into the warm waters of her bathtub as she had done for the past year, one month and a day, reflecting on the sentencing hearing. She had never felt believed by any of the court personnel until now. Noodin believes, and she wants other women to know, that it was the graphic nature of the photographs she showed the Court, photographs that visibly showed her severe injuries that made a difference to the Judge. Noodin felt as though Judge Oswald quietly told her, "I believe your story. I believe you were attacked, and now I am going to give you justice and lifetime protection."

Suddenly she felt like something was telling her to open her bathroom window... and so she did. Noodin watched the dreaded darkness leave her body like a dark shadow gliding out into the night. It was the healing she had sought after for one year, one month and a day.

As an advocate I have often heard attorneys say that the word "healing" does not belong in the courtroom and that women should not come to the courthouse expecting to start the healing process. However, we as advocates know this is not the experience of most women. Every bit of this story of Noodin is true. I told Noodin's story because I believe her story should be the case for all women.

Our court system needs to acknowledge the impact our wounds have on our physical, emotional, intellectual, and spiritual lives as we maintain our homes, care for our families, and work our jobs. Wounded women in our community must seek the healing so desperately needed to counteract the devastating effects that domestic violence has had on us. The first step we take toward the profound healing we deserve is in the courtroom, beginning with *justice*.

According to Webster's New Riverside Dictionary (eleventh edition), *justice* is "the principle of ideal or moral rightness, the upholding of what is right; fairness; the administration of law; a judge", and to *heal* is "to restore to sound health; to set right; remedy". When we come into the courtroom we expect the "upholding of what is right" and we believe that this happens through the "administration of law". We are looking for a remedy to the violence that has been done to us, and we believe the criminal justice system will "set it right". Give us justice, set it right, and then you have given the women in your communities the remedy needed, you have set them on the path of healing. The ripple effect of justice and healing will be carried to every woman/victim in our community, and will pass from them through to the children, and into the next generation. Justice holds those who commit acts of violence accountable for their actions and is the first step toward healing. Noodin's story holds out hope for the possibility of healing and justice for all women. Judges hold the power to provide healing in our communities through justice...they just need to use that power.

\*Names have been changed. It was a windy day when I began to write this story thus the name Wind Woman. The victim chose the name Luke (although she wanted to use the name Lucifer).

*-Babette Sandman, Women's Advocate, Mending the Sacred Hoop*

## **Advocacy for Native American & Alaskan Native Women**

### **Sovereignty: A Basic Right**<sup>134</sup>

*Sovereignty: A Basic Right to Self-Determination*

"When the legal concept of sovereignty was first challenged in the Supreme Court by the state of Georgia in the 1820s, Chief Justice Mitchell, exists as a pre-condition among self-governing entities and acts as a legal shield protecting all rights and privileges reserved and implied by nationhood. If fact, treaties were a granting of rights from the tribes, to the federal government."

Paul VanDevelder, 1999@*Seattle Times*

"...Indian Tribes must act like Indians. That's the only justification for preserving internal sovereignty... So if we're going to have internal sovereignty, we're going to have to bring back the majority of social traditions... if we don't bring those traditions back, then the problems those traditions solved are going to continue to grow... Then we'll have to get funding to set up programs to deal with those issues..."

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<sup>134</sup>Sacred Circle, National Resource Center to End Violence Against Native Women.

When you set up programs, you are exercising your internal sovereignty, but the funding sources determines how the program is going to operate and the funding source defines internal sovereignty.”

Vine Deloria – American Indian Research and Policy Institute

<b>Tribal Sovereignty</b>	<b>Native Women's Sovereignty</b>
All Tribal Nations possess or have a right to:	All Native Women possess or have a right to:
1. A land base: possession and control is unquestioned and honored by other nations. To exist without fear, but with freedom.	1. Their body and path in Life: the possession and control is unquestioned and honored by others. To exist without fear, but with freedom.
2. Self-governance: the ability and authority to make decisions regarding all matters concerning the Tribe without the approval or agreement of others. This includes the ways and methods of decision-making, social, political and other areas of life.	2. Self governance: the ability and authority to make decisions regarding all matters concerning themselves, without others’ approval or agreement. This includes her ways and methods of decision-making in social, political and other areas of life.
3. An economic base and resources: the control, use and development of resources, businesses or industries the Tribe chooses. This includes resources that support the Tribe life ways, including the practice of spiritual ways.	3. An economic base and resources: the control, use and development of resources, businesses or industries that Native Women choose. This includes resources that support individual Native Women’s chosen life ways, including the practice of spiritual ways.
4. A distinct language and historical and cultural identity: Each Tribe defines and describes its history, including the impact of colonization and racism, tribal culture, worldview and traditions.	4. A distinct identity-history and culture: Each Native Woman defines and describes her history, including the impact of colonization, racism and sexism, tribal Women’s culture, worldview and traditions.

## Introduction to Advocacy

In our work to end violence against women, advocacy comes up again and again. Often we find that we have different ideas of what it means to be an advocate. Our roles are defined from working either inside or outside the Criminal Justice or Social Services systems.

ad·vo·cate

noun 1: a person who pleads for a cause or idea [syn: proponent, exponent] 2: a lawyer who pleads cases in court [syn: counsel, counselor, counsellor, counselor-at-law] verb 1: push for something [syn: recommend, urge] 2: speak, plead, or argue in favor of [syn: preach]

*Worldnet, Princeton University*

ad·vo·cate tr.v. ad·vo·cat·ed, ad·vo·cat·ing, ad·vo·cates

verb: To speak, plead, or argue in favor of. noun 1: One that argues for a cause; a supporter or defender: an advocate of civil rights. 2: One that pleads in another's behalf; an intercessor: advocates for abused children and spouses.

*The American Heritage Dictionary*

Looking at the definition of advocate, I can't help but think about what we are doing as advocates. Are we clear about who we are advocating for? Are we advocating for battered women, or are we advocating for our agency? Who or what?

To advocate is do more than provide services to battered women. It is to engage in the work of ensuring that her voice is being heard on multiple levels. We must plead for her cause. As advocates, we support her, we plead on her behalf.

Regardless of whether we provide advocacy through a community based organization or through a systems based organization, there are a few basic principles that are central to our work.

## **Gender Respect**

The status of Native women has declined over the past centuries. In our work to end violence against women, our advocacy work must consider the status of Native women and men in our work to reclaim our long-established values.

Women are sacred. According to *Minnesota's American Indian Battered Women: The Cycle of Oppression*,<sup>135</sup> a cultural awareness-training manual for non-Native professionals, the most fundamental aspect of a woman's role in tribal life was her status as a woman. By virtue of her gender, she was accorded great respect. The legends of creation differ from tribe to tribe, but most equate the power of woman with that of the Earth Mother, universally honored and respected for her life giving powers. In various tribes this honor and respect was evident in the way in which Native women were active and influential in political, religious, and economic spheres.

Women's greatest power was an inherent power, the power to produce life. This power could not be manipulated or controlled and was not to be exploited on the one hand or contained on the other. In addition to the respect for a woman's spiritual power and adherence to codes of honor and good conduct, tribal economy ensured the high status of women.<sup>136</sup> The actual rice, berries, or fish supplied by women were no less valuable than was the balance achieved through cooperation. Even if a woman made not direct contribution to the procurement of food, the fact that her labor freed the man to hunt proved the value of her role.<sup>137</sup>

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<sup>135</sup>*Supra* 2.

<sup>136</sup>*Ibid.*

<sup>137</sup>*Id.*

Men's power in tribal societies derived from their role as hunters, providers, spiritual leaders and warriors. A man's connection to family was very important; men earned their standing in the tribe through this relationship.<sup>138</sup>

As the influence of colonization took over, women's sovereignty and respect for women weakened. Government attempts to assimilate Native people destroyed the power and prestige of Native men. Native women were denigrated and attempts to destroy their inherent power lead to the physical and sexual attacks that ensued over the course of the centuries to follow. As the values of the colonizing societies were adopted, the mutual respect between Native women and men was damaged, as was the balance and harmony inherent in tribal societies.

Our advocacy work must reclaim our traditional values of respect and cooperation and we must work to restore the balance and harmony to our tribal communities. We can do this in the way we conduct our work.

1. As advocates we must recognize the gendered nature of domestic violence. We need to acknowledge and address the fact that we live in a society that enables violence of this magnitude to be perpetrated against women. Advocates must not get lost in trying to be *fair* but work to create change in a way that addresses this imbalance.
2. We must hold Native offenders accountable and still remain respectful of them as our relatives. This can be trying as we judge him for his violence, yet we must remember to not engage in ways that destroy his spirit.
3. We must work to reclaim our values and beliefs. This is accomplished through remembering who we are, where we come from, and working to create social change.

### **Social Change**

Domestic violence exists because our society creates an environment that supports it. Therefore, if we are to be successful in ending violence against women, we must create change in our society. Changing the values and beliefs that cultivate domestic violence can be a daunting task. Too often domestic violence workers claim "it is not my job." We must question, "Why isn't it our job?" As a domestic violence advocate, we see it as a vital part of our purpose. We must not only help battered women find and make choices in their lives that create safety for themselves and their children, we must also attempt to change the root causes of the problem. To me this means our role as advocates includes working to change our society.

A story that is told in many places in many ways talks about three sisters coming to a river where they see babies floating in it. The first sister is outraged and fearful for their safety. She stands on the shore waving her arms in disbelief, overcome with distress. The second sister is also concerned for the babies' safety and she runs into the river and starts grabbing the babies and bringing them safely to the shore one by one. The third sister starts to run up the shore. The other two sisters ask her where

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<sup>138</sup>Id.

she is going. She hurriedly answers, “I am running up the river to find out what is happening to put these babies in the river in the first place.”

Social change work means working at a level that attempts to reach the root causes of a problem. As the story suggests, we can engage in a way that either has us working “one by one” or trying to find out what is causing the problem and working to change it. Moving beyond working only with the offender and victim and working instead to change or stop the societal supports for domestic violence enables us to create lasting change: a society in which domestic violence is no longer an issue.

To look at the causes of domestic violence, we must dig toward the roots of the issue. This process can be achieved through inspecting the violence at multiple levels:

- individual,
- family,
- institutional and
- societal.

*Individual*- We must examine domestic violence at the individual level, exploring power and control tactics, and how various forms of physical, sexual, emotional and economic controls support or reinforce a batterer’s use of physical and sexual violence.

*Family*- Looking at the whole family system is important in understanding the role family plays in supporting and expanding the environment where violence is occurring. How many times do we hear family members say things like “she started it” or “he has so much on his mind”? There are many ways that families participate in the violence by reinforcing his behavior or by blaming her for his violence. We must become aware of how this continues to perpetuate domestic violence.

*Institutional*-Social service systems, criminal justice systems, and religious institutions can support violence perpetrated against women, often reinforcing or giving more power to the batterer. For instance, many of us have heard stories of:

- Child Protection Services removing children from a battered mother for *failing to protect* her children from witnessing domestic violence assaults.
- Law enforcement officers responding to a domestic call saying “next time, I’ll arrest you both” or “what did you do to provoke him.”
- Clergy who tell a woman that her marriage vows created a *sanctified union* and cannot be undone.

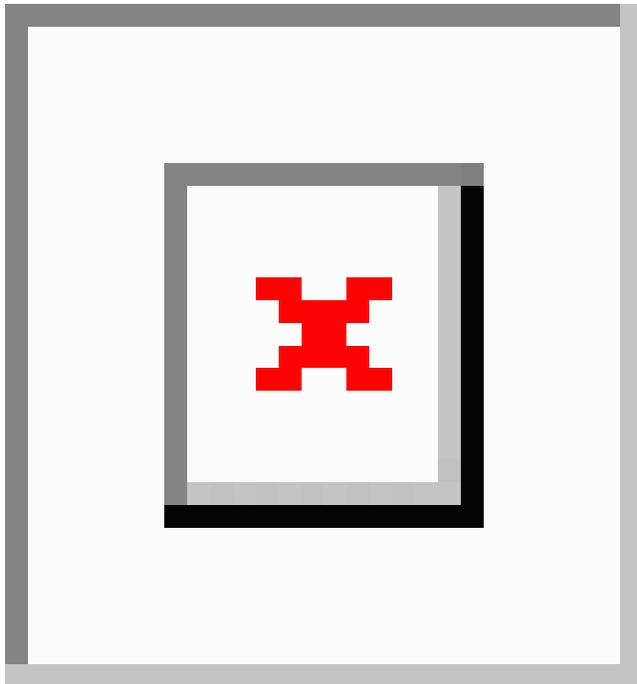
Institutions that respond in these ways are, in effect, indulging in victim blaming and give the batterer permission and support to batter again.

*Society*– Our society holds many values and beliefs that have been distorted by colonization. We talk about women being sacred and how domestic violence is not a part of our traditional value system, and yet we look at images and listen to music that represents women in disrespectful ways, we indulge in humor that degrades her, and we look at pornography that exploits and objectifies her. We talk about balance, harmony and cooperation as central values in our communities yet we talk about each other in ways that destroy relationships, we engage in practices that bring benefit to a privileged few and fail in many ways to recognize and support the value of all.

As we look at larger societal issues, we must understand the role poverty, inadequate health care, and discrimination faced by Native people plays in creating and supporting domestic violence. It is a challenge for many to recognize the far reaching arms of the root causes of domestic violence, however, it is important to note that in a society that has some groups of people being valued and respected while others are degraded and disposed of, on a smaller scale, it mirrors the tactics used in intimate relationships where a woman is being battered.

Once we come to understand the multiple layers of support for domestic violence, then we can be more effective in reaching the root cause of domestic violence.

Our strategies must include looking at how we can create change on all four levels. Often we find that our work focuses on creating change in the criminal justice system. While this is very important work, it alone will not end domestic violence. Creating change in the criminal justice system will only serve to provide a better response to domestic violence once it occurs. Referring back to *The Three Sisters*, in focusing on changing the criminal justice system, we become better at moving the babies to shore, one by one. Creating social change helps us understand why the babies are in the river in the first place and gives us tools to stop it from happening.



While we must appreciate our personal and organizational limitations, we also must find a balance between providing direct services to battered women, participating in systems change work and making efforts that address social change.

Our jobs as advocates are complex. We play the delicate and critical role of working directly with battered women at times of crisis, never knowing if a battered woman's life will end in homicide. We also have the challenging role of bringing up issues with other providers and systems responders. In many communities, advocates are seen as an adversary. This can be a particular difficult place to be in.

Advocates are actually partners in the work of helping battered women to be safe, holding offenders accountable and creating social change. First responders such as 911 operators or law enforcement officers want to ensure the safety of the public and the individuals involved. Prosecutors are working to hold offenders accountable. Judges are working to determine the facts within the law. Overall, they all want to keep battered women and their children safe. When we look at social services and child protection workers, they are working to preserve families. Generally, their underlying desire is to enhance the family environment in such a way that the family can succeed. Overall, these providers all want what advocates want, to keep battered women and their children safe from harm.

While battered women's advocates and systems workers have the common goal of keeping women and their children safe, each employ a different means of accomplishing it. At one time or another, our work as advocates will place us in the position of being in disagreement with a decision being made or with the way a situation is being handled or managed. We will find ourselves wanting to have the decision changed or some action taken in response to our disagreement. Our relationships become even more complicated by our familial and community relationships.

Because of the close nature of many of our communities, we can end up having to take some unpopular positions. We may find our selves in a situation advocating for a woman whose partner is in a position of authority in our community and end up having pressure put on us to *back off* or are told "*you don't know what really happens in that family.*" As well, we may find that we are advocating for a woman who is a relative of ours and be asked to provide privileges that are not normally afforded women we work with or we may be accused of providing privileges even if we are not. Some advocates have even had their jobs threatened because they stood firm on their positions.

We must remember we are working for battered women. We are working to affect the best possible outcome for her, enhancing her safety and expanding her choices. We must balance our many relationships in a way that strategically positions us to be at our most effective in advocating for women.

- *Alliances:*

It is necessary to build alliances, creating key strategic relationships that position us to more effectively plead or argue on behalf of battered women.

- *Honesty:*

Honestly communicating our position to systems workers helps to avoid conflicts. Being clear about our purpose is central.

- *Remove turf barriers:*

When we acknowledge our common goal of keeping battered women and their children safe, who does the work becomes insignificant.

- *Respect:*

Always be respectful. Honor the insights and personal experiences of the women we work with. We lose credibility and effectiveness when we allow personal feelings to dictate our professional work.

## Looking Inward

As advocates, we work with women who may pose issues for us. For instance, many programs find it difficult to determine who is battering in a lesbian relationship. Consequently, programs often avoid engaging in the critical work of expanding their analysis of domestic violence to include same sex violence. In part, this is the result of advocates who have not engaged in the work examin-

ing their own heterosexism and homophobia. As a consequence, lesbian battered women are often excluded from receiving the advocacy they need.

We find ourselves having different levels of comfort with different issues and yet, because we have committed to work with battered women, we must be open to addressing the needs of each woman when she arrives.

A person once told me that we all have shadows in our lives. Shadows, as it was explained to me, meant that we had areas of our lives that made us uncomfortable. These were areas that often were outside of our own experience, sometimes our shadows came from an experience that brought us great pain. Our shadows are areas that we might judge in a disapproving way.

I learned a lot from examining myself and looking for my shadows. I asked myself, “*Who am I most uncomfortable with? Why?*” I had to spend time engaged in discussion about this with others, people who were willing to challenge me directly and honestly about my own biases and ignorance.

We have to take responsibility for developing our ability to work with the multiple issues women bring to us, whether it be finding ourselves having to push through the discomfort of talking about rape, facing our own demons around alcohol and drug addiction, or recognizing our lack of understanding about mental illness. We are responsible for preparing ourselves to work with *all* battered women. Do you know your shadows?

Working with battered women in the battered women’s movement can put us on a pedestal. Generally, we are the voice of and for battered women’s experiences. We hear the stories they tell about their experiences with 911 operators, law enforcement responses, the courts, prosecutors and judges. We hear their stories of contact with social workers, financial assistance workers, and child protection workers, in effect, multiple social service responses. We often find ourselves examining how these systems are doing their jobs. As advocates, we participate on the local coordinating council or community response team, and we work to influence the policy and practices of multiple systems agencies. We find ourselves responsible for judging whether the responses to battered women are *right or wrong, effective or ineffective*. Our work also engages us on the broader issues of social change. We are engaged in a principled work.

In addition, we can find ourselves having stories told about us to other systems people, to neighbors and to family. All too often, we may make excuses for the stories that find their way back to us that reflect poorly on our work.

A key part of our role in advocacy is to examine our own agencies, looking inward at the role we play in the continued violence against women, confronting how we might be using tactics of power and control on her or blaming her for the violence in her life. This is not always an easy task. We find it easier to locate reasons for why things are the way they are instead of looking at what we are doing that supports the status quo. Looking inward requires that we step down from the pedestal.

We must examine how we are responding just as we examine in detail how systems are responding to battered women. We ask batterers in re-education groups to look at their actions and intents, we

as advocates can ask ourselves similar questions to examine how we are participating in the continued violence against women.

This will not be an easy task for many, some will want to resist this level of organizational self-exploration claiming that they *are* doing a good job already; however, it is critical for us to raise our own awareness of how we participate in the continued violence against women. This can only be done through critical self-examination.

- Actions

What are we really doing?

- Intents

What are we trying to do?

- Beliefs

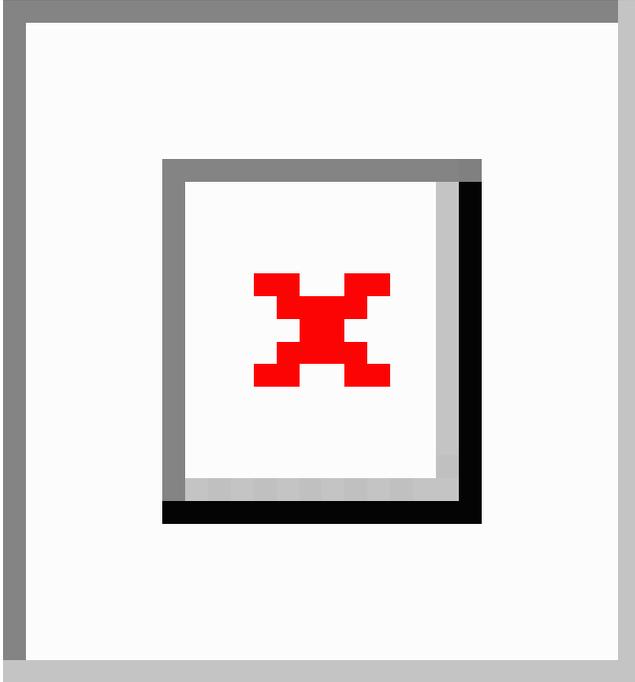
What are our guiding values?

- Effects

How is it affecting women & children?

- Change Strategies

Developing new responses.



*Actions - What are we really doing?*

We may create practices and procedures that shape the way we view women and may place added burdens in her life particularly at a time when she is burdened by other systems expectations and the crisis brought on by domestic violence. We need to reflect on what we are doing in a way that is intentional, finding the time to examine our actions.

*Intents - What are we trying to do?*

Just because we are all advocates, does not mean that we are all in agreement on what we are trying to accomplish or the means we should use to accomplish our goals. I think this is one of our biggest misconceptions. It is important to create a way for organizations to regularly examine what they are trying to accomplish and detail a common agreement of what that means.

*Beliefs - What are our guiding values?*

We all have guiding statements in our work. These might be mission statements, vision statements, philosophy statements and such. Our work has to take time to regularly examine how effectively

we are using these statements to guide our work. We should be thoughtful about how our values carry through in our daily interactions with battered women, with the public and with each other.

*Effects - How is it affecting women & children?*

We must look at how our work is affecting women and children. Are we adding more burdens to their lives? Have we eliminated access to our services for some? Are women finding that they are truly being supported in their contact with us? We must be prepared for honest answers, and not let our need for a positive response get in the way of hearing how we can do better.

*Change Strategies - Developing new responses.*

After we thoroughly examine our work of providing advocacy, we will find that there is room to make changes. Being intentional about what we do, we are motivated to develop strategies to implement changes where we discover a need. Through our diligence, we will bolster our advocacy into a process that can create lasting change to end violence against women.

We have a history of oppression that has taken a toll on our values and beliefs. Today, we live in a society that enables violence against women to exist. As a result, it can be difficult for us to conduct our work without recreating the many forms of control and oppression that exist in the dominant culture. In order to reclaim our values and beliefs, we are required to be intentional about how we conduct our work with battered women.

**The Advocate’s Role: The Dos and Don’ts of Advocacy**<sup>139</sup>

<b>Do:</b>	<b>Do Not:</b>
Advocate for the <i>personal sovereignty</i> and safety of women and their children, including provision of safe space and any resources that necessary for a woman to regain control of her life.	Act without the express informed consent or participation of the woman who has been battered, or withhold or create barriers to safety and resources because we judged her “unworthy” in some way.
Ask, listen to, believe and respectfully act on <i>what women state</i> they need and want.	Believe we should mind-read what she needs or wants, or believe that we know better than she does.
Clearly and persistently send the message: violence is unacceptable; battering is a crime, and is never the fault of the woman who has been battered.	Minimize or blame her for the violence, collude/ make excuses for the batterer’s behavior, or treat the violence as a private or mental health issue.
Validate the individuality, experience, decisions and strengths of women who have been battered.	Treat all women the same, as incapable of making decisions, “sick” or incompetent.
Act and treat women who have been battered as relatives.	Label, or act as if women who are battered are “cases”, “those women”, clients or patients.

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<sup>139</sup>By Sacred Circle, with credit to Ellen Pence & Anne Marshall.

