

Foundations of Parallel Development

CVSSD's Directors' Day

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Trigger Warning

This is in-depth training on domestic violence, sexual violence, colonial violence, sex trafficking, MMIW, MMIP, MMW, and MMP can be triggering for survivors and family members, or an adult who was a child exposed to these acts of violence, and family members who had experienced their loved one being harmed.

Advocates are in the room, please call on them for support.

Please do self care which may be smudging, going to ceremony, going for a walk, exercising, hot baths, talking with support people (family or friends), praying, or doing what may work for you.

Land Acknowledgment



Goal of Presentation

Responding efficiently and effectively to crimes committed against Native American and Alaska Native women and people is critical as they continue to be the most victimized group of people in the United States compared to all others statistically.



The key to this critical response is respecting *the foundations of parallel development.*

Learner Outcomes



**Understand Parallel
Development**



**Critical thinking
engagement with
Tribal partners and
Programs on
effective
institutional
changes to meet the
safety need of
Native people**



**Planning effective
assessment of
response to Native
victims**
Institutionally
Programmatically



**The need for
strategic planning
with Tribal Programs**



Fatality Review

What is Parallel Development?

“We as Māori know what our issues are, and what our solutions are, so get out of the way and let Māori take care of Māori as only we know how.”

Māori sister, Aotearoa (New Zealand)

Foundations of Parallel Development

Respect the voices of Native advocates, Tribal Leaders, and Native people.

Boards should reflect the population of those who are served through programming.

- Is your board and staff reflective of this?
- If you have Equity and Inclusion sub-committees or boards, this is not Parallel Development.

Listening to the recommendations of Native advocates, Tribal Leaders, and Tribal representatives, and implementing them into program development and delivery.

Internal assessment of program response to Native people. (What is your track record?)

Assessing state and federal funds that are for Native people and reporting on the findings of how it is used for Native victims seeking services to said funders, and Tribal programs/Advocates/Tribal Leaders.

- Do you have a presence in Tribal communities?

Foundations of Parallel Development Continued

Professional development and training on violence against Native women and people (historical framework of colonization, federal laws, and policies of genocide, rape, murder, forced removal, kidnapping aka board school era, institutional racism, colonial trauma responses, etc.), Federal Indian Law to understand the dangerous jurisdiction barriers to the safety of Native women and people, State and Tribal compacts, fatality review of MMIW/P, culture and cultural needs when responding to victims, etc.

Be an Ally by supporting Tribal voices and movements.

Ask what the Native people need, and how to facilitate that.

Foundations of Parallel Development Continued

STOP SPEAKING FOR US!

- Make space for us.

Please stop exploiting us and hold those accountable who do/are exploiting us

- Identity

- Funds

Example

- Elizabeth Hoover, associate professor of environmental science, policy, and management at UC Berkley known for her work on Native food sovereignty. “She said she is white and “incorrectly identified” as Indigenous without researching her ancestry.
- This is violence. It is the theft of our identity, survival, resiliency, our history, our places, and spaces while silencing our people and making us invisible. Taking what little is there for Native people to succeed and thrive in academia and all places and spaces while denying them of opportunities.

This system of racism is effectively denying our existence while grandstanding our invisibility when they do not hold such offenders accountable for their horrific acts of violence against us. (stripped of her degree, blacklisted, fired, charged for impersonation, pay back all scholarships, fellowships, job opportunities, publishing, etc.

What is Federal Indian Law?

Do you know what Public Law 280 is as Directors?

Do you know what Non-Public Law 280 Is as Directors?

Do you know what Major Crimes Act is?

Do you know what the U.S. Supreme Court Case Oliphant v. Suquamish Tribe did as Directors?

Do you know the level of jurisdictional complexities Native people face as Directors?

Do you know the critical importance of allyship and programs for Native people?

Federal Indian Law & Its Barrier to the Safety of Native People?

The major legal barriers obstructing the ability of Indian nations to enhance the safety of women living within their jurisdictional authority include:

The assumption of federal jurisdiction over certain felony crimes under the Major Crimes Act (1885); Crow Dog Case- explain.

The removal of tribal criminal jurisdiction over non-Indians by the U.S. Supreme Court in *Oliphant v. Suquamish Tribe* (1978);

- VAWA 2022 (Took Native Women Advocated 19 years to get a partial Oliphant fix so Tribes can protect their people including L.E.)

The imposition of a one-year, per offense, sentencing limitation upon tribal courts by the U.S. Congress through the passage of the Indian Civil Rights Act (1968); **TLOA increased that 3 Years and/or \$15,000 fine.**

The transfer of criminal jurisdiction from the United States to certain state governments by the U.S. Congress through the passage of Public Law 53-280 (1953) and other similar legislation; and **Hello Oregon!**

The failure to fulfill treaties signed by the United States with Indian nations as recognized by the court in *Elk v. United States* (2009). Describe the case.

Federal Government Response to Violence Against Native People & Children

Between 2004 and 2007, the *United States declined to prosecute 62 percent of Indian country criminal cases* referred to federal prosecutors, including *72 percent of child sexual crimes, and 75 percent of adult rape cases.* (Tribal Law & Order Act, 2010)

Legal Barriers to Safety of Native People

Due to these legal restrictions imposed by the United States federal government on Indian nations, criminal jurisdiction on Indian lands is divided among federal, tribal, and state governments. Which government has jurisdiction depends on the location of the crime, the type and severity of the crime, the Indian status of the perpetrator, and the Indian status of the victim.

The complexity of this jurisdictional arrangement contributes to violations of women's human rights because it treats Native women differently from all other women and causes confusion over who has the authority to respond to, investigate, and prosecute violence against Native women.