<b>Do:</b>	<b>Do Not:</b>
Model courage and resistance in the face of oppression, intimidation and fear.	Get women to cooperate with other agencies or “follow rules” that don’t honor her safety or sovereignty.
Provide leadership ensuring women’s safety is a priority in coordinated community response that promote and enhance the spiritual and cultural traditions of the sacredness of women and children.	Allow task forces, meetings or initiatives to focus on the behavior of women, instead of the accountability of offenders and systems.
Focus attention on the intent of safety and integrity of women and renewal of traditional life ways as guiding principles throughout systems dealing with violence against women.	Diverting attention to mental health or other issues not directly related to battering as a violent crime, safety and Native women’s sovereignty, or that reinforce external or internal oppression.
Ensure all women who have been battered/sexually assaulted have 24 hour access to support, accurate information, crisis intervention and other advocacy.	Speak for or on behalf of battered women, unless they are not safe enough to do so themselves, or without their permission.
Educate personnel within systems about the most effective responses to violence regarding batterers, victims, and at-risk family members, <i>prioritizing victim safety and offender accountability</i> .	Ignore or create barriers that prevent or limit access to safety or resources.
Be conscious of the educational role within all advocate activities.	Forget violence ends through social change that includes systems work focused on accountability for provision of safety and offender accountability.
Remain accountable to the women who have been battered/sexually assaulted including maintaining confidentiality.	Dismiss the reality that conflicts and creation of working relationships are “teachable moments” for all involved, including advocates.
	Allow limited budgets, policy, funders or our “check signers” to compromise advocating for the safety and sovereignty of women who have been battered.

## The Role of an Advocate I

- *Advocate for* the expressed interests and safety of the woman and her children, including her needs for temporary housing, transportation and financial assistance.
- *Direct the focus* to the batterer’s violence as the primary problem, particularly when tribal court becomes sidetracked by other factors (alcohol, self-defense and child protection involvement).

- *Ensure all women* who have been battered/sexually assaulted have 24 hour access to support, accurate information, crisis intervention, and other advocacy services.
- *Identify the violence* perpetuated by batterers, including psychological abuse and the effects of violence on their children.
- *Maintain confidentiality* as it relates to the safety and integrity of the battered woman and her children.
- *Advocate for* the battered woman in a way that respects and validates her individuality, experiences, decisions and strength.
- *Request tribal court* refrain from court ordering battered women to counseling, mediation or other practices that place women in contact with their batterers, and jeopardize her safety or her children's safety.
- *Educate personnel* within the relevant systems of the effective responses to violence against Indian women as it relates to batterers, women and children.
- *Ask* what the battered woman needs and help her attain her basic needs.
- *Articulate* the safety needs of the woman when she is unable or cannot communicate to the court due to fear of retaliation from the batterer.

### *Individual Advocacy*

Advocates often take on both individual and institutional advocacy. The individual advocate works with individual battered women, helping a woman achieve her personal goals in the legal system or other systems. This includes helping a woman consider her options and assisting her in a course of action within these systems. Advocacy includes challenging the self-blame that a woman struggles with and helping her understand how being a constant target of her partner's power and control tactics affects her.

### *Institutional Advocacy*

The process of institutional advocacy involves working with institutions (e.g. the legal system, law enforcement, child protection) to change an institutional practice (policy, procedure, protocol) that works against the interest and needs of battered women as a group. These advocacy activities mainly focus on educating systems about the impact of such practices on battered women and their children and encouraging systems to change.

## **The Role of an Advocate II**

The Role of the Advocate is to:

1. Act as the *biased* supporter of women who have been battered, advocating for the *expressed* interests and safety of women and their children, including provision of safe space and any other resources necessary for women to regain control over their lives.
2. Prioritize and focus attention on the safety of women and offender accountability in all aspects of the work (including maintaining confidentiality).
3. Provide leadership and expertise based on the experience of women who are battered and their children on issues related to domestic violence within the justice, law enforcement, social and medical systems.

#### What Kind of Violence Are We Talking About?

1. Violence targeting adult women, by their intimate partner, or ex-partner.
2. Violence called battering, that is an on-going, pervasive system of tactics aimed at maintaining power and control over the woman.
3. Battering, which is a result of an unnatural belief system.\*

\*It is evident that the Western belief system does not work. Not for the white man and not for the Indian man. It is not natural to beat up your wife, to abuse your children, to destroy your family. As an Indian man, these actions are even more unnatural, and this brings more shame and guilt. If we really live by our ways as Indian men, our role is to protect, provide and serve our women and children. And if you really believe that in your head and your body and your soul, then there is no way, shape or form that you could ever hurt a woman- verbally, psychologically, or sexually.

-Marlin Mousseau

#### **What's the Point of Native Women's Support Groups? Things to Think About**<sup>140</sup>

"I know what you're doing. Word gets around."

I didn't even notice when she sat down beside me. With a smile permanently etched across her face, she appeared much younger than her years. Her eyes sparkled with a hint of mischief, yet clearly reflected a distance of miles a lifetime of experiences has a way of revealing. There was just a knowing about her, even a little intrigue. She was the type of person you could swear you had always known.

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<sup>140</sup>Excerpted from "The Time of the Woman", the forward to *Wisdom's Daughters* by Steve Wall. Harper Collins Press. 1993.

Being the straightforward person she was, it was obvious she had something on her mind. With her there was no superficial exchange of pleasantries, although we had met earlier at the traditional gathering we were both attending.

“There are forces at work most of us do not want to acknowledge,” she started. “Only now do you understand enough to be given these things. I come to you on the feminine side, because this is *the time of the woman*, time of femininity: We have our prophecies, and these things must come out. Spiritual communications come through the feminine side. Oh, there is nothing wrong with the masculine side. Action is masculine. Producing is masculine. But, there must be balance. When one listens to that gentle voice within, there is balance. But be careful. There are two voices: that’s just the way it is. Always listen to the good voice, the one that speaks softer. The other voice is dark and tries to rule, make you do things that raises the temper, makes you selfish, feel hurt. Everyone comes to this world with a work to do, and there are special forces to guide you on accomplishing that work. To truly do this work with the purest expression, you must be with the spirit, mentally and physically.” And she put her two index fingers side by side, raised them up to her eye, and pointed them outward right to me.

Then she continued. “That’s what we as traditional Indian people try to live by; what our ceremonies are all about. Most never really touch the spirit, because they cannot get past the physical.” Then she paused, clapping the palms of her hands together.

In a split second, in a flash, I was aroused sexually. There was no controlling the surge rushing through my body. It felt as if six pairs of hands were fondling my body and leaving me in a quandary to understand where this stimulation had come from.

She laughed out loud. “Like I said, you can have a connection, and it can be stimulating but not be physical. You don’t even have to want me, and yet I can get through. There are forces!” she said, raising an eyebrow and giving me a quick, piercing glance and whispering. “Most never really touch the spirit, though. That’s too bad. Others can’t get past the mental, the logic of things. So, the spirit goes wanting, but it’s there. Women know it’s there. Some are starting to recognize and acknowledge it. Men better, too. Until everyone acknowledges the spirit, there will be much unhappiness, wars, all kinds of drug abuse, want, desires, hunger, unfulfilled love. There will be all kinds of violence against each other, against animals, against the earth and all of creation. These problems all produce hurt in the long run. Everyone has a path. Everyone! To be on your path you must understand the connections, have love and respect. To be off the path, there will be pain and confusion no matter what else you do. That goes for a country as a whole, and the world. That is were we are today. See what is happening all around. Things are changing. This is the time of the woman. She’s here where she can be seen or not, you can count on it. We are in the age of receiving and that’s feminine. We as Indian People have forgotten the status of women. Those who have gotten away from the tradition may act as if they don’t remember, but all of us know inside. Our memories are long, as long as the line of the generations. The elders have always passed on this knowledge. We have been told to never forget. So we remember and pass it on, too. With us there is no past, everything is now, and the only future is the generation to come. So we continue the ceremonies. To participate in them is to participate in the circle of life . . .the whole circle – seen and unseen. They remind us to maintain balance, to live in peace with each other, to honor the Creator, the

earth, to acknowledge and show respect for those forces I told you about. Some people have no ceremony anymore. To have no ceremony is to fail to remember just where human beings are in the creation.”

Nodding fondly in leaving, she added, “I know what you are doing. No need for my name. This has come from the elders and I can’t accept any of the credit.”

And she was gone. Leaving behind only the lingering warmth of her presence and the echo of her chuckle.

For a long time now I have continued to hear the words of that powerful yet gentle woman. They keep coming back no matter where I am or what I am doing; they are more than just a part of a memory of the October encounter. I hear her words in her voice. Especially what she said barely above the dim of the gathering as she walked away:

“You have heard the words of the elders, now all you have to do is take them to heart and pass them on.”

### **The Right to Confidentiality: A Key to Safety for Native Battered Women**<sup>141</sup>

The safety of Native women who have been battered or sexually assaulted is of utmost concern for advocates, law enforcement, court personnel, prosecutors and all who come into contact with them. A key step in providing safety for Native battered women is to actively ensure the confidentiality of information provided by Native battered women especially information about their identities and whereabouts.

Native communities these days are not well known for their ability to keep information confidential. The “Indian telegraph” (also known as “gossip”) is often the primary way that news about events and information about people in an Indian community is spread and broadcast so that “everyone knows what everyone else is doing.”

Traditionally, the “Indian telegraph” or passing information by word of mouth was the primary means of spreading news and information in a Native community. Storytelling was the way in which values and lessons were instilled and passed down from generation to generation. As a result of various oppressions (Spanish, French and American invasions in Indian country, etc.), the effectiveness of the oral tradition as a way to teach positive values and behavior began changing so that Native people began learning how to talk about each other, to gossip, rather than passing down values and lessons.

We can make changes in our communities around this type of behavior by upholding the confidentiality of Native women who are battered when they come to us seeking safety, security and protection. Some changes may be easily made through enactment of codes and laws. Others are not so easily made, because they are social changes that take time to evolve. It takes time for people to

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<sup>141</sup>Bird, Peggy L. Unpublished paper: 1999.

(1) become aware of what they are doing, (2) to understand how the importance of maintaining the confidentiality of battered women is directly affected by what they do, (3) to make changes in their own behavior, and (4) to take the necessary action to ensure the confidentiality and safety of Native battered women.

## **Strategies for Ensuring Confidentiality**

### *Privileged Communications*

First, what are “privileged communications”? Privileged communications are those communications between certain people that may not be brought into the public light, for instance, into court. Under U.S. law, one of the privileges widely recognized and established under common law was that of attorney-client, meaning that communications between an attorney and his/her client were privileged and those communications could not be brought before the court or disclosed to anyone.

Indian nations may look to their own common law, which consists of the laws and rules derived from their customs and traditions or from their tribal court decisions to see whether there were any types of privileges in existence traditionally or whether privileges have been created by court decisions. For example, it may have been customary in situations where people’s lives were at stake (for example, when enemies were attempting to locate the rest of the tribe by torturing someone) that communications and information would not be revealed or violated. There may have been an overall understanding in the Indian community that people could trust each another to ensure the safety and survival of the community. This type of understanding created a privilege that was upheld by all in the community.

Indian communities may create a statutory privilege for communications between battered women and advocates based on the need to ensure the safety and survival of women in the community. Battered women are in need of safety because in many instances they are running for their lives. The release of information about their whereabouts, their identities, their children or their lives may potentially lead to the batterer either finding them and killing them or to the batterer finding them to continue the battering. Through enactment of statutes or laws stating that communications between battered women and advocates are “privileged”, Indian nations will protect the confidentiality of battered women and will be taking huge strides toward ensuring their safety and the very survival of the Indian community.

Indian nations also have the option of looking to their tribal courts to create privileges that will ensure the confidentiality of battered women. Judges have the ability and authority to issue opinions and make decisions in these matters whenever advocates and/or prosecutors raise them in court. Advocates and/or prosecutors should be aware of these opportunities for assisting the judiciary to issue decisions that uphold the confidentiality of battered women, uphold the privilege of their communications and that prohibit the disclosure of information to ensure the safety of battered women.

### *Nondisclosure laws*

Indian nations also have the option of creating and enacting their own laws to specifically prohibit the disclosure of information obtained in communications between advocates and battered women. These nondisclosure laws or statutes go hand-in-hand with the laws creating privileges and are useful as tools for educating the tribal council about the importance of maintaining and respecting the confidentiality of such communications. With nondisclosure laws or statutes, the information provided by a woman who has been battered or sexually assaulted is kept confidential and may not be disclosed in court or any other forum unless the woman consents to the disclosure of her information.

#### *Policies and procedures*

Battered women often come in contact with many tribal agencies and programs in their search for help and safety. Information about a battered woman is obtained whenever she seeks a protection order, whenever she calls the police, or goes to court, whenever she applies for housing, financial assistance or employment, whenever she enrolls her children in school, obtains a post office box or goes to the hospital, IHS or local health clinic. All of this information has the potential of being revealed or disclosed unless the various agencies or programs take steps to put policies and procedures in place to recognize the need to protect confidentiality. The nondisclosure of information should also apply to the tribal council members and tribal administration as well as tribal agencies, programs, etc.

Today people are able to access most anything through the Internet. Such technological advances increase the danger that information that should be confidential can be released to the public. Through an awareness of these potential dangers and the adoption of procedural policies, staff training, strict adherence to policies and procedures followed by reviews and internal audits of those policies and procedures, the safety of battered women may be ensured by holding her information confidential, secure and in trust.

#### *Confidentiality for Victims of Sexual Assault*

Confidentiality concerns for victims of sexual assault are affected by the goal of the criminal justice system to prosecute the offenders. Advocates need to assure women who come to them for assistance that they will do all they can to keep the woman's information confidential. If the advocate is employed by either a prosecutor or the court, the advocate should be prepared to inform the woman who has been sexually assaulted that any information she provides has the potential for being used in court for prosecution purposes unless the tribal code or statute explicitly protects her information. This type of disclosure by an advocate will provide the woman with the option of deciding whether or not she will go forward and cooperate with the prosecutor or district attorney.

### **Concluding Remarks**

When law enforcement, the courts, prosecutors, advocates and other members of the criminal justice system can honestly tell a battered woman that they will protect and preserve the confidentiality of information she provides them, we will be making true strides toward ensuring her safety. Through enactment of laws, statutes and policies, the various tribal agencies and tribal programs will also be taking steps to hold batterers accountable for their actions. This accountability was

traditionally in place within each Indian community as we upheld the value of respect for each other and realized the sacredness of Indian women. Those values and realizations need to be more than words, we need to live them, to put them in practice so that they are once again the reality of our worlds where we are all related.

## Resources

*Protecting Confidentiality of Victim-Counselor Communications*, by Lynne A. Marks and Susan H. Rauch (1993) [often referred to as the “Confidentiality Manual”]. This manual is on file with every state domestic violence coalition. It was distributed by the National Center on Women and Family Law and is being revised and updated.

“Report to Congress: The Confidentiality of Communications Between Sexual Assault or Domestic Violence Victims and Their Counselors, Findings and Model Legislation”, U.S. Department of Justice (December 1995)

“Report to Congress: The Confidentiality of Communications Between Sexual Assault or Domestic Violence Victims and Their Counselors, Findings and Model Legislation”, U.S. Department of Justice (December 1995)

“Recognizing and Protecting the Privacy and Confidentiality Needs of Battered Women” by Joan Zorza, *Family Law Quarterly*, Vol. 29, No. 2, Summer 1995.

## Stalking

It is a widely held belief in Indian Country that prior to colonization, violence against women, such as stalking and domestic violence were not common problems.<sup>142</sup> The colonizing culture is characterized by an exploitation of power that arises from an imbalanced social and legal structure that is male-dominated and hierarchical.<sup>143</sup> Native communities in North America, on the other hand, traditionally embrace a society where there is a balance of power, not only among different clans or societies but also between men and women and elders and youth. This belief system created Native communities in which domestic violence and stalking were rare. In the unlikely instances when family violence did occur, it was addressed in such a way that kept it from becoming systemic. Native customs and strong laws created societies in which family violence was infrequent because the batterer’s use of violence simply did not work – he would have been unable to get what he wanted from it, and in fact, the community would ensure that he was always held accountable. For instance, in traditional Cheyenne society, wife abuse was grounds for immediate divorce, and the woman would return to her family (bringing any children with her).<sup>144</sup> There was also a strong possibility of retribution from the woman’s brothers and uncles.<sup>145</sup>

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<sup>142</sup>Debruyne, Lemyra; Beverly Wilkins, Karen Artichoker. “It’s Not Cultural: Violence Against Native American Women.” 89th American Anthropological Meeting, New Orleans, Louisiana, 1990, page 144.

<sup>143</sup>Murray, Virginia H. “‘Traditional’ Legal Perspective: A Comparative Study of the Historic Civil, Common, and American Indian Tribal Law Responses to Domestic Violence.” *Oklahoma City University Law Review*, 23 Rev. 433, page 13.

<sup>144</sup>*Id.*, page 16.

<sup>145</sup>*Id.*, page 17.

The influence of traditional non-Indian patriarchal views had a profound effect on many Indian people... United States government programs such as allotment, which divided Indian land into 160-acre plots given to a male head of the household, educational programs that taught men to be farmers and women to be housewives, governmental demands for a single “headman” to make decisions with the United States on behalf of a tribe, which centralized power in one individual – nearly always a man, and Indian inheritance and property laws that skewed traditional Indian notions. All of these were not only confusing to many Indian people, but reversed the traditional roles of men and women in many Indian communities.

*Virginia H. Murray, in “‘Traditional’ Legal Perspective: A Comparative Study of the Historic Civil, Common, and American Indian Tribal Law Responses to Domestic Violence”, Oklahoma, Oklahoma City University Law Review, 23 Okla. City U.L. Rev. 433, page 14*

In many tribes, membership is determined matrilineally,<sup>146</sup> indicating an official recognition of the importance of women. Many tribes accord women property rights, recognize female deities, and honor women with ceremonies.<sup>147</sup> In some tribes, there was no traditional pressure to stay in an unhappy union – if two people wanted to, they moved in together; if it stopped working out, they stopped living together.<sup>148</sup> The issue of how to take care of any children who were affected by the separation was generally resolved by the fact that children were the responsibility of the whole tribe, not just the biological parents.<sup>149</sup> Additionally, in many tribes custody of children automatically went to the mother almost exclusively<sup>150</sup> – using custody of the children against the woman was not a weapon available to batterers and stalkers. The place of children in traditional Native societies, where they were honored and respected as members of the tribe rather than used as property, was another way to stop violence against women before it happened.

Stalking is generally defined as harassing or threatening behavior that an individual engages in repeatedly, such as following a person, appearing at a person’s home or business, making harassing phone calls, leaving written messages or objects, or vandalizing a person’s property. These actions may or may not be accompanied by credible threats of serious harm, and they may or may not be precursors to an assault or murder.

If the unthinkable – an act of family violence – *did* occur, the community intervened - not just for the welfare of the individual, but for the benefit of the entire society.<sup>151</sup> Traditionally, any violence against a tribal member, be it family violence or otherwise, was seen as a threat to the harmony of the whole community. It was only after the introduction of a value system that attaches more im-

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<sup>146</sup>*Id.*, page 20.

<sup>147</sup>*Id.*, page 21.

<sup>148</sup>*Id.*, pages 19 and 25; and traditional knowledge passed down to Rebecca St. George of MSH-TA by family members (Anishinabe).

<sup>149</sup>*Id.*

<sup>150</sup>*Supra* note 135, page 19.

<sup>151</sup>Sacred Circle. *Role of Shelter and Advocacy Ending Violence Against Native Women*. Rapid City, South Dakota, undated, training institute manual, page 8.

portance to the gender of individual members of society (men) than to the welfare of all individuals as an integral element of a healthy society, that domestic violence, and with it stalking, became a major problem.

Stalking is generally defined as harassing or threatening behavior that an individual engages in repeatedly,<sup>152</sup> but legal definitions and public perceptions of stalking vary widely. In mainstream American society, the very idea of stalking as a crime is relatively new. The first anti-stalking law in the United States was passed in California in 1990; by 1993 all fifty states and the District of Columbia had passed some form of anti-stalking law.<sup>153</sup> In 1996, Congress made it a felony to cross state lines to stalk or harass an individual; it also became a federal felony to stalk or harass on military or US territorial lands, including Indian country.<sup>154</sup> It is unclear just how many tribal anti-stalking codes exist in the United States, but in June of 1999, a survey done by Mending the Sacred Hoop STOP Violence Against Indian Women Technical Assistance Project (MSH-TA) gathered the following information: of the approximately 150 tribes which were sent the survey, 48 responses showed that only 21 tribes had passed codes that address stalking.<sup>155</sup> So while the need for anti-stalking laws has been fundamentally addressed in the rest of the United States, the problem is still being officially ignored in most of Indian country.

Stalking cases that emerge from domestic violence situations constitute the most common and potentially lethal class of stalking cases. Domestic violence victims who leave an abusive relationship run a 75% higher risk of being murdered by their intimate partners.

- *National Crimes Victim Center*

The importance of having statutes specific to stalking lies in the fact that separate offense statutes are not able to address some of the basic components of stalking, such as its repetitive nature.<sup>156</sup> Even most harassment statutes, which are better able than other offense statutes to address stalking, are insufficient, most generally fail to address the act of following, which is a very common part of stalking behavior.<sup>157</sup> Stalking is different from many other types of criminal behavior because it involves a series of behaviors which, when seen individually, might appear benign. The patterns of a stalker's behavior can be obscure and complex enough to hide their lethality from the uninformed judge, jury, prosecutor, police officer, and sometimes even the victim.

In fact, stalking is a very dangerous crime. According to the Justice Department, "Husbands or partners who stalk their partners are four times more likely than husbands or partners in the general population to physically assault their partners, and they are six times more likely than husbands

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<sup>152</sup>*Stalking and Domestic Violence: The Third Annual Report to Congress Under the Violence Against Women Act*, Washington, DC: U.S. Department of Justice, Office of Justice Programs, Violence Against Women Grants Office (VAWGO) July 1998, NCJ-172204, page 5.

<sup>153</sup>National Crime Victims Center (NVC) web site [www.victimsofcrime.org/](http://www.victimsofcrime.org/) [http://www.victimsofcrime.org/]

<sup>154</sup>U.S. Attorney's Office. *Stalking – It's a Crime*. District of Maine: USAO, 1997

<sup>155</sup>For a list of tribes that have stalking codes with citations to their codes, see page 102.

<sup>156</sup>Bradfield, Jennifer L. "Note: Anti-Stalking Laws: Do They Adequately Protect Stalking Victims?". *Harvard Women's Law Journal*, 21 Harv. Women's L.J. 229. 1998, page 12

<sup>157</sup>*Id.*

and partners in the general population to sexually assault their partners”.<sup>158</sup> Stalkers kill 30% of the 4,300 women who are murdered each year,<sup>159</sup> and 17% of Native American/Alaskan women have been stalked.<sup>160</sup> It’s an obvious conclusion: Native women in this country are in constant and severe danger.

We want none of your laws or customs that we have not willingly adopted for ourselves. We have adopted many. You have adopted some of ours – votes for women for instance – we are as well behaved as you and you would think so if you knew us better.

*-Edward Ahenakew, Cree, 1920 Valencia-Weber, G., and C. P. Zuni. “Domestic Violence and Tribal Protection of Indigenous Women in the United States, St. John’s Law Review”, Vol. 69:69 (1995), page 125*

Rural women living on reservations face unique challenges when dealing with stalking. Not only are there generally a limited number of police officers that must cover vast distances to respond to calls,<sup>161</sup> but in addition, there are often unresolved jurisdictional issues about who will respond to calls on tribal lands. Many tribes do not have jails, so there is very little they can do to enforce laws. In addition to these complicated jurisdictional barriers, many Native women have limited access to telephones, transportation, emergency services or accessible roads, especially in inclement weather.<sup>162</sup> In addition, stalking can be hard to prove on a small reservation, since there aren’t many places a person can go (there may be only one road in and one road out), and the stalker can claim that he was merely going about his business, not stalking anyone.<sup>163</sup>

Many stalking survivors believe that the stalking stopped because they (the stalking survivor) moved away.<sup>164</sup> To many Native women, this self-imposed exile means that they must leave a highly developed support system made up of their extended families and community.<sup>165</sup> Being forced to move away is tantamount to being banished, which, for many Native people is the ultimate punishment.

Many people see stalking as a more gender neutral offense, than for instance, sexual assault or domestic violence. Indeed, some statistics indicate that only 80% of stalking victims are women,<sup>166</sup>

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<sup>158</sup>*Supra note 144*, page 15

<sup>159</sup>Lemon, Nancy K. D. “Domestic Violence and Stalking: A Comment on the Model Anti-Stalking Code Proposed by the National Institute of Justice”. Minneapolis, MN: Battered Women’s Justice Project, December 1994, page 1.

<sup>160</sup>Compared with 8.1 percent of women in the general population, and two percent of men. *Supra note 144*, page 8.

<sup>161</sup>Shilling, Susan, Jane Stuehling. *Stalking and Domestic Violence Manual*. Reading, PA: Pennsylvania Coalition Against Domestic Violence. 1995, page 95.

<sup>162</sup>*Id.*

<sup>163</sup>Phone interview with Paul Siewell, 9/13/99.

<sup>164</sup>*Supra note 144*, page 21.

<sup>165</sup>American Indian Women Against Domestic Violence, St. Paul, MN: Women of Nations.

<sup>166</sup>*Supranote 144*, page 10.

versus women being the victims in 90% of sexual assault<sup>167</sup> or domestic violence cases.<sup>168</sup> However, even acknowledging that stalking might be more gender neutral than domestic violence and sexual assault, the fact remains that men are more likely to be stalked by strangers or acquaintances,<sup>169</sup> while an intimate partner stalks the majority of female victims. This places stalking squarely within the sphere of domestic violence.<sup>170</sup> In fact, the overwhelming majority of stalking cases<sup>171</sup> are domestic violence cases,<sup>172</sup> and the level of violence in domestic violence stalking cases is higher than in other stalking cases.<sup>173</sup> Thus, women are generally in greater physical danger than men when they are being stalked, and stalking is hardly gender-neutral.

My boyfriend would park in my driveway and honk his horn; most times he would do this sometime after midnight.

I never considered this stalking. I felt that this was just him wanting to kiss and make up. I'd be living in a rural area without a phone, my fear was not wanting to upset him or make him angry, so I would let him in or talk to him through the door.

Today, I know it was a blatant form of stalking, and that law enforcement, and the court system should view this as such. Also battered women and advocates should know this.

- *Domestic violence & stalking survivor*

Developing and implementing domestic violence codes in Indian country is still relatively new; developing and implementing tribal anti-stalking codes is something that is barely into its infancy. It's an exciting time to be involved in codewriting in Indian country, while many tribal governments are superficially similar to the U.S. federal government, sovereignty and tribal values are continuously infusing themselves into the laws and procedures of tribes.<sup>174</sup>

When writing anti-stalking codes, it becomes exceptionally important to keep in mind that stalking is very complex, and using even a single word that might seem fairly unimportant can end up affecting the long-term safety of stalking victims. For example, using the term "implied threats" as opposed to "credible threats",<sup>175</sup> allows for the reality that some of the most chilling threats from stalkers are not directly stated, and they might not seem all that frightening to someone without knowledge of the history between the stalker and the victim.

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<sup>167</sup>Rape Abuse & Incest National Network web site <http://www.rainn.org/statistics>

<sup>168</sup>Greenfield, Lawrence A., et al. *Bureau of Justice Statistics Factbook: Violence by Intimates: Analysis on Crimes by Current or Former Spouses, Boyfriends, and Girlfriends*. Washington, DC, U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, March 1998, NCJ-167237, page v.

<sup>169</sup>Men stalk 90 percent of men who are stalked. *Supra note 144, page 144.*

<sup>170</sup>*Supra note 144, page 10.*

<sup>171</sup>(70-80%) *Supra note 159, page 7.*

<sup>172</sup>*Id.*, page 7.

<sup>173</sup>*Id.*, page 3.

<sup>174</sup>Valencia-Weber, G., and C. P. Zuni. "Domestic Violence and Tribal Protection of Indigenous Women in the United States". *St. John's Law Review*, Vol. 69:69 (1995), page 76.

<sup>175</sup>*Supra note 159, page 9.*

One requirement that some anti-stalking codes contain is that the stalker intended to inspire fear in the victim. In fact, some stalkers truly believe that the victim either loves him back or will learn to if he is persistent enough, and he has no intention of scaring her.<sup>176</sup> Instead of relying upon the intent of the stalker, the code should focus on the fact that the victim felt fear and that the stalking adversely affected her life. Some of the effects of stalking include “depression, generalized anxiety, obsessive-compulsive disorders... [and] Post-Traumatic Stress Disorder. A number of victims lose time from work, while some never return to work.”<sup>177</sup>

Nationally, 80% of protective orders are violated by stalkers,<sup>178</sup> and stalking is a behavior that typically escalates.<sup>179</sup> Thus, it seems imperative that violations of protective orders or repeated stalking should have a continuum of charges, including felony status.

Other things to consider including when developing tribal anti-stalking codes:

- incarceration in addition to fines;<sup>180</sup>
- stay-away orders;<sup>181</sup>
- victim notification before release of perpetrator;<sup>182</sup>
- not including release on one’s own recognizance;<sup>183</sup>
- including threats not just to the immediate family of the victim, but also to the extended family,<sup>184</sup> as well as to individuals in an intimate or romantic relationship to the victim as stalking behavior;<sup>185</sup>
- addressing visitation issues when there are children involved;<sup>186</sup>
- addressing non-verbal threats and the victim’s subjective understanding of such threats;<sup>187</sup>
- addressing the issue of sexual assault in threat requirements;<sup>188</sup>

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<sup>176</sup>*Supra note 151, page 14.*

<sup>177</sup>*Id., page 4.*

<sup>178</sup>*Id., page 9.*

<sup>179</sup>*Id., page 7.*

<sup>180</sup>*Supra note 159.*

<sup>181</sup>*Id.*

<sup>182</sup>*Id.*

<sup>183</sup>*Id., page 10*

<sup>184</sup>*Id., page 11*

<sup>185</sup>*Supra note 151, page 24.*

<sup>186</sup>*Supra note 159, page 13.*

<sup>187</sup>*Supra note 151, page 23.*

<sup>188</sup>*Id., page 25:* “Most anti-stalking statutes require that a stalker’s threat cause reasonable fear of death or bodily injury, but do not expressly allow fear of sexual assault to satisfy the threat element of stalking... Yet one only needs to look at the efforts to reform rape statutes to see that sexual assault can occur without physical injury. Moreover, a stalker’s threats may communicate the desire for sexual contact without alluding to violent contact.”

- pre-trial detention of stalkers;<sup>189</sup>
- inclusion of culturally appropriate means for dealing with the problem;<sup>190</sup>
- providing that the stalker know (or should know) that his actions cause fear or distress, rather than focusing on such actions being “willful” or “intentional”.<sup>191</sup>

Some current tribal anti-stalking codes contain many of these considerations. For instance, the anti-stalking code for the Confederated Tribes of Siletz Indians in Washington, defines “family” to include all household members as well as former or current sexual partners. It also states that in cases of stalking “it is objectively reasonable for a person in the situation to be alarmed or coerced.”<sup>192</sup>

The Hopi have introduced a definition of harassment that includes following, as well as unwelcome sexual propositioning, in their Family Relations Ordinance.<sup>193</sup> The ordinance also includes language (in Hopi) stressing that traditional values do not allow for family violence, and why. The Hopi code’s initial penalty for harassment is a protection order, but if the protection order is violated the perpetrator can be criminally prosecuted for contempt of court.

The Quileute Tribe in Washington makes stalking a felony the second time it occurs.<sup>194</sup> It also states in their code that a lack of intent to “frighten, intimidate, or harass” the person being stalked is not a defense to the crime. Nor is it a defense that the stalker was not given notice that the person being stalked did not want to be stalked. In fact, the Quileute anti-stalking code is one of the most thorough tribal anti-stalking codes to come through the MSH-TA office. It is interesting to note that the anti-stalking code is part of the harassment ordinance for the Quileutes. According to a tribal prosecutor there, it was easier to get the anti-stalking code passed by slipping it into the harassment ordinance: the tribal council saw stalking and harassment as issues that could affect them personally (tribal council members often get harassed), and so they passed them without much discussion.<sup>195</sup>

Many of the anti-stalking ordinances that were collected by MSH-TA include stalking as part of the definition for domestic violence, rather than defining stalking as a separate crime. In the tribes that do define stalking as a separate crime, the penalty for stalking varies widely.<sup>196</sup>

Unfortunately, even a well-written anti-stalking code will do nothing to protect stalking victims if there is no intervention and involvement from the justice system after such a code has been passed.<sup>197</sup>

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<sup>189</sup>*Supra note 151, page 27.*

<sup>190</sup>*Supra note 166, page 95.*

<sup>191</sup>*Supra note 151, page 26.*

<sup>192</sup>*Supra note 148, Confederated Tribes of Siletz Indians Domestic and Family Violence Ordinance, Part 5, adopted 1999, resolution #99-218*

<sup>193</sup>*Supra note 148, Ordinance No. 50, Hopi Family Relations Ordinance of the Hopi Tribe, Subchapter 1, §5.01*

<sup>194</sup>*Supra note 148, Resolution of the Quileute Tribal Council No. 98-A-64, §1.13, enacted 1998*

<sup>195</sup>Phone interview with Paul Siewell, 9/13/99.

<sup>196</sup>*Supra note 148.*

<sup>197</sup>*Supra note 151, page 32.*

Of those that were interviewed by MSH-TA about their tribal anti-stalking codes,<sup>198</sup> the only advocate who had seen her tribe's code used just once said that it had not gone particularly well; the court refused to see the issue as a problem, because the victim kept returning to the perpetrator. When the same person was interviewed six months later, she said that stalking had come up one more time, but she didn't know what the outcome had been, as the woman being stalked had left the area (for a variety of reasons, not just the stalking).<sup>199</sup>

Good work has been done in beginning to address stalking in Indian country, but there is still much left to do. As we continue to work toward violence-free communities where women are sacred, it is of utmost importance that we keep the issue of stalking in the front of our minds.

Tribes With Stalking Citations To Codes:

Apache Tribe of Oklahoma Domestic Violence Protection Code, Section 2  
Bay Mills Indian Community  
Cheyenne – Arapaho Domestic Abuse and Family Violence Code, Section 102, enacted 1997  
Cheyenne River Sioux  
Chippewa Cree Domestic Violence Code, Chapter 2, section 213  
Confederated Tribes of Siletz Indians Domestic and Family Violence Ordinance, Part 5, adopted 1999, resolution #99-218  
Fort McDowell Indian Community  
Fort Mojave Tribal Code, Section 364  
Ordinance No. 50, Hopi Family Relations Ordinance of the Hopi Tribe, Subchapter 1, §5.01  
Kickapoo Tribe in Kansas Domestic Violence Code, Chapter 2  
Lac du Flambeau Band of Lake Superior Chippewa  
Lower Elwha Klallam Tribe Domestic Violence Code, section 9.26.1, (2)(o), (EJC 9.5.13)  
Navajo Nation  
Northern Cheyenne, Offense Against the Family, Chapter 5, Title VII, #7-5-11  
Oglala Sioux Tribe  
Poarch Band of Creek Indians, The Domestic Violence Code, §8A-2-5, enacted 1997  
Quapaw Tribe of Oklahoma  
Quileute Tribe, Resolution of the Quileute Tribal Council No. 98-A-64, §1.13, enacted 1998  
Sac & Fox Nation  
Saginaw Chippewa Indian Tribe  
Seneca Nation of Indians  
Turtle Mountain Band of Chippewa  
Two Feathers ICWP Consortium

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<sup>198</sup>Phone interviews with: Nicole Miani with the Confederated Tribes of Siletz Indians, 9/14/99; Teresa Cooney with the Quileute Tribe, 9/8/99; Andrea Myers of the Lac du Flambeau Band of Ojibwe, 9/13/99; Kim Crampton of the Saginaw Chippewa, 10/11/99; Bill Bigheart with the Miami Tribe of Oklahoma, 9/13/99; and Barbara Bear with the Fort Mojave Indian Tribe, 9/9/99.

<sup>199</sup>Phone interview with Barbara Bear, now Barbara Riggs, with the Fort Mojave Indian Tribe 9/9/99, personal discussion 4/7/00.

## **Responding Appropriately to Survivors of Lesbian Sexual Assault: Service Provider Self-Assessment Questions**

Lesbian sexual assault is any sexual activity by one woman against another, without her consent. Lesbian sexual assault is more than women to women rape, it is sexual violence where the mechanism of force and power is connected to the lesbian or bisexual identity of either the assailant, the victim or both.

Service providers have a responsibility to prepare thoroughly for their work with survivors of lesbian sexual assault. It is critical to approach counseling and advocacy with lesbian survivors for the standpoint of unequivocal clarity that lesbian rape exists and no lesbian/bisexual woman deserves to be raped. No matter what the value system or training background it is impossible for anyone to function in this society without having internalized some misinformation about rape, about lesbians and about lesbian sexual assault. This misinformation may surface during interactions with lesbian survivors—even if at an unconscious level. Uprooting this misinformation so that it does not interfere when interacting with lesbian survivors requires constant vigilance on the part of advocates and counselors.

The questions outlined below serve as a starting point for clarifying feelings, values, assumptions, biases and attitudes about lesbian sexual assault.

*For All Service Providers/Counselors/Advocates:*

1. What generalizations do I tend to make about lesbians?
2. Do I think that lesbians are lesbian because they have been sexually abused?
3. How much do I focus on lesbian identity of a client?
4. What was my first verbal, non-verbal and internal response to a client saying she is a lesbian?
5. Do I use inclusive language?
6. What are ways I assume heterosexuality of women and how do I communicate that?
7. What do I think is acceptable or unacceptable lesbian behavior?
8. What do I know about lesbian sexual assault and healing from sexual assault? How do I communicate that?
9. What do I know about sexism and how it promotes rape culture? How do I communicate that?
10. What do I know about other forms of oppression (racism, classism, anti-Semitism, ableism, heterosexism, etc.) and how they interact with sexism? How do I communicate that?
11. Do I believe a woman can rape another woman?

12. Could I see a lesbian perpetrator of sexual assault as dangerous?
13. What was my first verbal, non-verbal and internal response to a client saying she is a survivor of lesbian rape?
14. What makes me uncomfortable about lesbian sexual assault?
15. How am I challenging that discomfort to make myself more accessible to survivors of lesbian sexual assault?
16. What do I know and not know about lesbian sexual assault?
17. What do I do, and not do, about lesbian sexual assault?
18. What am I afraid to do and/or know about lesbian sexual assault?
19. Where do I get my information about sexual assault and lesbian sexual assault in particular?
20. How do I continue my learning, get input around sexual assault and lesbian sexual assault?
21. What are the pros and cons of my current approach to working with lesbian sexual assault survivors?
22. Do I want to change in this area?
23. If so, how will I go about accomplishing that change?

*For Heterosexual Service-Providers/Counselors/Advocates*

1. What attractions towards other women and lesbian culture have I experienced in my life? What has this meant to me and how have I dealt with it?
2. What is my comfort level with lesbians including family, co-workers, clients, friends and system professionals?
3. How many lesbians do I know?
4. How many lesbian clients have I seen?
5. How many of my co-workers have been lesbians?
6. What leads me to suspect someone is a lesbian?
7. What do I know about lesbian culture?
8. Would I tell my family that my best friend is a lesbian?
9. Do I only rely on lesbian clients, lesbian co-workers or other lesbians to educate me?

10. Do I find myself feeling sorry for her simply because she is a lesbian?
11. As a heterosexual woman, am I respectful of my clients' confidentiality within the lesbian community?
12. How does my heterosexual privilege (add class, race, age, as appropriate) interfere with my ability to work in a non-judgmental fashion with lesbian clients?
13. What am I doing about this?

*For Lesbian Service-Providers/Counselors/Advocates*

1. Do we believe that lesbian sexual assault exists?
2. When we define our community, do we recognize lesbian sexual assault survivors as among us?
3. When a community member discloses lesbian rape, do we focus our attention on whether she is telling the truth or do we believe her?
4. When we hear of lesbian sexual assault, do we:
  - Consider ways of holding the assailant accountable?
  - Consider what may help the survivor maintain control over her experience?
  - Work toward dialogue about the issues in general, rather than the specifics of this particular incident?
5. Have we challenged lesbian and mainstream resources that are committed to acknowledging lesbian sexual assault?
6. Have we asked our local rape crisis center or lesbian community center to provide us with education and an opportunity to talk about the facts of lesbian sexual assault, how to reduce our risk and what to do if we know a lesbian rape survivor who needs support?

## **Challenges of an Advocate: Working with Battered Women and Mental Illness**

I am an advocate because I believe every woman deserves to be safe. When I became an advocate, I brought with me my experiences as a formerly battered woman, my expectations of how advocacy should be provided and a limited view of who battered women are.<sup>200</sup>

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<sup>200</sup>Much of what I draw on in this paper comes from my experience working at Women's Transitional Housing Coalition, Inc., a transitional housing program providing temporary housing in Duluth, Minnesota to battered women and their children from 1989 to 1996.

remember Sarah. I gave her rides to Women's Education Groups. She wanted to talk a lot. I would sit in the car after the meetings talking with her about how sad she was to have left her reservation and her family. I sat listening to her struggles, the loss of her marriage, the loss of her children, the loss of her community, the loss of herself. I was scared when she told me she wanted to kill herself for a very long time. I didn't know how I could keep her safe. She slashed her wrists and luckily, ended up in the hospital.

## **Our Discovery**

Working in a domestic violence advocacy organization, in the early years of its development, women came to us with varying experiences of physical and emotional abuse. Some of the women came to us with experiences of having been abused and raped as children and younger women. In addition, some of the women also lived with a range of mental illness, some resulting from the abuse they suffered as children, some as a result of physical chemical imbalances, and some with mental illness stemming from both. We found that we were least prepared for working with the women who had issues related to mental illness.

Our organization quickly realized we needed ideas on how to address the intersection of domestic violence and mental illness. In gathering this information, we looked at the ways in which some other domestic violence programs were providing advocacy to women with a wide range of mental health issues including depression, schizophrenia, borderline and multiple personality disorders. We quickly learned that many of the agencies we turned to for guidance were as unprepared to work with women with mental illness as we were. One of my greatest challenges as an advocate came from attempting to balance my personal limitations with the needs of battered women living with major mental illness. I was not formally educated to work with mental illness and did not know the complex ways it impacted women's lives on a daily basis nor did I know how to effectively respond to help them make decisions to broaden their safety as battered women.

One of my greatest challenges as an advocate came from attempting to balance my personal limitations with the needs of battered women living with major mental illness. I was not formally educated to work with mental illness and did not know the complex ways it impacted women's lives on a daily basis nor did I know how to effectively respond to help them make decisions to broaden their safety as battered women.

Janice was so smart. She could do almost anything she wanted. She was a loner trying to build her life, working part time, escaping a lifetime of abuse. No children, no family. I was stunned to find out she was drinking to quiet the voices talking to her through the walls of her room. I had no idea what to say to her or what to do for her. She couldn't take it anymore and left in the middle of the night.

Mental illness covers a wide range of disorders, sometimes categorized as minor or major. This distinction, though clinically significant, makes no difference to the person experiencing the symptoms of mental illness. Major mental illnesses present obvious and undeniable signs and symptoms, both to the person experiencing them and to those observing them. They are chronic and/or recurrent, and are often severe enough to prevent a person from working, playing and fulfilling

responsibilities.<sup>201</sup> The women we worked with who were experiencing mental illness varied in their personal understanding of the mental illness that affected them. Some women had been diagnosed as having a specific mental illness by a psychiatrist, had accepted this diagnosis, and were cooperating with medical treatment. Other women had been diagnosed, found the diagnosis unacceptable and were resistant to medically addressing their symptoms. Still others were undiagnosed, but aware of their symptoms and willing to take some steps to exploring them, while some were resistant to looking closer at their symptoms. And then there were some women we worked with who were misdiagnosed because they were reacting to the violence in their lives. In working to address the issue of how domestic violence and mental illness intersect; our staff was painfully aware of our limitations, realizing we lacked a broader understanding of mental illness and its many variations.

A particular challenge we faced concerned women who were diagnosed with mental illness who were not mentally ill. These women were reacting to the violence in their lives and got caught in the net of a system that historically enlisted a psychiatric response to women's emotions and behaviors. Suspecting that some women might not be mentally ill, it was daunting to think of working to undo professional opinion. What if we were wrong? It could have grave consequences for women.

We realized we did not have the knowledge or working experience to guide us in helping women expand their choices. However, we believed we could find a way to be effective in helping battered women with major mental illness, and that we had a responsibility to assist women who were wrongly labeled mentally ill. We were forced to critically examine not only the way we did our work, but ourselves. Of the utmost importance, I believe, was our staff's desire to work vigorously to answer some hard questions:

- Does a battered woman who has a major mental illness deserve safety any less than a woman who does not have mental illness?
- How can we respond to women with mental illness?
- How do we separate when women are reacting to domestic violence in their lives from when they are exhibiting symptoms of mental illness?

Many shelters have rules that guide their work with battered women with major mental illness, or limit whether they work with them at all. For instance, some shelters have rules stating they will not work with women who have certain kinds of mental illness, because of the organization's inability to assess how effectively she is managing her mental illness or what support resources are available to assist her. Another shelter may require a woman with a major mental illness to be on medication before she can enter the shelter. Others will not take a woman into shelter if she is on medication. Because advocates lack clinical training, many programs avoid advocating for battered women who they suspect might have been misdiagnosed.

The countless circumstances confronting issues around mental illness raise some questions:

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<sup>201</sup>Sullivan, Colleen. *The Realm of Major Mental Illness*. <http://www.healingwell.com/library/depression/sullivan4.asp>. 1998.

- Are advocates medically qualified to make these determinations about women seeking shelter?
- How many women are excluded from shelter services because of rules like those previously stated?
- What is our role as advocates in working with women with mental illness?
- How do we work with someone who we think might be misdiagnosed?

Many shelters have a range of rules to guide them when they work with issues of mental illness, however, these rules often do not cover the women who have not been diagnosed, those who have the least amount of support in dealing with their mental illness. Further complicating the issue, there are times in shelter work where no rules exist to guide us. Some advocates find little direction on how to approach their work with women who have been misdiagnosed; they pose a challenge to advocates who often decide not to get involved in order to avoid making serious mistakes. Often it is left to the discretion and comfort levels of advocates to determine whether or not or how long such women are sheltered.

### **Our Commitment**

Our organization's first step was to acknowledge our own limitations as advocates; we recognized our lack of experience, knowledge and formal training. In addition, we recognized our lack of policy and protocols to guide us in our work. This awareness created room for us to examine how we should shelter battered women diagnosed with mental illness.

Some of the questions we put to one another were:

- Should we shelter battered women with mental health concerns? How does this decision coincide with our underlying philosophy for our work?
- If we do, how do we ensure her safety?
- How do we assess whether a battered woman has a mental health concern?
- How do we respond when we think a woman might have been misdiagnosed?
- How do we respond to issues related to prescription medications?
- What are the resources available to us in doing this work?
- What policies or rules should we have in place to guide us in this work? Who benefits from our policies and rules, battered women or staff?

Our organization revisited our commitment to working with battered women, and decided that women with major mental illness or who were dealing with mental health issues must have the same access to the safety resources afforded women without mental illness. We looked closely at the motives behind what we were doing or not doing, examining them at many levels and assessing

their impact on women and children seeking safety from abuse and rape. It was important for us to not create another oppressive environment that would impose our own ideas and solutions on women who were already being oppressed by their batterers and a society that did not support them. In addition to being challenged by our lack of knowledge and experience, we were faced with recognizing the personal judgments and stereotypes we carried and sometimes placed on women. Our role as advocates was to work from an informed position to help women expand their choices. Central to this work was the ability to examine it through the filter of our philosophy and organizational vision, and this included examining able-*ism* as another form of oppression. We acknowledged that in our society, sexism permits and reinforces violence against women and identified able-*ism* as a component of sexism in that it defines women living with mental illness as flawed and throwaways in our society. Our efforts were critical in maintaining the dignity of women coming into shelter, ensuring that we did not unjustly use our position of authority and privilege to impose in women's lives.