In no other jurisdiction within the United States does a government lack the legal authority to prosecute violent criminal offenses illegal under its laws.

In the words of the TLOA Commission

“[T]he decision only dealt with limitations to tribal power, not the federal responsibility to compensate for those limitations based on the trust relationship. The Court did not *require* the federal government to protect tribes or prosecute non-Indian offenders who commit crimes on tribal lands.”

If the United States (or relevant state government) does not prosecute the non-Native offender, then the offender goes free without facing any legal consequences for his actions, and the Native woman is denied any criminal recourse against her abuser.

AMBER Alert In Indian Country Act 2018

Ashlynnne Mike-Navajo Nation

Kidnapped and murdered, on May 12, 2016, near Shiprock.

This Act does:

Allow for integration of Tribal AMBER Alert systems into state AMBER Alert systems.

Makes Tribes eligible for AMBER Alert grants.

Permits the use of grant funds to integrate state or regional AMBER Alert plans with Indian Tribes.

Allows the waiver of matching funds requirement for grants awarded to Indian Tribes.

National Congress of American Indian Resolution #MOH -17-003 which is in support of amending the Protect Act:

"WHEREAS, amending the PROTECT Act, 42 U.S.C. 5791C will expand the AMBER Alert child abduction warning system on Native American reservations by clarifying that Indian tribes are eligible for Department of Justice (DOJ) grants that help assemble AMBER Alert systems for law enforcement agencies."



Implementing AMBER Alert in Indian Country



STEP 1



STEP 2



STEP 3



STEP 4



STEP 5



Upon enactment of the law, DOJ would **EDUCATE AND INFORM** tribes, state AMBER Alert Coordinators, and Missing Person Clearinghouse managers on the



CONDUCT A NATIONAL ASSESSMENT of tribes to determine:

- If the tribe is currently served under PL 280 or other statute which would negate their need for an AMBER plan



CONDUCT MEETINGS between tribal leaders and public safety personnel with State AMBER Coordinators and Clearinghouse Managers to facilitate the signing of MOUs to adopt/partner on AMBER



Tribes and states would enter into **AGREEMENTS TO PARTNER** on AMBER Alert plans and tribes would adopt tribal resolutions to implement



TRAINING AND TECHNICAL ASSISTANCE would follow to ensure that tribes have the capabilities for

Excerpt of Lisa Brunner's Email Response to Leslie Hagan,
United States Attorney, Washington, D.C. & Jim Walters,
AMBER Alert Training and Technical Assistance Program
(AATTAP) Administrator

“Our people and especially our most vulnerable, our children have just as much right to such system response as any other child in this country.”

“If we are truly wanting to protect children, then I would think all LEO's would be on the same page and have the same access to respond effectively to when the unfortunate event happens when a child goes missing. Our Native children are no less important than any other child in this country and yet, when such exclusions as the NCJTC information handout outlines regarding PL 280, that is exactly what is happening, our children become less than and not deserving of a systemic response other children on this country have access to.

States to assume system and database responsibility without the consent of Tribal Nations is in my opinion an encroachment of Tribal Sovereignty.”

May 5th, National MMIW Awareness Month

As a Native Women

Your life expectancy is six years shorter

You are five times more likely to be murdered

You will survive five times the level of violence

...than a woman of any other race



The Critical Importance of Parallel Development

Bottom 25 Tribes: ARPA Enrollment Allocations

TRIBE	State	Enrolled Citizens
Alturas Indian Rancheria	CA	3
Telida Village Council	AK	3
Potter Valley Tribe	CA	5
Ewiiapaayp Band of Kumeyaay Indians	CA	6
Ramona Band of Cahuilla	CA	12
Augustine Band Cahuilla Indians	CA	16
Kaguyak Village	AK	17
Buena Vista Rancheria of Me-Wuk Indians	CA	20
Twenty-Nine Palms Band of Mission Indians	CA	22
Inaja-Cosmit Band of Indians	CA	25
Lime Village Traditional Council	AK	29
Winnemucca Indian Tribe of Nevada	NV	29
Jackson Rancheria Band of Miwuk	CA	33
Cedarville Rancheria	CA	33
Big Lagoon Rancheria	CA	34
Healy Lake Village	AK	35
Chicken Ranch Rancheria of Me-Wuk Indians	CA	41
La Posta Band of Diegueño Mission Indians	CA	42
Blue Lake Rancheria	CA	50
Takotna Village	AK	52
Las Vegas Paiute Tribe	NV	55
Cabazon Band of Mission Indians	CA	56
Native Village of Hamilton	AK	68
Nelson Lagoon Tribal Council	AK	68
Jamul Indian Village	CA	72

Native Americans & Alaska Natives placed on the ~~Endangered Species, U.S. Fish & Wildlife~~

Throughout its history, the Endangered Species Act (ESA) has proven to be incredibly effective in stabilizing populations of species at risk, preventing the extinction of many others, and conserving the habitats upon which they depend. (Services, n.d.)

We as Sovereign people of Sovereign Nations cannot sustain this level of violence. We are facing extinction via past and present United States laws and policies. Placement on the Endangered Species list would be one avenue that could aggressively protect Native Peoples considering we have pedigree papers equivalent to dogs and horses via blood quantum the U.S., imposed on us as it is used to determine our 'enrollment' within our Tribes.

“Like the miner’s canary, the Indian marks the shift from fresh air to poison gas in our political atmosphere; and our treatment of Indians, even more than our treatment of other minorities, reflects the rise and fall of our democratic faith.” Felix S. Cohan

**500 years of America summed up
in 1 photograph.**



Miigwech for what you
do and what you will
do for Native people.

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