In order for us to provide credible advocacy, we had develop a plan to ensure that our advocates were effectively prepared to respond to women with issues of mental illness, whether it was diagnosed, undiagnosed or misdiagnosed.

This included:

1. Creating strong working community relationships.
2. Providing staff development.
3. Developing policies and procedures that accommodated the unique nature of our organization and its limitations.
4. Transformation work with women.

### **Building Community Relationships**

Our organization identified the community resources available to us. They included resources that provided therapy, psychiatric care, in-patient/outpatient care for a variety of mental illnesses, day programs and independent living support. We spent time visiting the programs and learning about what they had to offer and how they might be a match for us in working with battered women. We shared information with them about working with battered women and how domestic violence might be a factor in lives of the women they served. When we discussed the best way for us to make referrals, we used *what if* scenarios from our work at the shelter in order to learn how to utilize their resources as practically as possible. We also explored issues that related to each resource's ability to work with Native women and women of color, women with substance abuse issues, women with children and children with mental illness.

Kelly seemed to have no spark in her eyes. She survived a lifetime of being raped and beaten for being Indian and struggled to stay alive. I talked with her when she moved in about how this was a safe place. I let her know that if she had thoughts of suicide, we wanted her to tell us so we could work with her to keep her safe. I told

her that if she did try to kill herself, we would know that she would need more than we could offer her here and we would help her find other arrangements. She came to that place of wanting to kill herself. She told me she had a plan. We were ready and knew what to do. I talked with her and she agreed not to kill herself today. She went with us to talk to a crisis counselor and together, the three of us identified resources to support her as she moved through this hard place.

We developed partnerships. In our work with women, we became part of a community team that extended support and safety to her and her children. Our partnerships gave us access to the technical expertise and problem solving that we lacked. In addition, we had a more complete understanding of what they had to offer the women we worked with so we were able to make more effective referrals. This strengthened our ability to help women access their services faster. Our relationship strengthened our ability to raise issues around our concerns of how women were being diagnosed, medicated and treated. While we recognized our lack of formal clinical training, we came to appreciate our closer relationship with women and were able to help them be heard.

Our community partners received a benefit as well. They gained a greater understanding of the dynamics of domestic violence and the complexity of creating safety for battered women. This strengthened their work with women with mental illness who were also battered women, and they became more perceptive at being able to recognize manipulation and interference by a batterer. Overall, we were able to create a safer response for some of the battered women we served.

### **Developing Our Staff**

Through exploring community resources, we were able to identify areas of in-service and community training for staff. We looked at the organizational resources available to us and made decisions about how staff should be trained. This included looking at what level of training was necessary for all staff, and ascertaining what intensive training for staff with closer contact was needed. In addition, we developed an ongoing staff development plan that enabled staff to remain current on the issues and accommodated staff turnover.

We identified a range of trainings, this include learning about specific mental illnesses such as borderline personality disorders, multiple personality disorders, chronic depression, and bi-polar disorder. Beyond the actual illnesses, we also learned about other general issues as well. We attended training on crisis intervention and management, grief and loss issues, supporting independent living, issues related to other major life challenges, ethics and liability.

### **Creating Policy and Procedure**

A significant challenge was to develop policies and procedures that facilitated the values and philosophy of the organization and provided for the enhanced safety of all involved. We created policy that determined how we interacted with therapists and psychiatrists and how information was shared. We also had a policy that did not permit women to commit suicide while in the program. It sounds strange, but it basically forced the issue, and gave us an opportunity to talk with women before they found themselves in trouble. We used the policy as a means to discuss some of the hard issues facing women and began building a relationship of trust with them. Further, developing a

strong confidentiality policy helped to protect women with mental illness from having their diagnosis used against them, labeling them as incapable, unable to parent well, not able to following through with expected details, incapable of living independently and more. Working in a small office, it was important for staff to adhere to communication boundaries about women's private information. In order to protect privacy, the staff was given information about individual women on a need to know basis. This guarded each woman's privacy so that it couldn't be accessed and used by an abusive partner, community members or community professionals.

In addition, we designated two advocates for each woman, a main advocate and a backup. When things got hard, both advocates knew enough about what was going on to help develop effective responses. The advocates also had the support of the full staff to problem solve and develop strategies in their work with women. When things got complicated, it was helpful to bring in a fresh set of eyes to examine the issues.

### **Transforming Women**

Our role as advocates is to create societal change that will end violence against women. In working with issues of mental illness, we had to look at the way women are defined by society, both historically and currently, drawing connections between violence and the oppression of women. We engaged women in examining the societal supports for able-ism and who it benefits. We also gave women as much information we could, information that helped them to take an active role in deciding the direction of their lives. We actively partnered with the women we worked with. Recognizing they knew more about what was happening in their lives, we worked with them in a way that reflected our belief in their ability to direct and make choices in their lives.

Carla had had such a hard life and was working so hard to pull things together. When I first met her, she told me that she had a multiple personality disorder. I was ready to work with her when she arrived. She gave me permission to talk to her therapist. I had been educated on community resources and felt comfortable in using them. I knew some of the basic ways to interact with her at key points. I have known her for years now. I think we did a good job in working with her.

### **Conclusion**

I have learned a lot from working with women with mental illness. I think of major importance has been discovering my own limitations and learning to partner with others who can fill the gaps. While we turned away very few women with major mental illness, we did turn away some. We made our decisions by looking carefully at why we were doing what we were doing, and asking difficult questions. The answers were not always easy. As an advocate, I work hard at taking responsibility for being ready to work with the women we serve. My life is changed because of them. The fear and insecurity I once experienced when a woman I worked with had a form of mental illness is gone. It is replaced with a confidence, one that does not assume I know all the answers but one that knows how to find and use the support available to me.

*-By Victoria Ybanez, Women's Advocate, MSH-TA Faculty*

## **Facts about Alcohol Abuse and Domestic Violence<sup>202</sup>**

- Battering is a socially learned behavior and is not the result of substance abuse or mental illness. Men who batter frequently use alcohol abuse as an excuse for their violence. They attempt to rid themselves of responsibility for the problem by blaming it on the effects of alcohol.
- Many men who batter do not drink heavily and many alcoholics do not beat their wives. Walker's 1984 study of four hundred battered women found that 67% of batterers frequently abused alcohol; however, only one fifth had abused alcohol during all four battering incidents on which data was collected. The study also revealed a high rate of alcohol abuse among non-batterers.
- In one batterers program, eighty percent of the men had abused alcohol at the time of the latest battering incident. The vast majority of men, however, also reportedly battered their partner when not under the influence of alcohol.
- Data on the concurrence of domestic violence and alcohol abuse vary widely, from as low as 25% to as high as 80% of cases.
- Alcoholism and battering do share some similar characteristics, including: both may be passed from generation to generation—both involve denial or minimization of the problem—both involve isolation of the family.
- A battering incident that is coupled with alcohol abuse may be more severe and result in greater injury.
- Alcoholism treatment does not “cure” battering behavior, both problems must be addressed separately. However, provisions for the women's safety must take precedence.
- A small percent (one to fourteen percent) of battered women have alcohol abuse problems which is not more than found in the general female population. A woman's substance problems do not relate to the cause of her abuse, although some women may turn to alcohol and other drugs in response to the abuse. To become independent and live free from violence women should receive assistance for substance abuse problems in addition to other supportive services.
- Men living with women who have alcohol problems often try to justify their violence as a way to control them when they're drunk. A woman's failure to remain substance free is never an excuse for the abuser's violence.

## **Native Men Who Use Violence**

### **Batterer Re-education vs. Counseling**

In the early 1980s most counseling programs were not set up to work specifically with batterers and were ill prepared to address men's violence within a context that views violence against women

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<sup>202</sup>Information supplied by The National Woman Abuse Prevention Project.

as the use of male privilege to gain power and control over relationships. At this time, therapists and counselors saw domestic violence as a symptom of a dysfunctional relationship, and believed the batterer's anger, stress, or poor impulse control to be the primary cause of his violence towards his partner. Couple counseling, anger management, and developing communication skills were the methods of intervention at this time. Conversely, battered women reported that participating in therapy or counseling created more fear and isolation in their lives; many reporting that they were beaten after revealing the abuse during a counseling session or intimidated into silence about the abuse because of their partner's presence.

In addition, many women found that therapists focused on the idea that the woman carried half the responsibility for the abuse, stating (directly or indirectly) that she contributed to the violence by instigating arguments or "nagging" the batterer into hitting her when he was in a bad mood. Therapy sessions involving both parties focused on the woman learning new ways of communicating, including learning how to avoid stressful situations with her partner and to help him diffuse his anger by giving him cues about his "triggers", certain behaviors or incidents that make him violent. These first non-violence programs used the above anger management models, but quickly discovered from battered women that anger was not the batterer's primary problem, rather, the underlying problem was the belief system that allowed him to assault his partner.

Today, many programs still use couple counseling and therapy as the basis for intervention, even though some therapists trained in the dynamics of domestic violence are acutely aware of the dangers involved in working with batterers in this way. Therapy is a useful tool when legitimate psychological problems exist; however, therapy is an overused and inappropriate method of addressing men's violence. Sometimes the only resource available to reservation communities is social services, while the nearest mental health program is usually a non-Native therapy based program, located off the reservation. Some of these programs fail to meet the needs of batterers and focus on the secondary or contributing causes of his use of violence. When such therapy fails to stop the violence, tribal courts react with disbelief. "Why does he still abuse women after going to counseling?" Many batterers manipulate their therapist, soliciting support and understanding by presenting the likeable and respectful side of themselves. It is highly unlikely that the batterer will be confronted about his violent behavior when the therapist only sees him as a polite charming man. All too often, batterers benefit from a psychological diagnosis: they use it to hide their violence and request that letters of sympathy be sent to the court stating that their problem is psychologically based and beyond their control. When batterers given a psychological diagnosis, they carry that label everywhere they go to gain support. Having a particular diagnosis also allows him to avoid responsibility for terrorizing his partner and children. Batterers learn a new language with which to frame their violence. For example, "My therapist said I'm dealing with trauma from when I was a kid". Batterers benefit from one-on-one therapy sessions, they allow them to keep the violence private, while attending a men's reeducation group, on the other hand, makes the violence a public issue.

Batterer's re-education programs are designed to teach violent men to take responsibility for their violence and the impact of their actions on their partners, children, family and community. When well-trained workers develop batterer's programs, these programs serve several purposes. They assist the community in shifting its belief system away from blaming the woman by placing responsibility on the batterer to stop the violence. Batterers learn that the concept of ownership of women

and children comes from a European belief system and is supported by the patriarchal system (also European) that is too prevalent in Native communities. Men in batterer re-education programs have the opportunity to learn non-violent behaviors and to reconnect with traditional values that include strong sanctions against violent behavior and recognize the sacredness of women.

Effective men's groups should be lead by a male and female facilitator, preferably from the community. Both facilitators are essential to the group process; they maintain balance and avoid the collusion that can occur when only a male facilitator is present. Recruiting community members to lead men's group is important in that it shows that communities can develop their own programs to meet their specific cultural needs. It also acknowledges the community's role in stopping men's violence against women and children.

## Developing Men's Non-Violence Programs

### Overview of Men's Programs

Groups for men who batter may go by different names: *anger management*, *counseling*, *batterer treatment*, *men's re-education classes*, or simply *men's groups*. The name of the group often describes the focus and content of the group; for instance, *anger management* states a focus on the perception that anger is at the root of intimate partner violence. *Batterer treatment* implies that the group will use a mental health /therapy approach to intervention; *men's re-education* implies that violence is a learned behavior and can be un-learned through the group process, while calling them *men's groups* is ambiguous enough to include a wider focus not only on men who use violence, but on men as a whole. This being said, it is important to remember when developing a program to address men's use of violence in intimate partner relationships that the name is less important than the program philosophy and the issues addressed in group.

Effectively designed groups for men who batter will offer participants tools similar to those used in anger management, counseling and therapy by incorporating skill-building techniques, but they also include the crucial element of examining beliefs on gender roles, the right to use violence and other control tactics, and how these beliefs affect intimate relationships. In early attempts to address domestic violence, men were commonly sent to or mandated by courts to complete anger management classes. Anger management teaches skills that help members control their responses in conflict situations. The philosophy behind using anger management to address domestic violence is that if men can manage their anger they will not resort to using violence in their relationships and will not physically assault their partners. However, while anger is an obvious emotion present in most violent situations, it is not the cause of men's violence towards women. Anger, like violence, is a tool used to maintain control over the relationship. Men's programs must address the underlying societal beliefs that give permission to men to use anger and physical force to get what they want.

Counseling and family therapy approaches each attempt to get at the root of unresolved issues that cause problems in relationships. Each makes an effort to discover the cause of conflict, examining family dynamics and stressors that could be contributing to the use of violence in the relationship. The focus in these approaches is usually on the individual and how they respond. They use skill building techniques similar to those taught in anger management groups like identifying individual

anger “triggers”, developing communication, and learning to compromise. With their emphasis on cooperation and compromise, counseling and family therapy assume a balance of power between partners that doesn’t exist in violent relationships, and by focusing on the individual and how they respond, these approaches too often can be used to blame the woman for the violence she experiences, while overlooking the batterer’s use of violence as a means of control.

Mediation is often viewed as a friendlier approach to handling conflicts as opposed to using the court system to resolve disputes. However, because mediation assumes that both parties enter into the process with equal power and will negotiate in good faith, it does not address the batterer’s tactics of power and control, or the woman’s safety. It is for this reason that mediation should not be used as part of men’s programs.<sup>203</sup>

Programs for men who batter their partners commonly refer to their groups as educational rather than counseling or treatment. Although the group process is therapeutic by nature, the goal is to provide education on having respectful relationships. The educational approach is based on the belief that violence is a learned behavior that men use in order to control a relationship and that violent behavior can be un-learned.

It is important to look at the issues of domestic violence in a larger context, identifying the root of the problem in order to find solutions. The social harmony and balance intrinsic to Native society has been disrupted by colonization, creating changes in the environment, in the animals, and in society. It has affected our communities, families, and individuals in ways that range from spiritual disconnectedness and drug use to violence and disrespect for those around us.

When we realize our crucial place in the circle of life, we look things differently. Diverse teachings illustrate that Native people tried to live in a way that held all living things in the highest regard. Rocks, trees, water, plants, and animals are part of the same circle that humans share, that is why permission was asked before taking an animal’s life or using any of these elements. For instance, when we return to balance, we understand how important water is to giving and maintaining life, and we do not pollute the rivers. When we understand the importance of forestlands to give shelter and oxygen to all creatures, we use this resource sparingly. When society values life, we don’t kill our animal brothers for recreation, nor do we use domestic violence to harm our human sisters.

The lack of connection with the natural environment has created imbalance. People no longer have the connection with the environment that creates a close relationship with the natural world. Most people don’t have to fetch water from a spring or go into the fields or woods to find food. The values of the larger society have changed us; our teachings about our relationships with all living things have been altered or bypassed for other values. Much of the work in Native men’s groups emphasizes our relationship with family and community by incorporating traditional teachings of respect, acknowledging and honoring the roles of men and women, bringing us closer to a balanced way of living.

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<sup>203</sup>For more information on mediation, see The National Coalition Against Domestic Violence position paper on mediation in cases involving domestic violence on p. 138, or visit Batter Intervention Services Coalition of Michigan web site listing state standards at [http://www.biscmi.org/other\\_resources/state\\_standards.html](http://www.biscmi.org/other_resources/state_standards.html).

When developing a men's program it is important to have facilitators that agree with the program's basic philosophy. Programs for men who use violence must address the fact that a man's use of violence against his partner is about power and control; programs should not use couples counseling or mediation. The discoveries made in understanding the dynamics of domestic violence during the 70s and 80s clearly show that violent relationships are characterized by an imbalance of power. The batterer uses violence to keep control and power over his partner. Methods that approach a conflict situation assuming that both parties have equal footing or bargaining power will usually help reinforce the batterer's power and authority over the woman and will sometimes compromise her safety further if she is too forthcoming about the abuse and the batterer is threatened by her disclosure.

Safety for women needs to be a primary concern in any program developed for men who use violence. Whether the program will be working with men one-on-one or within group settings, safety procedures need to be established so that when protection order violations are disclosed in-group or there are concerns over escalating anger, a woman's safety needs can be addressed. Coordinators of a program or facilitators of groups should have a relationship with courts, law enforcement, and advocates to help deal with such problems as they arise. This can be accomplished by developing well thought out and meaningful working agreements, such as memorandums of understanding or cooperative agreements that specifically outline the types of information that will be shared and under what circumstances.

Accountability for the use of violence must also be a part of the men's program. Men who are mandated to complete a men's non-violence program are ordered to do so because they use violence against their partners, regardless of whether they acknowledge this fact. Establishing an environment where men can acknowledge and be open about their use of violence is a key factor in changing their behaviors. Men's programs must create ways to do this without minimizing the violence or colluding with the participants.

Programmatically, groups for men need the support of the courts to ensure that sanctions are imposed when men do not complete classes or the program is having difficulty with certain individuals. When programs for men who batter are connected with court systems in a meaningful way they can help ensure compliance with court orders by reporting violations of court orders back to a judge, prosecutor, or probation officer. Some men will be resistant to the program and may present obstacles for coordinators and facilitators. In this case, if a program chooses to extend the amount of time that such a person needs to continue with groups or suspends the person from the program for inappropriate acts, judicial personnel can support the program by allowing for this type of variance. When perpetrators see that the men's program is viewed as valuable and important by other community programs and institutions, they are more likely to take the sessions seriously. This viewpoint will aid them in making meaningful changes in their behaviors so they complete the groups and apply what they learned to their lives.

Those developing programs for men who batter must be mindful of the fact that there is a high rate of recidivism among men who use violence in relationships, even after completing a batterer's program. A common perception when beginning to teach different ways of behaving in relationships is that the classes will cause immediate change. This is understandable, but it must be recognized

that the average time one individual spends in a group (about 40 hours) will not undo a lifetime of perceiving men as authority figures who are granted permission to use violence to maintain their position. Batterers' group facilitators and program coordinators should be realistic with the goals they are working to achieve and understand that they are facilitating a process of personal change for each individual, rather than curing an individual of an ailment. Sometimes this change can take several mandated returns to the program:

The first time I came through group I was angry, didn't want to hear it, and didn't think anything applied to me. The second time through group I learned a few things and what was being said started to make sense. The third time I knew what [the facilitators] were talking about and now that I'm here again I really want to make a change in my life because now I know if I don't I'll lose everything. – Men's group participant, 1998

We have stories and teachings that depict men as warriors, protectors, and providers. These are roles that are honored and necessary for the survival of the community. However, our understanding of these male roles has been altered by the influence of the dominant culture. Too often, they are distorted to justify the use of violence against a partner. An individual might say, "I am a warrior" and believe he is defending his position when he batters his spouse. The role of men as protectors and providers has been twisted into a "king of the castle" belief that supports the use of power and control tactics. We must remember that these are not our traditional roles; they are the roles and values of the colonizing culture. Violence against women is not a Native tradition.

Examining traditional roles provides a framework for understanding the impact that the colonizing culture has had on Native men's beliefs about their relationship role. Helping men assess the attitudes and images they may have adopted from the dominant culture and re-claim a way of living that is respectful and balanced, is basic to the program's success. Ultimately, however, the individual will need to change his thoughts and attitudes about relationships. Examining traditional roles can provide guidelines that help support this change.

Men's programs should make specifically addressing the violence their top priority. Many states have established standards for men's programming and although tribes are not required to adopt such standards, many do so in order to receive state funds or state court referrals. While standards vary from state to state, they share some common characteristics and priorities. While a curriculum may vary according to the author's perspective on the causes and contributing factors for the violence, it is almost universally accepted that violence and abusive behavior are choices made by the batterer in order to maintain power over another in a relationship. In addition, while it is important to remember that not all controlling tactics constitute criminal behavior (for instance, name-calling and controlling money) men's programming must create an environment where men can examine their use of such tactics, understand their effect on their partners, and confront the ways in which they benefit by using them. Utilizing standards already in use elsewhere can reduce the amount of trial and error your program experiences when creating a curriculum and incorporating activities into the group format. However, you must also understand the rationale behind the practical application of the standards you use in order to apply them properly.

When establishing an effective program focused on men's use of violence in relationships, it is important to be aware of certain critical elements that your program must address. Selecting facilitators, administration, and creating strong relationships with community agencies, court systems, law enforcement, and advocacy programs are key. These are areas that will make your program viable and meaningful, creating social change in the community. The remainder of this article will look at some primary issues that men's programs should deal with when they are being established, examine the importance of maintaining community relationships, and discuss safety and accountability issues.

## **Group Content**

Preparing men to examine and reflect on their relationships will acclimate them to the group process. When a participant is starting the program he should be made aware of the rules and guidelines that are in place, and complete the necessary paperwork so that to the program can communicate with involved agencies if needed. Conducting an intake session with the men prior to the start of the group will cover the paperwork, provide them with an overview of the topics that the group will discuss, and help them understand what they should expect while participating in the program.

The facilitator must keep the group focused on talking about their use of violence in their relationships. Some participants may have been assaulted or abused as children either sexually or physically. The facilitator should be prepared to make the appropriate referral and then redirect the group's discussion back to the topic at hand. It is very important to keep the focus on addressing men's violence against women and not let the other issues become a distraction. Confronting and discussing issues like racism however, can provide a means for the men to understand how their actions dehumanize women in much the same way. Be clear that the expectation is that they stay focused on themselves and their behavior because that is the intent of the group. If the facilitator allows the participants to continually get off the topic, the group will be very ineffective.

There are many resources available to help create group content. Various curricula specifically geared toward men addressing domestic violence are available, but incorporating the tribe's traditional values and principles into the group will greatly enhance the process. Making use of your own community resources, such as spiritual ceremonies, teachings, and stories, as well as having discussions on tribal morals and ethics, will make the content relevant to your community regardless of the curriculum you chose to follow. Discussing the influence of colonization and utilizing tools like 500 Nations videos, White Bison material, and resources from the Internet and library can allow for the exploration of the differences between tribal life and ways before and after colonization. Inviting local storytellers, elders, or professional people to speak during groups about their work and views toward handling the problems related to domestic violence in the community is also very helpful.

Remember that each participant enters a program with varying degrees of group experience and openness to discussing their experiences. Applying consistent expectations to the group as a whole, while meeting the needs of specific individuals, is an acquired skill that gets honed over time.

## **Staffing/Programming**

Programs vary significantly in regards to staff and structure. In some areas a program may only have one staff member, while others may have an administrator and several group facilitators. Selecting personnel to operate a men's program is core to its success.

The primary responsibility in administering men's programs is ensuring the direction and focus of the program stays on course and that all facilitators are in line with program goals and direction. Beyond this, a men's program administrator should coordinate with other community agencies and build and maintain those relationships. Handling conflicts and problems with men in the program is also part of the work. Administrators should be prepared to provide information to the courts or testify at times when someone is not complying with the program guidelines or fails to follow through with the court order. If a person gets suspended from the group, the administrator needs to follow up immediately with the courts, probation, law enforcement, and advocates so that everyone is aware of the situation and able to take the appropriate action, whether legal or safety oriented, or both. Selection of facilitators should be based on the person's understanding of the dynamics of domestic violence and their ability to provide direction, keeping the group on track. Facilitators should have a clear understanding of program expectations, and be trained to keep the group on topic as well as clearly conveying the material. It is fairly common that the program administrator is also the group facilitator. If you are fortunate enough to have both a program facilitator and an administrator, keep in mind that they must communicate regularly with one another so that issues that arise during group are shared and problem solving can occur.

Both administrators and facilitators must have the ability to recognize and deal with safety issues and problems with enforcement of orders. When a participant is challenged, either during group or intake, program staff should be aware of the potential risk of escalating the danger for the woman the man is involved with. While the group process and participation in the men's program is intended to challenge the participants' violent behavior, being overly confrontational with an individual does not help him process through the statements he is making, or the information the facilitator is providing, and it may jeopardize his partner's safety, your safety and the integrity of your program. At times it may be necessary for the program staff to pressure the courts to deal with someone who may not be ready to hear the information and does not wish to attempt change.

The program staff must hold one another responsible for staying focused on addressing the violence and adhering to a common philosophical perspective. The people working in a men's program should view their position not simply as employment, but see themselves as providing examples of the behavior that is expected. Most programs will have male and female cofacilitators. Many men have become effective facilitators by drawing on their past behavior and being able to relate and explain to men how their actions are detrimental to their relationships. Many women facilitators have also used their experience in violent relationships to help the participants understand the impact that their abusive and controlling behaviors have on their partners. This approach role models sharing responsibility and leadership, with men and women working together as equals, a dynamic not often witnessed in many of these men's lives. This approach also keeps the voices of women at the table, providing a balanced perspective and helping the male facilitator avoid collusion with

the participants. All men's program staff should adhere to the overall goal and philosophy of the program, because it is that philosophy that guides the work and effectiveness of the program.

Working with men who batter is a vital component in changing the way our communities handle and address violence in the home. The staff and personnel of men's programs should be conscientious, diligent, respectful, and work with others in the community to achieve their goal: to increase the level of safety in the community and reduce the amount of violence men perpetrate. Coordination and communication, both internally and with local agencies is essential to create a sound program. Before starting a program, carefully consider all the issues that may arise and take precautions, so that the violence is addressed, not escalated. Some areas may not have the capacity or resources to create an effective program. If core services and strategic elements are missing in your community, you may be better off not starting a men's program at all.

### **Working In Coordination With The Larger Community**

Before programs were developed for men that specifically addressed their use of violence in relationships, many advocacy and shelter programs had been established to provide services to women who were assaulted by their partners and to lobby for legal reforms so institutions could better protect women. However, the question about what to do with the men remained. In abusive relationships, many of the abusive behaviors are controlling behaviors that do not necessarily fit within the criteria of criminal offences. Even today, police and court intervention is largely reserved for physical assaults. It became fairly obvious that jail time for offenders didn't change the offender's beliefs regarding his use of violence in relationships; it was merely a punishment for his actions. In addition, many physical behaviors, like shoving, pushing or restraining didn't result in jail time, yet the women who experienced such environments found them to be as fearful or intimidating as the environments of those who experienced more extreme violence. Protection for women is the most critical issue in addressing domestic violence, but it became clear that in order to truly stop the violence, the issue had to be viewed holistically. The perpetrators had to look at and change their violent behavior.

As the knowledge and awareness of the dynamics of domestic violence spread, more effort was placed on rehabilitating men, resulting in the creation of men's services. People realized that marriage counseling and family therapy were failing to address the power imbalance in violent relationships; they weren't stopping the abuse. Certainly, these services can be of benefit to couples, but the issues surrounding the use of violence need to be addressed first, before the couple enters into any process that centers on cooperation, negotiation, and compromise. This realization, that traditional methods like family therapy and marriage counseling weren't effective, gave rise to intervention programs geared toward men that addressed their use of power and control in relationships. Communities that are just getting started with men's programs or have limited services available in their area need to develop and revisit intervention strategies that address domestic violence.

- What service in your community is available for men?
- Are there counselors or therapist that understand domestic violence and can address the issues in abusive relationships?

- Is there a program for men that focuses on domestic violence?
- Or is there a void of services, and a need to create services that address the issue?

These questions help determine a starting point for a comprehensive response to address the violence. No matter what level of service is being planned or in existence in your community, there are several elements that make men's programs effective in a community response.

A major consideration is examining how the program is connected to other local programs. This connection must go above and beyond having cordial relationships with those in similar professions and maintaining a referral network. Programs for men must be connected in a meaningful way to the courts, probation, law enforcement, and most importantly, to advocacy programs. These relationships need to be reciprocal in nature and cohesively work toward safety for women and accountability for offenders.

A majority of men entering domestic violence programs will come through the court system. Courts can order that the individual comply with the sanction and impose consequences if they don't. This is an example of the way in which the connection with other agencies is reciprocal in holding an offender accountable. The men's program will ensure that they are addressing domestic violence: the offender is participating in the process, and attending group, and if there is any noncompliance with the program, then a report will be made or letter sent to the judge. The courts should follow up and strictly impose consequences for not following the court order. It is very important to create a dialogue with court personnel when establishing men's program procedures and expectations. Both the courts and the program should be clear about the ways in which accountability with the court order will be maintained.

Connecting with advocacy programs is a means of enhancing safety for women. If there are situations where threats are being made during group, or a participant's hostility seems to be increasing, contact with the advocacy program can help assess the danger to the woman: an advocate can talk to her to see if things are getting worse at home, or if the offender is harassing or stalking her if he is no longer living in the home. Many times what is being said in groups must be clarified for the woman. Because men who are controlling have a tendency to look at their own needs first, there are times when they may take what they hear during group out of context and then use it against their partner. The most common example of this type of distortion is the use of time-outs. Time-outs are a suggested way for men to immediately take a break from the situation when they feel themselves addressing an issue with escalating anger or tension. Men are encouraged to take a short walk or go into a quiet room and calm down before resuming the discussion with their partner. This is meant to be a short-term method, intended to help them start practicing communicating about issues. It is hoped that they will no longer need time-outs as they learn other ways of communicating. This concept often is abused; men use it to take off for long periods of time, or to avoid examining an issue that they don't wish to talk about. Time-outs and other topics of conversation in groups can be clarified by communication between the men's program and advocates, helping the women who are partners of group participants.

At times it will be necessary for the program to have an emergency response, and a strong relationship with police will be a benefit in such a situation. In the instance that a group participant is visibly

enraged, the group facilitator can work with the advocate and law enforcement to ensure that the woman is safe. There are times when a warrant is issued for a court order violation or a re-offense, and the police may need help locating a man. The men's program may be able to assist by providing current information or the police can apprehend the offender after group.

Any arrangement that the program makes with local agencies needs to have clear lines of communication and agreements on how information is shared. Program participants must be notified that information will be shared and sign a release of information form acknowledging that fact. Check data privacy requirements and legal obligations in order to determine the type of information that can be shared.

Remember that men's programs are not intended to be an extension of the courts or act in lieu of probation officers. Men's programs need to have clear procedures in place to address safety issues and offender violence while conducting groups, in addition to having procedures in place for reporting noncompliance to the courts. Going beyond these distinct activities creates unrealistic expectations for the program and (especially in under resourced areas) places a high burden of responsibilities and work on a small program. Men's programs are not effective when operated autonomously. Without a strong connection to other agencies the program can be seen as less than effective, and its validity can be challenged. While some people can and do change after completing 40 hours of group, many others return several more times and spend a considerable amount of time behind bars. Effective management of resources and coordination is key to connecting with local agencies, helping the community and agencies at large to hold men accountable at different levels and bringing about a change in offenders' violent behavior.

### **Community Education**

Educating the community about the work helps establish men's programs. When operating a men's program there should be no mystery surrounding the philosophy of the program and the way the work with men is approached. Proactively educating the community gains the support of community members, tribal leaders, and service providers. It is also important for the courts and probation officers to understand the program and know how to access information when they have to make determinations on probation violations or in criminal proceedings.

The group environment should create an opportunity for men to discuss their actions and behaviors in a beneficial way. Many people get the impression that addressing domestic violence in men's groups focuses on shaming and blaming participants. In actuality, if groups are conducted in this way, they risk creating more problems, and even heighten the potential for homicide. On the other hand, the program must not make light of the seriousness of the participants' violent behavior and minimize its impact on the household. Facilitators should be vigilant about not colluding, or siding with group participants. The community should be educated about what the men can expect when they enter the program and know the consequences for participants if they don't comply with program guidelines.

For some programs it may be difficult for the program personnel to handle complex political relationships and do the necessary work with tribal and state courts. Accountability can be difficult to interpret in tribal and reserve areas with men's programs. The term itself infers a community response

is possible and has the privileged idea that resources and responses from the community are available. Some remote village and reservation communities are only now getting to places with their infrastructure where they can begin to address domestic violence cases. Resources for this process need to be evaluated and interpreted before men's programs can be started. Programs that promote training for police, probation and judges are getting more involved in addressing men's use of domestic violence, but have many obstacles, not the least of which is funding for trainings. Skilled community trainers and advocates must be found or volunteer. When tribal/village politics, interpersonal relationships, and extended family on the council level is added to this mix, there is the potential for compromised programming and serious loss of safety for victims. A men's program in and of itself cannot hold men accountable. It has to be a community effort. Without the support of agencies that will work together with men's programs, these programs can raise the danger level for victims, seriously compromising women's safety. Communities without support or proper infrastructure to ensure safety and accountability should strongly consider whether or not to start a men's program.

### **Native American Men and Domestic Violence: An Interview with Oscar Arrendondo<sup>204</sup>**

We at Mending the Sacred Hoop offer the following 1989 interview with Oscar Arrendondo in the spirit of open discussion. It is our belief that many of the issues raised in this article are currently being discussed in our communities and may impact the way in which people develop a men's re-education program. While we find the majority of information in the following interview extremely valuable, we are concerned by the possibility that programs placing an emphasis on the batterer's own past victimization, alcoholism or childhood abuse may adversely impact women's safety by not strongly emphasizing batterer accountability. Effective men's programs must address the batterer's use of violence in relationships as a tactic to maintain control over his partner. Please take the time to review the appended questions; we believe them to be essential to maintaining a perspective of batterer accountability and women's safety.

I spoke with Oscar Arredondo, who until recently worked with the Minneapolis Division of Indian Works in their Violent Partner Project. Oscar, part Aztec and part Blackfoot, currently works at another agency focusing on the prevention of violence among at-risk youth. Oscar agreed to talk with me given the understanding that these are his personal observations and opinions, and that he doesn't intend to speak for the Indian community as a whole.

The Violent Partner Project described here is part of the Division of Indian Works Larger Family Violence Program, which also deals with battered women, sexual assault survivors, and children of abusive families. The men's program there has been going on and off since 1981, and has taken a variety of forms over the years. The program can only afford one men's program staff person, who manages the entire Violent Partner Project.

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<sup>204</sup>By Bill Warters, originally published in the *Ending Men's Violence Newsletter*, Winter 1989.

The Project was modeled after the DAP program in Minneapolis, and uses the videos from the Duluth curriculum as one mainstay of their program. The program runs a 15-week cycle, with meetings twice a week. Group size has varied, with 6-7 men as an average per meeting. The program works with about 90 men per year. Group participants are primarily Indian men, although occasionally there are non-Indian men in the groups, most of whom are partners with an Indian woman. The Agency is located right in the middle of a district with a large Indian population. The two major tribal groups serviced by the Program are the Ojibwa or Lakota, but by no means exclusively. Some of the men in the program are court ordered, but most come out of referrals from alcohol treatment programs. A typical scenario would be for a man to go through a 28-day detox treatment for alcohol, and then go straight into the VPP.

A large part of Oscar's work with VPP involved doing outreach presentations to these treatment groups to let men know about the men's program and enlist their involvement. He spent a good deal of time talking with chemical dependency counselors in the Indian community to gain an understanding of what the men were learning in these groups. Some common themes or issues for the Indian men in the VPP are the role of chemical dependency in their violence (some men only had problems with physical violence when they were using drugs and alcohol), a lack of development in communicating their emotions, problems with low self-esteem, and a common experience of growing up in abusive homes or foster homes, or exposure to more general forms of violence on the reservation. Some of the men in the program had a 7th or 9th grade education, and some couldn't read. In Oscar's opinion, the American Indian experience is unique in itself, and the men's group work at VPP couldn't really work well with men who were not Indian themselves, or at least part of the Indian culture.

Oscar also worked as a co-facilitator with DAP men's groups in Minneapolis, and thus was able to make some comparisons between Indian and non-Indian men in the two programs. The DAP participants were primarily middle class men, and often the reasons these men gave for their violence were that men are supposed to be in charge. Men in the Division of Indian Works program, in contrast, were often from below the poverty level, and were born into abusive homes, and had seen violence to extremes, and had experienced a lot of psychological violence/damage themselves. These men were not commonly taught that men are supposed to be in charge, but at the same time they could see violence everywhere as a way to resolve conflict. The backgrounds and explanations for abuse by men in the two groups were vastly different. Being careful not to take any responsibility away from Indian men for their violence, Oscar acknowledged that their experience is vastly different from middleclass or lower middleclass white men. Oscar compared the experience of Indian men to black inner city men, in that they had to deal with more generalized violence in their everyday lives than most white men.

When Oscar first began work at VPP, there was a major problem with dropouts. Most men were dropping out around 7-8 weeks into the program, and very few were actually completing the course. Oscar tried different things to try and improve the completion rate, and eventually rearranged the program so that although there were still two meetings a week, one of them was now an individual session (1-to-1) and one was a group meeting. Prior to the incorporation of individual sessions, Oscar found that there was a lot of resentment among the men about the lack of acknowledgement

of their own victimization experiences. This would lead to men shutting down and dropping out of the program.

Because of the severity of their early emotional experiences, and a strong tendency to be distrustful of people in general, many of the men would not share openly in the group setting. In individual sessions, Oscar could spend time establishing trust and exploring the men's childhood experiences. Often, this was the first time men had talked to anyone about their own experiences of victimization. Many of the men in the groups can look back several generations and find family members who were gunned down due to their skin color, or they can remember growing up in alcoholic homes, or in foster homes where they were beaten for using their native language. As a result, there is a lot of bitterness, which in combination with alcohol abuse, may lead to a perpetuation of violence. By talking about their own victimization, men began to see that the exact behaviors they say they detest in others are now being acted out in their own lives.

Although Oscar was criticized by his supervisors for having changed the program so dramatically, and in some people's minds, for having steered away from the men's responsibility for their behavior, the completion rate was greatly improved and men's commitment to the nonviolence program seems to have increased.

Group work remains focused on the man's own use of violence and what he needs to do to change it. Oscar said that the video scenarios used in group have been generally well received, and can help the men better understand the kinds of behaviors they are being asked to change. Several of the vignettes actually include Indian actors, which also helps.

society, all men benefit from one man's violence. He doesn't think this can be applied to Native American men. Indian men can look into their past and see times when domestic abuse didn't exist. Domestic violence has primarily arisen as a problem in the Indian population in the 20th Century, after the conquering of the Americas. In the days before, if domestic violence did occur, it wasn't tolerated. Women and men were thought of as equal. The roles shifted greatly when Native people were conquered. For instance, in the European culture, men dominated, and they would only talk and do business with the Native American men. This began to change the power dynamics in Indian homes in negative ways. Also, boarding schools were still very bad in the 1970s, and many Indian men experienced being hurt for trying to hang on to their language and culture. Oscar acknowledges that a lot of Indian men have taken on the traits of the dominant culture, and because of that they are destroying their own now.

In talking with Indian men who are abusive, Oscar often points out that the way things have evolved, in the old days, it was the army coming in to kill Indian people, but today it is ourselves doing it. He can't see how Indian men are benefiting from this violence. They are getting farther away from their culture, breaking up their families, and destroying their way of life. According to Oscar, in the Indian community, everyone suffers from one man's violence.

Finally, Oscar somewhat hesitantly discussed the issue of certain forms of psychological abuse in the Indian community that the domestic violence field just isn't ready to deal with. Infrequently, instances come up that involve something known as medicine. In many Indian traditions, people may practice good medicine and/or bad medicine, using special powers and techniques to try and

make things happen to other people. A man or woman may focus their energy and powers on “cursing” their former partner or their former partner's new lover, and it can create a context of fear and may create situations that can make a persons life harder in more ways than one. For counselors without knowledge of these ways, steering men toward nonviolence can be an increasingly complex task when this kind of psychological warfare is at work.

From Oscar's experiences, in the Indian community, abuse has to be looked at as more than a gender issue, but a human issue, a whole family issue, or its roots will never be eliminated. It seems to Oscar that in Indian communities, abuse isn't solely a male issue, as some women are abusive in the home as well, or are involving other men in attempts at revenge against their former partners. In Oscar's community it is difficult for men to get an order of protection issued for themselves, because judges may argue that the woman doesn't represent a direct threat to the man. For many of these men, they feel that the criminal justice system isn't there to help them, and in general they have a great distrust of the police. This can lead to other problems. On occasion, for instance, men in Oscar's groups were beaten up by a group of family members or friends of the woman after they had separated, and the men's energy was diverted away from nonviolence to thinking about or planning for their own revenge.

In terms of improving services to end men's violence in the Indian community, Oscar felt that the job was too big for just one facilitator to handle, particularly due to the great number of outreach activities required to make a program work. He felt there is a strong need for more interaction with chemical dependency and employment programs. Many of the men in the batterers group were unemployed, and this compounded attempts to build self-esteem and prevent violence. Also, Oscar thinks that the social service community as a whole needs to take a closer look at their own issues of power and control. In the substance abuse field, for instance, men may become substance abuse counselors without ever dealing with their own anger and violence issues, and in turn, provide poor role models for men in batterers' programs. As one part of his work at VPP, Oscar increased the number of presentations to staff members at other agencies, as well as to their client groups. Also, programs for men living in urban settings may need to consider paying more attention to strategies to remain nonviolent in situations outside the home as well as in it, because these men may daily face situations, such as street gangs, for example, that seem to call out for a violent response from them. In Oscar's opinion, men must learn how to maintain nonviolence in all aspects of their lives in order reclaim an essential sense of balance and self esteem.

### **Mending The Sacred Hoop Discussion Questions For Bill Warter's Interview With Oscar Arrendondo**

1. Why does the article start out by explicitly stating that “Oscar agreed to talk with me given the understanding that these are his personal observations and opinions, and that he doesn't intend to speak for the Indian community as a whole”?
  - a. Why is this important within the context of the article?
  - b. Specifically, why is it important when discussing domestic violence and the issues surround it?

2. What issues could be taken from this article and used as a tool against holding batterers accountable and keeping women safe?
3. What could be inferred from the statement “some men only had problems with physical violence when they were using drugs and alcohol”?
  - a. How does this impact a men’s nonviolence program?
  - b. How does this impact how domestic violence is discussed and treated?
  - c. Are there dangers in this statement? If so, what are they?
4. How is Native American men’s violence different from non-Native men’s violence?
  - a. Are there differences and/or similarities in their experiences? If so, what are they?
  - b. How should Native men’s re-education be structured according to Oscar?
  - c. What is the caution in this structure?
  - d. How do accountability and collusion dangers tie into this structure?
  - e. How does discussion about men’s victimization add or detract to the re-education group outcomes?
5. Is it true that Native men are not taught to be in charge?
  - a. What is the difference concerning Native men?
  - b. How is power & control expressed in your community (e.g. You don’t let your woman get away with that.)?
6. In Oscar’s larger urban community, how are men threatened?
  - a. Do you feel this is an abuse that is common throughout other Native communities? Why or why not?
  - b. What is the danger in focusing on how men are abused?
  - c. Is a man being abused the same as a woman being abused? Why are the dynamics different?
  - d. How do we address violence against Native men?
7. How does Oscar think services should be improved to end men’s violence in the Indian community? Do you agree? Why or why not?

## NCADV Position Paper on Mediation<sup>205</sup>

It is the position of the National Coalition Against Domestic Violence that mediation is never appropriate between parties where battering, either psychological or physical, has occurred. Additionally, it may not be appropriate for women in cases where no abuse is present.

*Mediation*-n. 1. The act of mediating; intervention. 2. The state of being mediated. 3. Law. The attempt to bring about a peaceful settlement or compromise between disputing nations through the benevolent intervention of a neutral power. Mediate-v. 1. To resolve or settle (differences) by acting as an intermediary agent between two or more conflicting parties. *The American Heritage Dictionary, Second College Edition*. 1985 ed.

“Mediation, in which an outsider helps family members to resolve their own disputes, has emerged as a particularly *appropriate* technique for resolving conflicts family members cannot settle themselves.” *Is Mediation Appropriate for Low-Income Clients in Family Law Cases?* PBI exchange (ABA) Linda Singer, Page 10, Summer, 1990.

Mediation proponents (see above quote) assert that mediation is friendlier, less destructive to family relationships, cheaper, reduces court overload and has greater user satisfaction than adversarial attorney settlements. Most advocates for mediation recognize that domestic violence cases should be excluded from the mediation process. “In certain situations, such as those involving people with mental disabilities, emotional dysfunction, retardation, or physically abusive relationships, mediation may not be appropriate.”<sup>206</sup> “If domestic violence has occurred, the interviewer should not accept the case for mediation, but should refer the parties to court or to a domestic violence agency, with certain exceptions.”<sup>207</sup>

The basic premise of mediation is that disputants come with equal bargaining power and will negotiate in good faith. There is also the assumption that the presence and skill of the mediator will be able to provide a balance to any inequality of power that exists. In cases where abuse has occurred, equal power is not a possibility. Batterers will use coercion, threats and intimidation to gain the desired outcome. Mediators are not trained to recognize the signs indicating the presence of violence in a relationship, and, as a result, the safety of the battered woman and her children become negotiation points. Safety is a right and is not negotiable. Even if recognized by a mediator, their position of “neutral” intermediary will not allow them to advocate on her behalf. Batterers do not negotiate in good faith, and do not feel bound to their agreements. Mediation is not legally binding, and failed mediation is routinely referred back to mediation. This process reinforces the battered woman's experience that she is powerless and the legal system will not help her.

The use of mediation implies responsibility by the victim for her own victimization, and does not hold the abuser accountable for the abuse. The mediator, however skilled, cannot adjust negotiations

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<sup>205</sup>By Rita Smith for the National Coalition on Domestic Violence.

<sup>206</sup>Neumann, Diane. *Divorce Mediation - How to Cut the Cost and Stress of Divorce*. Henry Holt, 1989.

<sup>207</sup>“Domestic Violence Guidelines for Application of Domestic Violence Policy”. Mediation Network of North Carolina. 5/18/89.

to counter the fear and possibility of reprisals. The mediator may be involved with the two parties for an hour or two, and cannot guarantee safety for the victim once she leaves the mediation session. As a result, the battered woman may bargain away her rights to prevent the batterer from harming her or her children. Most battered women have been so isolated by their abuser that they are not aware of their rights and may give up more than is in their or their children's best interest in order to reach an agreement. The experience of a battered woman may have been that her "rights" are unenforceable, and therefore not rights. Even when mediation is chosen, and not court mandated, battered women feel pressured to agree to a settlement.

Mediation initially may appear to be less costly than litigation. The fees are much lower than attorney's fees, and not as time consuming. A battered woman may be pressured into choosing mediation based on these reasons. The end result of mediation settlements, however, seems to negate these points. Mediators are unlikely to be trained in the complexities of public entitlement law, unlikely to understand tax and public assistance implications, unlikely to be able to value assets, division of property, support and debts, or be aware of consequences for immigration status. Mediation cannot ensure full disclosure, prevent dissipation of assets or provide for temporary relief. Mediation is a private agreement and therefore is unenforceable and unappealable. Given these factors, many women agree to settlements that result in much lower awards for child support, alimony, cash settlements and division of property. In addition, there is a higher rate for joint custody agreements as a result of mediation. These generally provide less actual sharing of childcare responsibilities with lower child support awards.

The theory that mediation reduces court overload is not correct, because most family law cases are not contested and the percentage reaching trial has diminished. By forcing women into mediation we are creating a two-tiered legal system: one system for those who have money, and one for those who don't, predominately women and children. Due to this pressure put on the battered woman to use mediation, and the lack of control mediation has over the abuse, this interjects the cycle of violence into the legal system, and continues and condones the abuse battered women experience. For women to be adequately represented, they must have an advocate during the legal proceedings.

The assertion that mediation has greater user satisfaction is erroneous. Women in general are less likely to be satisfied with the results of mediation, and most battered women compare the process to being abused.

Overall, men were more satisfied and women were less satisfied with mediation than others of the same gender who were similarly situated and chose to litigate. One recent study of attorney-represented participants in voluntary custody and financial mediation confirmed that most of the increased satisfaction created by mediation was experienced by the fathers...<sup>208</sup>

Because most of our systems still collude with violence in this country, and especially in the legal system, women cannot approach mediation from an equal bargaining position. Mediation only seems to exacerbate the power imbalance as it pressures her to compromise while providing no

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<sup>208</sup> *Mediation - A Guide for Advocates and Attorneys Representing Battered Women*. National Center on Women and Family Law: New York, 1990. Page 72.

avenues for protection of her or her rights. Adequate protection for battered women and their children is not available; therefore mediation cannot provide safe or fair solutions when family violence is involved.

## **Collusion**

Violence by extended family is a widespread issue faced by battered Indian women. This article focuses on helping families identify collusion and identifies some steps advocates can take to make women safer.

Collusion is a dangerous, stressful, and fearful situation for a battered Native woman and her children, especially in Indian communities where large family ties are strong and communities are small. In Indian communities there is little or no confidentiality. Most homes on the reservation are equipped with police scanners and when a domestic call is made, within a few minutes the entire community knows what is going on. Collusion allows the batterer to reinforce his use of abusive and violent tactics, and makes him much more powerful in controlling his partner. The batterer manipulates friends, family and systems to help him exert complete control over his partner. The abuser's manipulation tactics center on making the woman look like a bad wife and mother, and making it seem as though she is to blame for the violence. This results in the creation of barriers between the victim and her extended family and the elimination of support resources and safe places battered women need. When those she needs to call on for help and support collude with her abuser, they allow her to be abused further. In addition, she's at high risk of being killed when she tries to leave. The lethality of domestic violence has become an everyday news item across the country; women are killed by husbands, ex-husbands, boyfriends and ex-boyfriends as they leave or after they have left the relationship.

Imagine this: I've just been assaulted by my husband, the police are called, they get him out of the house, and a few days later his sister and his female cousins stop by and harass me for calling the police on him. A week later, I see them at the community center, they give me some mean and dirty looks; I run into them at the store and they intentionally bump into me and call me names, they tell me to watch my back. What can I do?

## **Identifying Family Member Collusion**

Traditionally, as Indian people, we always looked out for the elderly, the women, children, the sick, and the weaker members of our communities. Today many of us don't do this. We place the blame for domestic abuse upon the woman. We indulge in victim blaming or we see the batterer as the victim. For instance, when an abuser cooks a meal or sheds a tear when missing his children, his family and friends often empathize with him; instead of seeing him as a perpetrator of violence, they see him as a victim. Family members and friends who feel sorry for the abuser are allowing themselves to be manipulated by him into becoming colluders.

When a family member is abused, we must ask ourselves whether we step in and say that such behavior is unacceptable, or whether we tend to look the other way, thinking it's not our place to say anything, believing they will work it out for themselves.

What if the abuser is your son, brother, or uncle? You may find yourself allowing him to beat his wife, girlfriend, ex-wife or ex-girlfriend by saying, “It’s her fault, she should have ...”, or “He wouldn’t do this if she didn’t...” Do you threaten her, do you enlist women relatives or friends to beat her up, stalk her, and/or harass her?

Extended family and friends colluding with the abuser is a very big problem for battered Indian women. Far too often, family and friends of her abuser help violate her more. The following is a small group exercise that allows participants to critically analyze ways in which family members collude.

Mary and Robert have known each other since grade school; they have been together for about four years and have two children, ages 2 years and 3 months. They have had arguments and fights and separated a couple of times. Robert’s family has interfered from time to time, always taking his side. He hit her and pushed her and caused her to fall and break an arm. His family said she deserved it; she should have left him alone and stopped bitching at him all the time. Mary has had two Orders of Protection against Robert, but has always dropped them. The last order she got, she was threatened by his family members, they went to her home, they called her, telling her she better do this or else.... So out of fear she dropped the OFP. In the early days of their relationship, a cousin and his sister had jumped her and beat her, because they thought she was mean towards their relative. Her in-laws have intimidated her far too many times, and she has had no support against them from her husband.

### **Don't Mess With My Family/Assessing Family Member Collusion:**

Choose one of the following topics for small group exercise/discussion:

1. “Blood is thicker than water.” What does this mean to you?
2. “Keep up with the Jones.” Is there rivalry between your family and another?
3. “Family Secrets.” Keeping the family circle closed, keeping others out.
4. “Family is Untouchable – Powerful in community.”

Discuss the strengths and weaknesses of the chosen topic. Ask participants to look at how their family interacts with each other and then discuss how they interact with others.

Collusion happens in the best families. It happens when family ties are very strong, and family members are very devoted to one another. To collude means you have each other’s back no matter what. Even if a member of your family has committed an act of violence or a crime, the family will lie, threaten, blame, post bail, or stay tight-lipped about the incident. The family will not make that family member responsible, or hold them accountable for their actions and behavior; there are no consequences. On the other hand, if someone outside the family commits a crime or is violent

against a family member, then the scenario changes. The family will then come together and become much more aggressive in dealing with the outsider.

### **How Can an Advocate Help a Woman Faced With Collusion and/or Violence By Extended Family Members?**

Some suggestions are:

- Help her identify what collusion is, how it affects her as an individual and the impact it has on her family, her community and society.
- Seek a safe place with her, a shelter.
- Talk to her about obtaining an Order for Protection.
- Tell her the importance of documenting any harassment, stalking and threats (writing down the date, time, place, and who was involved). Make a police report.
- Talk to her about joining a women's support group. These new friendships will give her support and encouragement and other members will be there for her.

### **Conclusion**

When friends, family and /or systems and institutions collude with the abuser they hold the abuser's pattern of violence in place. Only when such collusion is addressed and stopped, will the abuser will be held accountable. Violence should not be tolerated at all. Family and friends who harass, threaten, stalk, and physically assault the battered woman think that they are showing their support and love to their son, brother, uncle, friend, or cousin by their actions, but their actions have also been abusive. Their actions are not usually seen and identified as abusive, and if their behaviors are addressed, there will be resistance and denial by those family members. They have lived and practiced the value of "family ties" for so long, that even when a family member is clearly abusive, they will still be devoted and blindly so. Many times this devotion to family is so blind that the abuser may support his female relative when she is abused by her partner, but finds that he feels justified in his mind to abuse his own partner.

A battered woman's safety and holding her abuser accountable must be the focus of the family and the community. A battered woman's life is always on the line from the moment she awakes to the time she crawls into bed at night. Isn't the sacred gift of life more valuable than allowing an abuser continue to abuse in the name of family ties? Where are our priorities?

## **Domestic Violence & Children**

### **The Role of a Children's Advocate**

Advocating for children in shelters is not simply providing childcare service, although advocates may feel that they devote the majority of their time to watching over children and taking care of

their needs. In the larger picture, advocates encourage children and support them as they talk through and learn about the domestic violence that has affected their lives and discuss its surrounding issues. In doing this, the advocate helps them process the disruption in their lives. Without advocacy, the voices of children would be lost. Children's advocates create and maintain an area of safety for children when they stay in a shelter.

The women's advocate and the children's advocate must work together when helping a family adjust to their current situation. Together, they provide the family with such immediate needs as safety and comfort, as well as the basic needs of shelter, food and clothing. Most often, a family comes to the shelter without any personal belongings, lacking necessities such as baby diapers, changes of clothing, or basic hygiene products. These are all made available to them at the shelter. These items are usually donated to the shelter by the community and include, but are not limited to, clothing, gas, and bus tokens or passes. Advocates also help the family seek other assistance for rent, rental deposits, utilities, furniture, and household products. Working diligently on behalf of the family, they cover legal issues such as protection orders, visitation, custody, child protection, divorce and pressing charges. Advocates also collaborate with other service providers like child protection services, schools, therapists, probation, foster care, ICWA, visitation centers, and courts on behalf of the family.

Shelters with children/youth advocates can assist mothers with their children by providing childcare, activities geared for all ages, and support groups. Advocates also provide parenting groups. These groups are interactive for mothers and children, and give them a chance to have fun with each other. They also offer mothers tools for working through difficult situations with their children, for instance, recognizing behavioral changes in their child that may alarm or confuse them.

The family surviving domestic violence suffers an emotional roller coaster ride filled with stress and trauma. Taking the children to the zoo, a park or a movie allows children the freedom to laugh and play, giving them time away from the shelter setting, and also provides some free time for the mother. This free time allows her to process her current situation and gives her time to start making decisions concerning safety, housing, finances, and employment. It also gives her time to decide whether she wants to go back home and into the relationship. Shelters may have a limited time stay policy, so giving her free time is necessary in order for her to plan as much as possible for her future and the future of her children.

Shelters are designed to accommodate several families or women. They share bedrooms, and bathrooms; they dine together, and share living room space. Most complaints heard from women without children is the lack of a quiet place in a shelter, most have children all about. Being in a cooperative living arrangement with other women and children can be an added stress for survivors; not everyone will get along. The children's advocate can help ease this situation by keeping the children busy, and helping them get along with one another.

Children's advocates attend many hearings and meetings on behalf of children. They work in the best interest of the child and strive to keep the mother and her children together and safe. Many times, in the interests of safety, children may attend a different school while staying at a shelter. Advocates enroll each child and inform school officials about their situation. Any hearings involving

children are attended by an advocate so they may present information that can help in the decision-making process concerning the children's welfare (e.g. visitation, and/or custody or orders for protection).

Advocates also provide transportation for children's medical appointments, whether for physical or mental health reasons.

The advocate's duty is to assist the family. A children's advocate works with the children to help ease the fear and anxiety they might have concerning their safety, leaving home, leaving their school and friends, and leaving relatives, as well as worrying about their fathers. Advocates use the intake process to assess the needs and welfare of the children by sitting down and talking with them about what is happening in their lives and how they feel about what is happening. They can then help them address some of their fears and worries. This information is then shared with the mother and with her advocate. They can then begin the process of making safety plans and help the mother with her plans. A shelter's focus is on safety for the woman and her children.

Sometimes child abuse or child sexual abuse may be discovered. When this occurs, the advocate informs the mother, the women's advocate and the supervisor of the programs. Together they discuss the woman's options. One such option is that she volunteers to make the report to child protection services. If she does not, the advocate, as a mandatory reporter will. If the mother makes the report, it reflects that she is doing all she can to ensure the safety of her child or children. Regardless of whether the advocate or mother reports the abuse to the authorities, they will investigate all allegations of child abuse or child sexual abuse. Any reporting of abuse causes further stress and fear for the mother and the children, they will need to receive all the support and services they require to get through the investigation and questioning, and (if any charges are made) the prosecution of the alleged abuse.

Children's advocates have a unique skill and are deeply committed to their work. It is a job that can be very stressful and painful, but is also very rewarding.

Consider the many facets of a child advocate's role. They advocate on behalf of children at:

- Child Protection Hearings,
- Visitation Hearings,
- Custody Hearings,
- School meetings,
- ICWA meetings,
- Mental health appointments and
- Orders for Protection Hearings.

They assess a child's needs. Evaluating his or her:

- Physical Health,
- Emotional Health,
- School and
- Clothing needs.

They make educational presentations to the community at:

- Schools,
- Churches and
- Community functions.

The advocate also gives resources or referrals to families, as well as seeking further resources for the family beyond what the shelter has to offer.

Advocacy services for women have undergone changes in the last 10 to 15 years. There is an understanding that working with battered women often involves not only addressing the violence, but a wide range of other issues. Battered women often face re-victimization from systems: the judicial system, the social service system, health systems, law enforcement, and child protection services. Shelters may find that their women's advocates are over worked or that there's a lack of staff to help battered women. Many shelters have found it beneficial to have children's advocates. Women's advocates may find themselves working alongside children or youth advocates, and when both advocates work collaboratively for the family, they can afford to address many more issues than they can when they work separately. This collaboration makes their individual work more successful and less stressful, and can more effectively change a battered woman and her children's lives for the better.

### **Problems Associated with Children's Witnessing of Domestic Violence<sup>209</sup>**

Children who witness violence between adults in their homes have become more visible in the spotlight of public attention. The purpose of this document is to further an understanding of the current literature on the effects of witnessing adult domestic violence on the social and physical development of children. Out of 84 studies reporting on children's witnessing of domestic violence originally identified, 31 studies met criteria of rigorous research (see Edleson, 1991), with 18 of them comparing children who witnessed adult domestic violence to other groups of children, 12 others using multiple regression procedures to compare subjects along a continuum of violence exposure or by demographic characteristics, and one study applying qualitative research methods. The findings of these 31 studies can be divided into three major themes: (1) the childhood problems associated with witnessing domestic violence; (2) the moderating factors present in a child's life

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<sup>209</sup> Author: Jeffrey L. Edleson, University of Minnesota, School of Social Work. April 1997. Revised April 1999.

that appear to increase or decrease these problems; and (3) an evaluation of the research methods used in the studies reviewed.

### **Children's Problems Associated With Witnessing Violence**

Reviewed studies report a series of childhood problems statistically associated with a child's witnessing domestic violence. These problems can be grouped into the three main categories presented in more detail below: (1) behavioral and emotional; (2) cognitive functioning and attitudes; and (3) longer-term.

#### *Behavioral and emotional problems*

The area in which there is probably the greatest amount of information on problems associated with witnessing violence is in the area of children's behavioral and emotional functioning. Generally, studies using the Child Behavior Checklist (CBCL; Achenbach & Edelbrock, 1983)<sup>210</sup> and similar measures have found child witnesses of domestic violence to exhibit more aggressive and antisocial (often called "externalized" behaviors) as well as fearful and inhibited behaviors ("internalized" behaviors), and to show lower social competence than other children. Children who witnessed violence were also found to show more anxiety, self-esteem, depression, anger, and temperament problems than children who did not witness violence at home. Children from homes where their mothers were being abused have shown less skill in understanding how others feel and examining situations from others' perspectives when compared to children from non-violent households. Peer relationships, autonomy, self-control, and overall competence were also reported significantly lower among boys who had experienced serious physical violence and been exposed to the use of weapons between adults living in their homes.

Overall, these studies indicate a consistent finding that child witnesses of domestic violence exhibit a host of behavioral and emotional problems. A few studies have reported finding no differences on some of these measures but these same studies found significant differences on other measures.

Another aspect of the effects on children is their own use of violence. Social learning theory would suggest that children who witness violence may also learn to use it. Several researchers have attempted to look at this link between exposure to violence and subsequent use of it. Some support for this hypothesis has been found. For example, Singer et al. (1998) studied 2,245 children and teenagers and found that recent exposure to violence in the home was a significant factor in predicting a child's violent behavior.

#### *Cognitive functioning and attitudes*

A number of studies have measured the association between cognitive development problems and witnessing domestic violence. While academic abilities were not found to differ between witnesses and other children (Mathias et al., 1995), another study found increased violence exposure associated with lower cognitive functioning (Rossman, 1998). One of the most direct consequences of witnessing violence may be the attitudes a child develops concerning the use of violence and conflict res-

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<sup>210</sup><http://www.injuryresearch.bc.ca/publications/repository/child%20behavior%20checklist.pdf>

olution. Jaffe, Wilson and Wolfe (1986)<sup>211</sup> suggest that children's exposure to adult domestic violence may generate attitudes justifying their own use of violence. Spaccarelli, Coatsworth and Bowden's (1995) findings support this association by showing that adolescent boys incarcerated for violent crimes who had been exposed to family violence believed more than others that "acting aggressively enhances one's reputation or self-image" (p. 173). Believing that aggression would enhance their self-image significantly predicted violent offending. Boys and girls appear to differ in what they learn from these experiences. Carlson (1991)<sup>213</sup> found that boys who witnessed domestic abuse were significantly more likely to approve of violence than were girls who had also witnessed it.

### *Longer-term problems*

Most studies reviewed above have examined child problems associated with recent witnessing of domestic violence. A number of studies have mentioned much longer-term problems reported retrospectively by adults or indicated in archival records. For example, Silvern et al.'s (1995)<sup>212</sup> study of 550 undergraduate students found that witnessing violence as a child was associated with adult reports of depression, trauma-related symptoms and low self-esteem among women and trauma-related symptoms alone among men. Witnessing violence appeared to be independent of the variance accounted for by the existence of parental alcohol abuse and divorce. In the same vein, Henning et al. (1996) found that among 123 adult women who had witnessed domestic violence as a child greater distress and lower social adjustment existed when compared to 494 non-witnesses. These findings persisted even after accounting for the effects of witnessing parental verbal conflict, being abused as a child, and level of reported parental caring.

### **Factors Influencing the Degree of Problems Associated with Witnessing Violence**

Several factors appear to moderate the degree to which a child is affected by witnessing violence. As will be seen below, a number of these factors also seem to interact with each other creating unique outcomes for different children.

### *Abused and witnessing children*

Hughes, Parkinson and Vargo (1989)<sup>213</sup> have suggested that both witnessing abuse and also being abused is a "double whammy" for children. Their study compared children who were both abused and had witnessed violence to children who had only witnessed violence and to others who had been exposed to neither type of violence. They found that children who were both abused and witnesses exhibited the most problem behaviors, the witness-only group showed moderate problem symptoms and the comparison group the least. This same pattern appears in series of other studies. Children seem to agree. In one study they indicated that the experience of being abused or both abused and a witness is more negative than witnessing adult domestic violence alone (McClosky, Figueredo & Koss, 1995).

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<sup>211</sup><http://www.vaw.umn.edu/documents/vawnet/witness/#jaffe1986> (Inactive Link, Checked February 9, 2012).

<sup>212</sup><http://www.vaw.umn.edu/documents/vawnet/witness/#silvern1995> (Inactive Link, Checked February 9, 2012).

<sup>213</sup><http://www.vaw.umn.edu/documents/vawnet/witness/#hughes1989> (Inactive Link, Checked February 9, 2012).

The combination of being abused and witnessing violence appears to be associated with more serious problems for children than witnessing violence alone. Silvern, et al. (1995)<sup>214</sup> found, however, that after accounting for the effects of being abused, adult reports of their childhood witnessing of inter-parental violence still accounted for a significant degree of their problems as children. Silvern and her colleagues caution that witnessing domestic violence may result in traumatic effects on children that are distinct from the effects of child abuse.

### *Child characteristics*

Some findings point to different factors for boys and girls that are associated with witnessing violence. In general, boys have been shown to exhibit more frequent problems and ones that are categorized as external, such as hostility and aggression, while girls generally show evidence of more internalized problems, such as depression and somatic complaints (Carlson, 1991;<sup>215</sup> Stagg, Wills and Howell, 1989).<sup>216</sup> There are also findings that dissent from this general trend by showing that girls, especially as they get older, also exhibit more aggressive behaviors (for example, Spaccarelli et al, 1995).<sup>217</sup>

Children of different ages also appear to exhibit differing responses associated with witnessing violence. Children in preschool were reported by mothers to exhibit more problems than other age groups (Hughes, 1988).<sup>218</sup>

Few studies have found differences based on race and ethnicity. O'Keefe's (1994) study of white, Latino, and African-American families of battered women found that all the children were viewed by their mothers as having serious emotional and behavioral problems. The only difference found between the groups was on social competence; African-American mothers rated their children more competent when compared to other mothers' ratings of their own children.

### *Time since violent event*

The longer the period of time since exposure to a violent event the fewer effects a child experiences. For example, Wolfe, Zak, Wilson and Jaffe (1986) found more social problems among children residing in shelters than among children who had at one time in the past been resident in a shelter. The effect of the immediate turmoil may temporarily escalate child problems as observed in a shelter setting.

### *Parent-child relationship factors*

A number of authors have discussed a child's *relationship to adult males* in the home as a key factor. Peled (1996) suggests that children's relationships with their battering fathers were confusing, with children expressing both affection for their fathers and resentment, pain and disappointment over his violent behavior.

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<sup>214</sup><http://www.vaw.umn.edu/documents/vawnet/witness/#silvern1995> (Inactive Link, Checked February 9, 2012).

<sup>215</sup>*Supra* 214.

<sup>216</sup><http://www.vaw.umn.edu/documents/vawnet/witness/#stagg1989> (Inactive Link, Checked February 9, 2012).

<sup>217</sup><http://www.vaw.umn.edu/documents/vawnet/witness/#spaccarelli1995> (Inactive Link, Checked February 9, 2012).

<sup>218</sup><http://www.vaw.umn.edu/documents/vawnet/witness> (Inactive Link, Checked February 9, 2012)

Children's *relationships to their mothers* have also been identified as a key factor in how children are affected by witnessing domestic violence. Some have conjectured that a mother's mental health would negatively affect a child's experience of violence but the data are conflicting. Wolfe, Jaffe, Wilson and Zak (1985) found that maternal stress statistically accounted for a large amount of child behavior problems. Another study of child witnesses of violence, however, found that mothers' mental health did not affect a child's response to violence in the home (McClosky et al., 1995).

*Family support and children's perceptions of their parental relationships* have also been identified as key parent-child variables. For example, Durant et al. (1994) found home environments to be important among the 225 urban black adolescents they studied. Adolescents exposed to community and domestic violence appeared to cope better if they lived in more stable and socially connected households.

### **Research Methods Used to Study Child Witnessing**

Interpreting this literature raises several problems based on the research methodologies applied. These include problems with definitions, samples, sources of information, measures, and research designs. Each is reviewed below. While together these flaws raise serious questions about this body of literature, these problems should not cause us to dismiss findings that are consistently replicated across different studies using different methods and samples.

#### *Definitions*

A significant problem in this body of literature is that many researchers have failed to differentiate abused children from those who are not themselves abused but who witness family violence. For example, Kolbo (1996) notes that of the 60 child witnesses he studied at a nonshelter domestic violence program all but two were also targets of violence. Some authors do not even identify the degree to which the children studied are both abused and witnessing violence. Rather, they sometimes present their data as representative of children who only witness violence. As Silvern et al. (1995) have stated, "the relationship between reported partner and child abuse should warn that research could be flawed if it is assumed that shelter samples of children have been exposed solely to partner abuse" (p. 195).

#### *Samples*

Another issue in this literature is that most studies draw on samples of children and their mothers who are located in shelters for battered women. While this research generates very important information for shelter-based programs, residing in shelters may be a very stressful point in a child's life and not representative of his or her mental health in the long run. Not only have shelter-resident children most likely witnessed a violent event but they have also been removed from the familiar surroundings of their homes, neighborhoods and often their schools.

#### *Sources of reports*

Who reports the child's problems in a study may also skew the information we receive. Almost all of the studies reported above relied on mothers' reports of their children's problems. O'Brien, John,

Margolin and Erel (1994) have shown that many parents report their children are unaware of violence between the adults when the children, in fact, report awareness of it. Studies that rely on the reports of only parents to define witnessing may incorrectly classify significant numbers of children as non-witnesses. Studies have also shown that in reports of other forms of maltreatment there are discrepancies between child, parent, clinician and agency ratings of problems. Sternberg, Lamb and Dawud-Noursi (1998) have found that child witnesses of violence and their parents differ significantly on the problems they report to researchers.

### *Measures*

The over-reliance on a single reporter is a theme that is carried through to the measures used in these studies. The reason “internalized” or “externalized” behavior problems are so frequently mentioned in this literature is a direct result of the repeated use of the Child Behavior Checklist as mentioned earlier. Very few investigators have ventured beyond the use of this measure of a few others such as the Trauma Symptoms Checklist and there is not currently a standardized measure developed that addresses the unique problems experienced by children who witness violence at home. Such measures should include an assessment of a child's perceived safety. Other variables not yet measured include disruption in child's social support network among extended family members, school personnel and friends, the safety and effect of visitation arrangements, and the effect of changed economic factors on the child's development.

### *Design*

A final weakness in this area of study is that most studies are correlational. As Holtzworth- Munro, Smutzler and Sandin (1997) point out, these studies only show associations between being a witness and some other variable such as a behavior problem. We generally speak of the effects of witnessing violence on children's development. In reality, however, these studies reveal only an association between the variables without predicting that one variable caused the other to occur or vice versa. Many people make the assumption that finding an association is the same as finding that a particular event such as witnessing violence caused a child's problems.

### **Implications**

The studies reviewed for this document provide strong evidence that children who witness domestic violence at home also exhibit a variety of behavioral, emotional, cognitive and longerterm developmental problems. Each child will experience adult domestic violence in unique ways depending on a variety of factors that include direct physical abuse of the child, his or her gender and age, the time since exposure to violence, and his or her relationship with adults in the home. Significant percentages of children in the studies reviewed showed no negative developmental problems despite witnessing repeated violence. We must be careful to not assume that witnessing violence automatically leads to negative outcomes for children.

These data are primarily based on samples of children living in shelters for battered women. This has been used as a criticism of these studies on the grounds that shelter residence is a time of crisis and not representative of a child's on-going life. These data do, however, provide shelters with a much better understanding of the problems many of their resident children may be experiencing.

And despite the limitations of some individual studies cited, the number and variety of studies so far reported provide a strong basis for accepting the overall findings.

There is a danger that these data may lead some child protection agencies to more frequently define child witnessing of violence as a form of child abuse or neglect. It is not uncommon to see battered women charged with “failure to protect” their children from a batterer. Many child protection agencies continue to hold battered mothers solely responsible for their children's safety. These actions are often based on the belief that separating from a batterer will always be the safest path for the battered woman and her child.

Yet these actions on the part of the child protection system ignore the reality that the majority of assaults and murders of battered women occur after they have been separated or divorced from their perpetrator. Such actions also ignore the reality that battered mothers often make decisions about their relationships with male partners based on their judgments of what will be best for their children.

The responsibility for creating a dangerous environment should be laid squarely on the shoulders of the adult who is using violent behavior, whether or not that adult is the legal guardian of the child. Responsibility and blame should not be placed on adult survivors in the home. Holding the violent abuser responsible for ending the use of violence is the path that leads to safety for these children and their abused mothers.

It is likely that the outcomes of additional studies on this topic will be reported in the immediate future. The responses to existing and future studies should be to identify ways to provide safety to both children and any abused adults who also reside in their homes.

## References

### *Recent Reviews of the Literature*

Edleson, J. L. (1999). Children's witnessing of adult domestic violence. *Journal of Interpersonal Violence*, 14 (8), (Forthcoming August 1999).

Holtzworth-Munroe, A., Smutzler, N., & Sandin, B. (1997). A brief review of the research on husband violence. Part II: The psychological effects of husband violence on battered women and their children. *Aggression and Violent Behavior*, 2, 179-213.

Margolin, G. (1998). Effects of witnessing violence on children. In P. K. Trickett, & C. J. Schellenbach (Eds.), *Violence against children in the family and the community* (pp. 57-101). Washington, DC: American Psychological Association.

### *Additional References Cited*

Achenbach, T. M., & Edelbrock, C. (1983). *Manual for the child behavior checklist and revised child behavior profile*. Burlington, VT: University of Vermont Department of Psychiatry.

- Carlson, B. E. (1991). Outcomes of physical abuse and observation of marital violence among adolescents in placement. *Journal of Interpersonal Violence*, 6, 526-534.
- DuRant, R. H., Cadenhead, C., Pendergrast, R. A., Slavens, G., & Linder, C. W. (1994). Factors associated with the use of violence among urban Black adolescents. *American Journal of Public Health*, 84, 612-617.
- Henning, K., Leitenberg, H., Coffey, P., Turner, T., & Bennett, R. T. (1996). Long-term psychological and social impact of witnessing physical conflict between parents. *Journal of Interpersonal Violence*, 11, 35-51.
- Hughes, H. M. (1988). Psychological and behavioral correlates of family violence in child witness and victims. *American Journal of Orthopsychiatry*, 58, 77-90.
- Hughes, H. M., Parkinson, D., & Vargo, M. (1989). Witnessing spouse abuse and experiencing physical abuse: A "double whammy"? *Journal of Family Violence*, 4, 197-209.
- Jaffe, P., Wilson, S., & Wolfe, D. E. (1986). Promoting changes in attitudes and understanding of conflict resolution among child witnesses of family violence. *Canadian Journal of Behavioral Science*, 18, 356-366.
- Kolbo, J. R. (1996). Risk and resilience among children exposed to family violence. *Violence & Victims*, 11, 113-128.
- Mathias, J. L., Mertin, P., & Murray, A. (1995). The psychological functioning of children from backgrounds of domestic violence. *Australian Psychologist*, 30, 47-56.
- McClosky, L. A., Figueredo, A. J., & Koss, M. P. (1995). The effects of systemic family violence on children's mental health. *Child Development*, 66, 1239-1261.
- O'Brien, M., John, R. S., Margolin, G., & Erel, O. (1994). Reliability and diagnostic efficacy of parents' reports regarding children's exposure to marital aggression. *Violence and Victims*, 9, 45-62.
- O'Keefe, M. (1994). Linking marital violence, mother-child/father-child aggression, and child behavior problems. *Journal of Family Violence*, 9, 63-78.
- Peled, E. (1996). Supporting the parenting of battering men: Issues and dilemmas. Manuscript submitted for publication.
- Rossmann, B. B. (1998). Descartes's error and posttraumatic stress disorder: Cognition and emotion in children who are exposed to parental violence. In G. W. Holden, R. Geffner, & E. N. Jouriles (Eds.), *Children exposed to marital violence* (pp. 223-256). Washington, DC: American Psychological Association.

Silvern, L., Karyl, J., Waelde, L., Hodges, W. F., Starek, J., Heidt, E., & Min, K. (1995). Retrospective reports of parental partner abuse: Relationships to depression, trauma symptoms and self-esteem among college students. *Journal of Family Violence*, 10, 177-202.

Singer, M. I., Miller, D. B., Guo, S., Slovak, K., & Frierson, T. (1998). The mental health consequences of children's exposure to violence. Cleveland, OH: Cayahoga County Community Mental Health Research Institute, Mandel School of Applied Social Sciences, Case Western Reserve University.

Song, L., Singer, M., & Anglin, T. (1998). Violence exposure and emotional trauma as contributors to adolescents' violent behaviors. *Archives of Pediatric and Adolescent Medicine*, 152, 531-536.

Spaccarelli, S., Coatsworth, J. D., & Bowden, B. S. (1995). Exposure to serious family violence among incarcerated boys: Its association with violent offending and potential mediating variables. *Violence and Victims*, 10, 163-182.

Stagg, V., Wills, G. D., & Howell, M. (1989). Psychopathology in early childhood witnesses of family violence. *Topics in Early Childhood Special Education*, 9, 73-87.

Sternberg, K. J., Lamb, M. E., & Dawud-Noursi, S. (1998). Using multiple informants to understand domestic violence and its effects. In G. W. Holden, R. Geffner, & E. N. Jouriles (Eds.), *Children exposed to marital violence* (pp. 121-156). Washington, DC: American Psychological Association.

Wolfe, D. A., Jaffe, P., Wilson, S. K., & Zak, L. (1985). Children of battered women: The relation of child behavior to family violence and maternal stress. *Journal of Consulting and Clinical Psychology*, 53, 657-665.

Wolfe, D. A., Zak, L., Wilson, S., & Jaffe, P. (1986). Child witnesses to violence between parents: Critical issues in behavioral and social adjustment. *Journal of Abnormal Child Psychology*, 14, 95-104.

#### *On-Line Resources*

Bibliography on “*Children Who Witness Violence: Research & Intervention*” by J. L. Edleson.

Bibliography from the Project to Address Violence through Education (PAVE) at the University of Minnesota on “*Young children and violence*”.

*Mothers & Children: Understanding the Links Between Woman Battering and Child Abuse* is a briefing paper by Jeffrey L. Edleson for a recent strategic planning meeting on the Violence Against Women Act.

*In the Best Interest of Women and Children: A Call for Collaboration Between Child Welfare and Domestic Violence Constituencies* is a briefing paper by Susan Schechter and Jeffrey L. Edleson prepared for a Wingspread Conference of a similar title.

*Child Witness to Domestic Violence* is a brief paper written by Kathryn Conroy, DSW, on the effect on children of witnessing their mothers being battered.

*Children and Family Violence: The Unnoticed Victims* is a May 1994 report by Gabrielle M. Maxwell of New Zealand's Office of the Commissioner for Children.

An *art gallery* from the Domestic Abuse Project in Minneapolis of 13 images drawn by children who have witnessed violence.

## **In Brief**

Children frequently witness violence in their homes. Eighty-four studies of the problems associated with children's witnessing have been reported in the literature but only 31 were found to have met rigorous research design criteria and included in the review. These studies have documented multiple problems among children that are significantly associated with a child's witnessing assaults of one parent by another in the home. These problems include:

- *Psychological and emotional problems* such as aggression, hostility, anxiety, social withdrawal, and depression.
- *Cognitive functioning problems* such as lower verbal and quantitative skills and the development of attitudes supporting the use of violence.
- *Longer-term development problems* such as depression, trauma-related symptoms and low self-esteem among women and trauma-related symptoms alone among men.

These problems appear to be magnified or decreased by a number of *moderating factors* including:

- Whether or not the child has also been a victim of physical abuse
- A child's age and gender
- The amount of time that has passed since witnessing violence
- Where the child is living
- How a child perceives his or her relationship to adults in the home and the degree of perceived family support for the child

The studies in this body of literature vary greatly. There are a surprising number of well-designed studies, but a large number of others contain methodological flaws that should raise caution in interpreting their findings. These flaws include:

- *A failure to separate abused from non-abused witnesses of domestic violence*, making it difficult to determine what is associated with child abuse and what is solely associated with witnessing domestic violence.

- *Samples focusing almost exclusively on children in crisis shelters.* Collecting data primarily from children residing in battered women's shelters gives a good view of children at that point of crisis but not of children along a continuum of living arrangements and points of time since a violent event.
- *A failure to collect data from the children themselves.* Data is most often collected from adults ranging from mothers to teachers. Studies have shown children to report different effects on themselves than those reported by adults.
- *Use of measures developed for other populations* and not particularly sensitive to the issues of domestic violence.

Finally, significant numbers of children in these studies showed no negative consequences from witnessing violence. One must be careful not to assume that all children who witness domestic violence will show negative results. A careful assessment of each child is extremely important.

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## **Children: At the Intersection of Domestic Violence and Visitation Centers**

There are as many ways to operate a visitation center as there are family issues to deal with. Programs are run by tribes, states, counties, social services departments, private non-profits, individual proprietorships, mental health agencies and judicial institutions. Visitation centers offer services that facilitate the exchange of children between parents, supervise parent-child interactions, and address domestic violence and child sexual abuse. In addition, visitation centers offer parenting assessments, parent education, and child education, while they manage safety concerns, enforcement of parental rights, custody recommendations, mediation, counseling and therapy. A program's focus is highly dependent on its philosophical base and programmatic mission. Visitation centers can be created simply because there is a need for this type of service, or they can be created to address a specific social problem. Because there are many ways in which programs operate, this article focuses on the issues for visitation centers that are developed to address domestic violence.

Providing services to families where there is a history of violence is one of the most challenging fields in which to work. Families using a visitation center are at a crisis point where the conflict is too much for the parents to handle by themselves, or the history of abuse and violence creates ser-

ious safety concerns regarding the likelihood of future assaults. Statistics show that the initial period of separation from an abuser is the most dangerous time for women leaving violent relationships: many women are seriously assaulted or murdered when they leave a relationship with a violence partner. Visitation centers also answer to issues related to a father's right as a parent. In many cases a father's foremost concern centers on his right to spend time with his children. These legal entitlements are often a point of contention for men using a visitation center, and in the majority of situations these visitation rights have been legally granted regardless of the extent of the violence committed toward the mother. The children from families where a parent has been abused also bring their unique issues into the to a visitation center. These issues include children who want to visit with their fathers and those who don't, children who have been abused themselves and are dealing with the effects of those experiences, children who don't understand or acknowledge that violence was part of their parents break-up, and those who blame themselves for the separation. These issues are just a hint of the complex needs and perspectives that a visitation center must address when providing this type of service to the community.

### **Overview of Issues**

When planning a visitation center, those involved must be fully aware of the risk of doing more harm than good if they are not informed about the complex dynamics involved in operating a visitation center. They must also be prepared to handle the issues surrounding domestic violence if they are to provide a successful service. Centers should have a sound philosophy and focus from which to operate. Their programs and philosophy should offer no mysteries to the community, and the families that may be served by the visitation center should know what to expect. There is more to operating a center that addresses domestic violence and parental visits than simply monitoring parent and child time and being the third party who passes the children from one parent to the next. If a program is going to address violence against women, their position should not be that of a "neutral, un-biased, observer". Instead, the position of the program should clearly state that the center acknowledges the dynamics of domestic violence and actively works to provide safety for women and children as the primary victims of such abuse. Taking a strong position is taking a stand toward social change.

When a program operates as "un-biased" or "neutral" it means that it is unwilling to address the social problems in the community that provide a basis for domestic abuse. This philosophical statement of neutrality conveys the impression that the program exists by capitalizing on the misfortunes of the community: it makes no stand on creating social change, and in this way, participates in maintaining the existing social factors that contribute to abuse. The accepted philosophy of programs that successfully address domestic violence is based on the understanding that domestic violence occurs out of an individual's desire to have power and control over a relationship. When a woman separates from a controlling man, he loses his direct power over her. Clichés like "if I can't have you no one can" can become serious threats with a clearly directed homicidal intent in such relationships. The reality is that too many women have lost their lives because of "neutral" and "un-biased" stances by institutions or services that should have helped them, and too many children have lost one or both of their parents – their mother to murder and their father jail or suicide. If a visitation center program feels it should maintain neutrality in these most serious circumstances, then the program should not accept families with a history of domestic violence.

When focusing on safety, a program must build consistent responses that create the needed levels of precaution. Although there are many indicators and assessment criteria for determining when a situation may escalate in violence, there is no way to accurately determine if an abuser will murder. The program must also be aware that not all abusive and controlling relationships have a high occurrence of physical assaults, but that there are many threatening and intimidating acts that are serious threats to women because “there was that one time when” she did get hit, choked, or pushed to the floor. Because a program cannot fully know the extent and impact of the abuse in the relationship, and is unable to predict whether or not a homicide will occur, stringent safety precautions should be implemented.

Women who come into contact with a visitation center are most often at the end of their relationship. Many have, along with their children, already experienced the tension, stress, trauma, and court proceedings that have been caused by domestic violence. During this period there may have been irregular visits with the abuser and if there are pending court hearings the conflict level can be quite high. As an intervention program, a visitation center can help establish new boundaries and demonstrate respectful ways of communicating and negotiating conflicts for all family members in this difficult time.

While the physical violence is the most obvious indicator of an abusive relationship, there are many other methods of power and control. Often, controlling men will attempt to reclaim control over the situation by changing visitation schedules. Consistently changing scheduled times and dates, canceling, or not showing up for visits is often a way to “get back at her” for making him “go through all this”. In some cases, a man will deliberately get thrown out of a visitation program so he doesn’t have a third party “telling him how he should be with his own kids”. Because this action doesn’t negate his parental rights, the woman will once again be vulnerable to his abuse during unsupervised visits.

Social problems are often ingrained into the social institutions that are meant to serve the community. Our society places a higher burden of responsibility on women as mothers than it does on men as fathers. This is another reason why it is so important for the program to have a strong philosophy and focus. It must make a stand; visitation centers are pressured by many interests. The needs of the women, men, and children who use the program often conflict with one another and create tense situations. In addition, the interests of local service agencies and institutions will have an effect on your program. Courts, attorneys, child protection, Guardian ad Litem programs or court appointed special advocates, shelter/DV programs (if your VC is not already part of such and agency), and funders, among others, will influence how your program operates. If you have institutions that punish a woman by removing her children because she cannot control a man’s use of violence, and you have institutions that don’t believe her when she says she is abused and afraid for her safety, then a visitation center that addresses domestic violence should be the place where a women can get the safety and protection she deserves. If domestic violence focused visitation centers are not providing this service, they become simply another social institution that victimizes women.

All too often, programs that are not committed to providing women safety and protection take a child-centered focus and gain quick community acceptance and support. There is no easier moral highroad for a program to take than to say it stands for child protection over all other concerns. In

addition, such a program can avoid having to deal with the pervasive belief that men are treated unfairly in programs that address domestic violence. However, when families use a visitation center there is no doubt that there has been at *minimum* an incident of nonphysical abusive behavior; otherwise they would not need the program. How can a program claim to be child-centered when it neglects to address women's safety and protection and contributes to the same victimizing that other institutions do?

### **The Impact on Children**

When information became available about the effects of domestic violence on children there was a strong public response to protect children. In some states laws were passed making a child witnessing an act of domestic violence a crime. People reacted passionately to the fact that children have to live in homes where violence is occurring. Clearly there is a need to protect children, but at what point does the need to protect children become more important than protecting their mothers? When does it become important to educate men about how their use of violence against their partner affects their children?

Visitation centers focusing on domestic violence must deal with the intersecting issues of providing safety for women and children while encouraging healthy relationships between father and child. Because most men will have continued contact with their children, the opportunity exists to provide education during the time they are using a visitation center. Educational groups can be designed for each member of the family. For fathers, groups can examine their use of violence and how this use of violence created their current situation. They can also show them how they can change to the benefit of their relationship with their children. For mothers, groups can be structured to process the impact the violence has had on them, and children can have an opportunity to discuss the violence they have seen or the changes they are experiencing as a result of the violence. The visitation center can provide each member of the family with information to help them help themselves and their children heal from the violence that occurred in the home.

## **Organizing In Tribal Communities**

### **Community Organizing for Women's Safety**

Recognizing that violence against women is a problem and working alone to fix it (even working passionately and fervently) can be isolating and often futile. However, organizing people and groups to work together brings strength to addressing this issue. It makes it communal, changing it from something that affects people individually, into an issue that is collectively recognized and addressed. Working together takes the responsibility for creating change off of one person or organization and creates a movement that the community owns.

The following are not meant to be a blueprint for organizing in your community. The diversity of the over 550 tribal Nations in the United States, the diverse communities within those Nations, as well as the urban Indian community, all require individualized responses to addressing the issue of violence against women. These are examples of successful organizing and guidelines to provide you with jumping off points for your own community organizing.

## **Key Principles to Organizing**<sup>219</sup>

Community organizing for women's safety must be a democratic process that invests the community in the issue being addressed. Key principles include:

- Must be participatory and democratic.
- Must have representation from different constituencies in the community.
- Must have ongoing systems for outreach into the community.
- Must keep a sense of momentum: keep confidence in the organization by looking for campaigns that people can be involved in. Set a realistic timeline for activities.
- Must treat participants as members, such that they understand that they have power and can get things done.
- Must keep a consistent focus on leadership development. Bring people who are natural leaders into the organization and give them opportunities to develop their skills and reflect their practice.
- Translate big problems into specific, "win-able" issues (such as passing a mandatory arrest policy, or refusing to give mutual orders for protection).
- Link specific issues to broader community concerns. This way, members build credibility and power on small issues helping them sustain longer term, more difficult efforts on broader issues.
- Create financial self-sufficiency and sustainability.
- Must have a common understanding of the mission around which you are organizing.

Community organizing doesn't simply mean putting together a march or protest. There are many different ways to organize. While marches and protests are excellent ways to raise public awareness of issues, true and lasting change requires a sustainable organization that can continue to work for change over time. The following are just a few examples of effective organizing.

## **Organizing in Indian Country**<sup>220</sup>

On November 13, 2002, the following notice was released in various ways in Indian Country:

The Metropolitan Urban Indian Directors (MUID) is organizing a "MARCH FOR JUSTICE" on November 22, 2002, beginning at the Minneapolis American Indian Center at 9:00 AM and marching to Minneapolis City Hall to address the Minneapolis City Council on the issues of unsolved murders, rapes and assaults occurring in the Indian Community of Minneapolis, especially in the Phillips Neighborhood.

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<sup>219</sup>Kest, Steve. "Community Organizing: Principles of Success". [http://www.publiceducation.org/interventions/tools/org\\_principles.htm](http://www.publiceducation.org/interventions/tools/org_principles.htm) (Inactive Link, Checked February 2, 2012), with additions by Mending the Sacred Hoop.

<sup>220</sup>By Bonnie Clairmont, Rape Crisis Advocate, MSH-TA faculty.

The recent tragic death of Ms. Carol Garbow, an enrolled member of the Leech Lake Band of Ojibway, is the latest example of the lack of investigation by the Minneapolis Police. There was not even a mention of this tragic death in the Minneapolis Star Tribune. Is the death of an Indian Woman, who was found in broad daylight, not worth investigating by the Police or the Star Tribune?

We are asking all Indian organizations and their staff to join in this important March. Remember, it was not too long ago (1987) we had a serial killer murdering Indian Woman in the same area. We are presently researching how many unsolved murders; rapes and assaults have been perpetrated against Indian men and women in this area in the last ten years. We will be having an organizational meeting on Monday November 18, 2002 at the Indian Center in Mpls. at 10:00 AM. Everyone is welcome

-Pelamaye, Bill Means, International Indian Treaty Council

On November 25, 2002 – less than two weeks later – the following article appeared in the Minneapolis Star Tribune:

*American Indians Protest How Police Treat Violent Crime Cases*

More than 125 people took over the Minneapolis City Council meeting for a short time Friday morning to express concern about what they say is an unusually high number of unsolved killings and other violent crimes against American Indians since 1990. Indian community leader Clyde Bellecourt and rape-crisis women's advocate Bonnie Clairmont were allowed to address a somewhat stunned council and present a list of demands. Those ranged from reexamining the death of Carol Garbow, 37, in October to improving relationships with the Police Department.

Afterward, Police Chief Robert Olson and Mayor R.T. Rybak left other meetings to talk to the crowd, gathered in a hallway. Standing on a chair, they took turns listening to concerns and responding to sometimes heated questions.

"Speaking personally, I care about every individual in this city," Olson said. "Do we make some mistakes? Sure."

Investigators think Garbow's death was accidental, said Cyndi Barrington, spokeswoman for the Police Department. Police interviewed a good eyewitness who said she fell backward and hit her head, she said. The Hennepin County medical examiner's office is awaiting test results to determine how Garbow died.

Bellecourt was upset that Garbow's body was visible and left uncovered for several hours. Olson said the first officers to a scene usually put up a screen or try to position squad cars to hide a body.

"That was a mistake," Olson said. "We have to figure out why this happened. But the case involving her death is still open and I will personally look into it."

*A personal connection*

Clairmont and others met with Olson after the protest. She said he told them that he would come back with more information about as many unsolved cases as possible by Dec. 10.

Bellecourt said he hopes one of those will be the case of Evan Denny, his 17-year-old great-nephew, who was shot to death in what Bellecourt was told was part of a gang initiation. Denny didn't use drugs or alcohol and wasn't in a gang, Bellecourt said.

Lt. Robert Skomra, head of the homicide unit, said investigators received new information about his death several months ago, but the case hasn't been presented to the Hennepin County attorney's office.

*Lack of coverage*

Friday's protest started in the gymnasium at the Minneapolis American Indian Center. Besides her disappointment in the police, Clairmont criticized the Star Tribune for not writing about Garbow's death. After a prayer for the victims and an honor song accompanied by a drum, the group marched through the streets to City Hall. A copy of the group's demands were left with council members. At the end of their meeting, Council Members Gary Schiff and Dean Zimmermann introduced a resolution referring the demands to two council committees, Public Safety and Regulatory Services, and also Health and Human Services.

Council President Paul Ostrow objected, saying that the resolution's approval would lend council backing to the demands before they are reviewed. The resolution also suggested, he said, that the council was finding fault with the investigation of Garbow's death without talking first to the police.

Zimmermann and Council Member Robert Lilligren said the resolution merely signaled the council's interest in listening to the community. The council finally passed the resolution 8-2, with Ostrow and Barret Lane dissenting.

Grassroots community organizing is truly the "Indian way" of doing things. We have a rich history of bringing people together at the last minute to address a serious problem facing the "village." The moccasin telegraph is a very useful tool in spreading the word (list serves never hurt either!).

There needs to be at least one point person in any good community organizing activity to ensure that there is one person that has their finger on the pulse of every detail. Behind every good organizer, there are community people who have the skills needed to create a successful outcome. It's amazing the talents and experience that our Indian people have, both youth and elders: people who have contacts with the media, people who have contacts with groups that like doing activist type work like protesting and carrying banners, people with vans and buses in order to carpool those that don't

have vehicles, and people who can bring pots of coffee for all the many volunteers that will show up on the “day of”.

To begin, a meeting is called to present the problem at hand. You get the word out in as many ways as possible, whether it’s through list serves, phone calls, mailings of notices for the meeting, announcements at other meetings and, of course, the plain old moccasin telegraph. You invite “key people/stakeholders”, but keep it open to the community; it is important to encourage and empower community folks (youth and elders, survivors and family members of “victims”), because they *are* primary stakeholders; besides, the media likes the human-interest aspect of any story.

This first meeting requires a good facilitator who should *not* be the point person. There should be some background to hand out to attendees about why this meeting has been called, and some type of an agenda (although, as Indian people, we tend to stray away from agendas). Primary agenda items should include:

- “What are we demanding?”
- “To whom do we bring our demands?”
- “When do we do this?”
- “Who will present our list of demands?”

The designated spokesperson needs to prepare some key points, and it should be very concise. Indian people can get pretty long winded! Action items should be highlighted, and as they are discussed, people should be designated who will be responsible for those action items, including how they can be reached (phone, email etc). These people will be in touch with the point person/people.

It is up to the point person/people to stay abreast of the progress of those that have either volunteered or were delegated to accomplish certain tasks. Tasks might include:

- developing a press release
- contacting the media
- holding a press conference
- making a flyer of the primary event
- gathering mailing lists/list serve resources
- sending out the flyer
- obtaining a permit to march
- arranging for police escort along the route

- organizing people to make/bring signs
- contacting key officials who are in a position to respond to demands brought from the community (often there is a community person who has a good working relationship with their elected official's assistant, for example, who can call that person to inform them that this event is happening, and to coordinate with that office and obtain some type of support for this "issue.")

There should be at least one more meeting before the day of the event to make sure that all the necessary details are in place and to do a final check in.

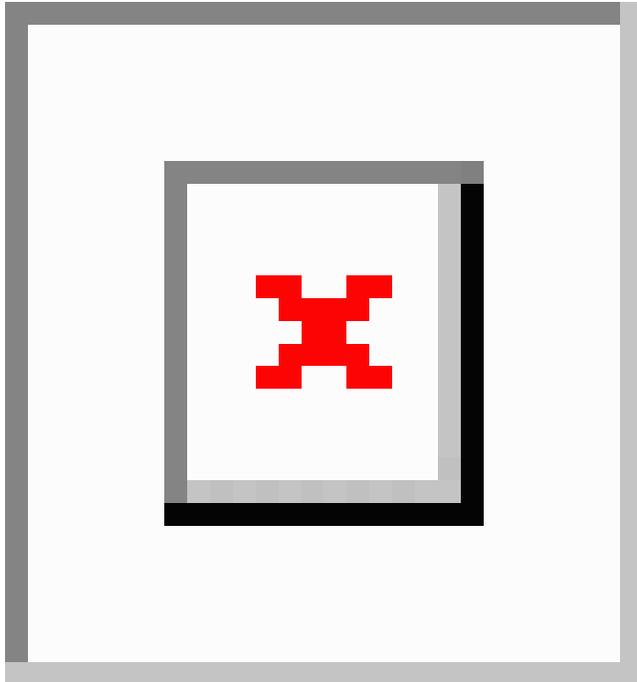
This is basically how the *March for Justice* (the subject of the excerpted newspaper article) was organized. When you get the word out to the community about something that can or is affecting them, and show the urgency of that issue, people tend to pay attention. Sometimes you need a particularly tragic event in order to wake people up. To ensure that such a tragedy hasn't happened in vain, it is very important not to miss the opportunity to use it as an example of why we need appropriate responses from law enforcement. It is also very important to speak with the family members of the victim in order to get their permission and also to elicit their involvement if they so choose.

Because of the strong showing we made in the March for Justice, the mayor pledged his support and asked Chief Olson of the Minneapolis Police Department to cancel his prior commitments in order to meet with us and respond to our demands.

## **Organizing A Coordinated Community Response**

### *Introduction*

A Coordinated Community Response (CCR) is a criminal justice intervention model that was developed to monitor compliance with legal changes as well as facilitate additional changes to address developing trends. This concept involves a multi-disciplinary approach to ensure accountability for batterers and safety for battered women. Each disciplinary agency develops a role within this collaboration, providing a consistent response from law enforcement, prosecutors, judges, and probation officers. Most CCRs use a community-based group outside of the legal system to do the actual monitoring. This monitoring agency is often the buffer between service providers and systems people and acts as to gather and analyze information from all sources while working to ensure a cohesive response from all players. Understanding that there are many complex jurisdictional and legal dynamics that affect Native communities, it is difficult to pose a single solution or intervention model that is relevant to all. Therefore, the CCR needs to be tailored to fit the particular circumstances of each community.



### *Training and education*

Education on domestic violence is a large part of creating a CCR. Training on the dynamics of DV needs to be provided regularly with the involvement of professional and community people to keep the awareness of domestic violence fresh in peoples' minds and to address more complicated issues like child custody, full faith and credit of protection orders, and marital rape. Advocacy and shelter programs typically provide most of the ongoing community education about domestic violence, but there may be occasions where specialized trainers will need to be brought in to cover specific areas.

### *Trends*

Being prepared to handle changes and address new trends in regards to domestic violence cases and fluctuating resources is also a component of CCR work. The CCR team must maintain a certain amount of flexibility in order to accommodate changes in personnel and other institutional changes. To sustain and maintain an effective program, there needs to be a continual process of reflection and examination; these will be the key elements to measuring the success of the program, and also provide a way to identify current trends concerning involved issues.

### *Community specific responses*

When establishing an intervention program such as a CCR, the unique characteristics of the community must be considered. Not every community has the same level of resources or access to information. A CCR based on a criminal justice approach may not be possible or even the appropriate response for a community. Communities can develop approaches that utilize the resources currently in place and work to devise methods that build upon the baseline of services. The most important aspect of multi-disciplinary organizing is that the community creates responses where men are held responsible for their actions, women get the protection and assistance they need, and social attitudes are challenged.

### *Building strong community relationships*

Connecting with different agencies or institutions is critical in doing intervention work. The majority of CCR success is based on building and maintaining relationships so the team can come together and handle hard issues. Typically, the group contains various professions that have a history of animosity between them. Knowing and trusting that such resentments can and will be worked out, strengthens your response to domestic violence. Common respect must be part of the process. If people feel insulted or blamed, the focus shifts from the issue of domestic violence to personality issues within or between organizations. The group needs cooperate to reach the end goal of ensuring a consistent and cohesive response where each player fulfills their role. As long as the group operates with the same understanding, they should be able to keep professional relationships with each other while working to address violence in the lives of women.

### *Shared Philosophy*

Organizing and developing a common philosophy is, perhaps, the most time-consuming stage of intervention work. If the purpose of organizing in our communities was to solely hold meetings and talk about domestic violence issues, we would short sight ourselves and not create lasting, effective change. Because the dynamics of battering encompass many social, political, and historical issues for Native people beyond the scope of most individual agencies, the direction of the intervention team must be clear and concise. It is easy to get caught up in examining the circumstances that occurred prior to a violent episode, however, mending a couple's relationship should not be the emphasis of intervention work. When this becomes the focus, the intervention runs the risk of drifting into mediation efforts that compromise the safety of the woman and reduce the level of batterer responsibility. Having a common philosophical approach is crucial when it comes to the actual work of a CCR intervention team. Relationships strain, conflicts arise, priorities change, and opinions vary; any of these undermine the groundwork if there is a lack of thorough and effective planning, organizing, and commitment on the part of all players involved.

### *Desired Outcomes*

When organizing a CCR the overall goal is to ensure that law enforcement, prosecutors, and judges are consistent in following policies and procedures intended provide safety for women and accountability for offenders. Service providers working with women and men play a crucial role by communicating to the institutional agencies involved about the areas in which there is a breakdown in

the system in achieving these goals. Both must work together to ensure consistency. This intervention model requires an ongoing effort of reflection and evaluation to make sure that your CCR is doing what it is supposed to do. Once properly implemented, specific methods can be created that hold perpetrators responsible for violent acts and provide enhanced safety for women in the community.

### **How to Create Your Own Domestic Violence Program in a Healthcare Setting**

Establishing a program to respond to domestic violence in your clinic or hospital may seem overwhelming and expensive during these times of cost-cutting and health care reorganization. This section describes a model program that has been extensively field-tested and has the added advantage of being inexpensive to implement. This prototype shows how to create a comprehensive program within an emergency department, primary care, ob/gyn, or other clinical setting. (*For help implementing the following model, call the FUND's Health Resource Center on Domestic Violence toll-free at 1-888-Rx-Abuse.*)

In 1992, the FUND and the Pennsylvania Coalition Against Domestic Violence designed a model program to strengthen a hospital's response to domestic violence; this program was then pilot-tested and fine-tuned in 12 hospitals in two states, California and Pennsylvania. Over the next year, another 50 hospitals and clinics implemented the model. The FUND worked with California's Department of Health Services to set up the program in 59 California clinics, and as part of this process, 800 clinic staff were trained.

This approach, applicable to an HMO, hospital, clinic, or group practice, enables the staff of a health care institution to respond in a comprehensive manner to domestic violence (i.e., through screening, identification/assessment, treatment, documentation, safety planning, referral, etc.) by:<sup>221</sup>

- Creating an environment which *enhances* rather than discourages the identification of abuse
- Educating health care staff about how to *intervene* with patients who are victims of abuse
- Establishing an *integrated* and *institutionalized* response to domestic violence
- Developing referral and resource *materials*
- *Evaluating*, on an ongoing basis, the effectiveness of the program
- Becoming part of a *coordinated response* within the larger community through collaborative partnerships

*A step by step overview of how to establish a healthcare based domestic violence program*

#### *1. Set Up a Collaborative Working Group*

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<sup>221</sup>Warshaw, Carole. *Improving the Health Care Response to Domestic Violence: A Resource Manual for Health Care Providers*. Family Violence Prevention Fund. 1998. Chapter 4.

This means recruiting key people within the clinical setting plus representatives from local domestic violence service agencies, to ensure that training and referral are well coordinated. It is also essential to build support within the institution. To accomplish this, it may be helpful to obtain domestic violence prevalence data in the surrounding area, or to document the prevalence in this particular clinical setting; it may also be useful to survey provider knowledge, attitudes, and behavior about domestic violence. Administrators may be particularly receptive to the idea by being reminded of the requirements of the Joint Commission on Accreditation of Hospitals and Health Organizations (JCAHO) with regard to domestic violence, and being made aware of the guidelines developed by the American Medical Association, the American College of Obstetricians and Gynecologists, the American College of Physicians, and the American Nurses Association.

Because of the different roles played by physicians, nurses, social workers, discharge planners, intake staff, and translators, it is crucial for this working group to be multidisciplinary. It is also important to involve as many departments as possible, although this may not happen gradually rather than immediately, as awareness of the program spreads. Before proceeding, an assessment should be made concerning what resources are available within the institution (existing protocols, administrative support, potential working group members), and in the community (domestic violence programs, other interested health care entities, technical assistance, etc.).

## 2. *Develop Routine, Site-Specific Screening*

What kind of response is best suited to this particular institution in this particular community? How can screening for violence be routinely incorporated into this setting? The answers vary by type of clinical setting and should include the range of clinicians who are in a position to ask about abuse. The physical layout should be considered as well, so that private space can be identified.

It is essential that all identified victims of domestic violence leave the clinical setting with some basic intervention having been made, including an assessment and short discussion about domestic violence safety planning and referrals, even though many may not be ready to pursue a referral. Consequently, *all* primary care providers should be able to do basic interventions with patients. More in-depth interventions may be carried out by other staff (such as patient advocates, case managers, social workers, etc.), or an on-site domestic violence advocate may be hired to do this exclusively. The working group can decide which of these options is best suited to the institution and resources available.

## 3. *Write Protocols*

At minimum, a protocol includes:

- a definition of domestic violence,
- screening questions and identification of who will ask such questions,
- interviewing strategies,

- safety assessment and planning guidelines,
- discharge instructions,
- clarification of legal requirements,
- procedures for collection of evidence (photographs, other evidence)
- medical record documentation,
- referral information, and
- a plan for staff education.

These protocols should be developed by a multidisciplinary team. Finalizing protocols is easier than it sounds, because there are so many good model protocols available that can be modified for specific settings.

I was an ICU nurse, my husband was a neurosurgeon, and at one point during my marriage we worked together. At the hospital, he would put me down in front of everybody. If I told him the condition of a patient, he would act like I was wrong and stupid. At home he was quite violent. When he got enraged, which was fairly often, he would punch me, throw me down, choke me, pull me by the hair, threaten to kill me. He kept on moving us around so I was totally isolated, and anyway he wouldn't let me see any friends. I wore scarves and long sleeved shirts even in summer to hide the bruises, but because he often punched me in the face the bruises were sometimes quite visible. No one at the hospital did anything. One physician asked me about the bruises on my face. I told him I ran into a cupboard, but I got tears in my eyes as I was answering him. He immediately got nervous and walked away. It was clear he didn't want to know. The inability of my co-workers to reach out to me just confirmed, for me, what my husband was telling me: that I was worthless, stupid, ugly, and deserved everything I was getting. – Julie S., Stockton, California

#### 4. *Develop and Institutionalize a Staff Training Program*

To enhance staff training, domestic violence advocates and survivors should be utilized as often as possible. Interactive exercises, role-plays, and other “learner-centered” techniques, which enable participants to practice screening and explore personal responses to abuse, are useful. Again, *all* staff should receive this training (physicians, nurses, social workers, clerical staff, security personnel, translators, clergy, and paramedics), and it should be *ongoing*. Often when health care providers receive training on domestic violence, it triggers their own personal experiences with abuse. Therefore, employee assistance programs should also be implemented, and services and resource materials should be developed, so that employees who are victims of domestic violence can receive the help they may need.

5. *Develop Resource Materials for Clinicians and Patients*

These can include informational materials for both providers (stamps for screening, algorithms, referral lists, pocket reference cards, posters, etc.) and patients (posters, referral cards, brochures, booklets, etc.). Model materials can be easily obtained from the programs featured later in this publication and from the FUND's Health Resource Center on Domestic Violence (see p. 15).

6. *Develop a Referral Network*

In order to adequately respond to battered patients and assist them in addressing violence in their lives, providers need to be aware of services provided by local domestic violence shelters, legal assistance, counseling and support groups, mental health and substance abuse treatment, childcare, as well as resources which address language, culture, and disability needs in the surrounding community. This information should be collected into a referral list and made easily available to both clinicians and patients.

7. *Establish Quality Assurance Mechanisms to Monitor the Response*

Make appropriate responses to victims of domestic violence the target of quality assurance reviews. This notifies providers that responding to domestic violence is now a standard of care and no longer left to their "discretion." If a baseline needs assessment has been done, ongoing quality assurance reviews can be used to engage clinicians in setting goals and addressing identified obstacles.

8. *Develop Collaborative Relationships with Community Domestic Violence Experts*

Develop a close, working relationship with your local battered women's shelter or domestic violence program. These community experts are the best and most reliable source for information on local and state laws, civil and criminal justice responses, resource materials, referrals, etc. They also should be able to provide you with experienced trainers who can provide the "DV-101" portion of your training for example, the dynamics of domestic violence, the effects on children, its prevalence, etc.

You may also want to participate in community-wide collaborative efforts to address domestic violence. This will help insure that all the necessary resources are available in the community to address the needs of battered patients, and that all the professionals involved – domestic violence advocates, law enforcement and prosecutors, the judiciary, health care, child protective services – are coordinating and supporting one another's efforts.

*Regional Development*

After developing a strong community organizing presence, you may want to spread your net wider and begin to organize regionally. Keep in mind that of the over 550 different tribes around the nation, each tribe is unique, not only in terms of location but also in terms of culture, language, jurisdictional issues, and any number of things that differentiate nations from one another. There is so much diversity among Native Nations that it would be foolish and irresponsible to implement a

single strategy that would be applicable to all Nations. Working to develop specific responses with each individual Nation is also unrealistic. Implementing a regional development plan can assist you in better developing approaches to violence against women in specific geographic regions.

*General steps to organize regionally:*<sup>222</sup>

1. Define a regional area. This includes mapping out an area geographically and identifying the tribes therein.
2. Identify a planning committee of key people from that region. Be sure to make efforts to include a cross-section of professions, including law enforcement, advocates, prosecutors, and anyone else who might be relevant.
3. Develop a survey to assess the needs in the area where you will be training. This survey should be developed with input from the planning committee, and a decision should be made about how to disseminate it.
4. After the survey has been administered, compile the results.
5. Send the compilation of results to the planning committee. Convene a conference call with the planning committee to discuss the results and how they can be translated into a training or meeting for people in that area.
6. With the planning committee, identify a site for the training or meeting, and do the necessary work to ensure that the site is available and fits your needs.
7. Armed with the above information, develop an agenda for a training or meeting. Include potential trainers.
8. Meet again with the planning committee to ensure that the agenda appropriately addresses the needs of the region in which you will be working.
9. Create and distribute a registration brochure describing the training to relevant tribes and people.
10. Compile resources and articles relevant to issues in that region to be distributed at the training or meeting.
11. Make travel arrangements, find childcare for your kids (either at the training or back home), and head on out to the training or meeting!

The goal is to build enough regional expertise in different parts of the country so when federal funding is not available there will be networks of people clustered together that can rely on one another to support each other's efforts.

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<sup>222</sup>These are steps that Mending the Sacred Hoop takes to organize regionally, assisting grantee programs with networking and collaborating, as well as creating specialized training based on regional needs.

## An Example of Organizing: Jumping Through Hoops<sup>225</sup>

It is often those who have themselves emerged from suffering and oppression who are most capable of building a new road to the future. Following the opening of shelters and legislation protecting victims of violence, a new method of education began.

Utilizing dialogue and critical thinking, rather than lectures and pronouncements, this process brought women from the status of being oppressed victims to participatory human beings, able to act in their own best interest. This organization format includes:

- *Conducting a survey*—listening to the people in the community that we serve: finding out what their current issues are and identifying the women’s concerns.
- *Choosing a theme*—listening for issues, identifying those affecting the group or community and finding the consistent barriers for women.
- *Analyzing the problem*—generating open dialogue on how this theme affects each of us on three levels:
  1. personal,
  2. institutional,
  3. and dominant culture beliefs and values.

This moves us from a personal level to analyzing on an institutional level through critical thinking.

- *Options for change*—Begin discussion and action around options for change on all three levels of analysis.

In the past few years, there has been an alarming increase of battered women losing their children in custody cases. They report social services holding them accountable for their children witnessing the abuse. Women in our women’s education groups told of not reporting their abuse to police for fear of social services becoming involved, of being court ordered into women’s groups, of a violent partner showing up at their residence. Moving through the above process, we:

1. *Conducted a survey*: We sent flyers out about two community meetings where women could come together and have a common voice. This flyer encouraged women to attend who have been victims of domestic violence and whose children had come to the attention of the “system” either at risk of removal from the home or a custody battle. We offered childcare and plenty of food. We asked a series of questions at these two meetings. Sample questions and responses from the first meeting are:
  - How did you first have any knowledge that you might be at risk of losing your child or children?

- a. “He threatened that if I leave him he will get custody of our children.”
- b. “The day I went to court for a truancy hearing. They asked why I didn’t bring all of my children. Three weeks prior to this everyone else knew that they already had foster homes lined up—everyone but me.”
- What was helpful?
  - a. “The Women’s Shelter hired an attorney.”
  - b. “Domestic abuse advocates helped me calm down, let me have a file in their office and let me work on my case there, and went to court with me.”
- What was hurtful?
  - a. “The visitation expeditor didn’t know who I was in court, she only talked to me on the phone. Her supervisor said she would have never agreed with this recommendation but it was too late.”
  - b. “I had to do everything myself.”

During the second meeting, another survey was given. The following are samples from the results.

- How did domestic violence play a role in the loss of your child or children?
  - a. “I believe my abuser knew how to use the system. He had Orders of Protection against him in the past. That’s how he learned about the system and how far he could go using violence without getting arrested. He was on my lease so the police couldn’t make him leave. I couldn’t get help because there were no visible signs of injury. I was seeing a therapist who stated that I needed to get out of this relationship because of what it was doing to my children. My son from a previous relationship was on the verge of suicide, yet none of this is pertinent in our current court custody battle with our son we have together.”
  - b. “I got an Order for Protection that gave me forty-five days sole custody. I left the state with my children. I returned two months later. He brought me to court saying I had kept the children from him. The court reversed custody without any acknowledgement of the violence that had caused me to flee in the first place.”
- How would you describe your experience with the legal system in having to go through a custody case?
  - a. “I believe that there was an assumption that because I was Native I was also drinking.”
  - b. “My lawyer only spent ten minutes before court with me. She was court appointed. My husband had a private attorney that his family paid for.”

- What did you understand about domestic violence at this time in your life?
  - a. “Nothing. I always thought that I had done something wrong when he hit me. When he hit my son, I knew that was wrong.”
  - b. “I thought his violence was a way he showed that he loved me.”

2. *Chose a theme:* Emerging from their experiences is the theme of battered women losing their children because of domestic abuse perpetuated on these women. Their stories demonstrated the need to challenge community practices that perpetuate women blaming, and illustrate the themes we chose from the responses to our surveys. We thought we would be able to capture all the response from women with notes from our initial two meetings. We soon realized at these meetings that we could not keep up with all of the voices that rose up to tell their stories. Instead, we distributed notebooks to each woman to allow them the opportunity to answer the survey questions in more depth. As we read these stories, we realized they were better told by the women themselves. Three women from diverse backgrounds came forward to work for social change. They each came to our office and began telling their story as we typed every word. Each story represents the stories of hundreds of women. These stories were entitled: *I Will Always be that Person Who was Busted for Drugs, The Sixth Month Nightmare, and David Will Dance.*

3. *Analyzed the problem:* When gathering to discuss the issue, it can become overwhelming. We broke the problem into three perspectives from the stories we had gathered. This generated a focused discussion and caused the community to journey together to gain a clear understanding of the issue being organizing around. We then looked at:

- How do(es) the issue(s) relate to us personally, physically, emotionally, intellectually, and spiritually?
- How do community institutions respond to the problem?

We found that Social services often respond by giving a woman a service plan to work toward reunification of her family. The purpose of a service plan is to inform the client of what steps need to be taken to improve the situation that has brought them to the attention of the child protection agency. It is a way to measure cooperation and compliance of the client. Finally, we finished our analysis by asking ourselves:

- How are we influenced by a dominant culture beliefs and values?

By comparing the differences in service plans for mothers and fathers we started seeing the institutional barriers to solving these problems more clearly. We reviewed sample plans based on each one of the three perspectives.

4. *Options for Change:* We explored the options for change and moved ourselves into action by listening to the voices of women. Here are a few examples:

- “All we want is to be understood. For you to see the situation as a whole including how many previous assaults have been committed by an assailant, be it current, other women, other family, and juvenile records. See it through the eyes of the victim.”
- “Education for girls and boys should start early in the schools.”
- “Don’t send police officers that are abusers out on domestic violence calls.”
- “Become educated about how being removed from their home affects children. Children can feel punished for being taken from the home after there has been domestic violence. The effects of being removed from the home are devastating, maybe even worse than the effects of domestic violence.”

We can learn from the past and from other programs as AWAKE (Advocacy for Women and Kids in Emergencies) who state that by protecting mothers who are battered, many abused children are also kept safe. “At follow-up the overwhelming majority (85%) of battered women report that they and their children are safe” (Schechter with Gary, 1991).

It is through these four steps we began to organize and move into action. For us, *Jumping Through Hoops*’ identified theme was that of battered women losing custody of their children due to domestic violence. This is the beginning of our journey.