

Testimony of  
NATIVE WOMEN'S SOCIETY  
OF THE  
GREAT PLAINS  
FOR  
SENATE COMMITTEE HEARING:  
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DIRECTOR

Honorable Chairman Akaka, and other distinguished members of the committee, thank you for inviting me to testify today. My name is Carmen O'Leary, and I am a member of the Cheyenne River Sioux Tribe located in South Dakota. I am here today representing the Native Women's Society of the Great Plains, a tribal coalition that provides support to programs serving Native women subjected to violence throughout the Great Plains. Our member programs are located in North and South Dakota, Wyoming, Montana, Nebraska and southern Minnesota. Our board is composed of representatives from each of our member programs. We work together toward the overall goal of increasing the safety of Native women in our Native lands.

Our Native nations have known for some time that violence against Native women is a problem. But this was confirmed for the first time by the federal government in 1996 when the Department of Justice issued a report finding that Native women were homicide victims at a far greater rate than any other population in the United States. Unfortunately, Native Women continue to lead the nation in victimization rates. One in three Native women experience rape in our nations today.

I understand that numbers have been presented time and again about the need in Indian Country for increased services and accountability. And as a result of these numbers, various model programs have come and gone. But the instability and ongoing need for services remains a great problem in our communities. The funding that is available is usually discretionary and inconsistent. Too often, women in need of services find that the local DV/SA program is no longer funded or the services are no longer offered. This failure to provide services puts these women at increased risk for ongoing violence, and too often, death. To combat this, funding needs to be stabilized so the services are continuous and not just the duration of a two or three year grant. Funding these programs on a consistent, annual basis will directly and positively combat the problem of violence in our communities.

In addition to increasing the availability of services, we need to hold offenders accountable by increasing community accountability. How much time will it take to overcome decades of behavior that has been accepted due to offenders going unpunished and the community accepting the offender's actions as the status quo? This normalization of violence is imbedded deeply in our society today. I had the sad experience to observe one of the worst examples of this acceptance in a federal courtroom earlier this year. Thanks to the threat of increased sentencing, one pedophile plea bargained and was being sentenced. He had pled guilty; there was no jury or assumption of innocent at this point in his procedures. The victims who had courageously come forth all were current or former students at a Bureau of Indian Affairs school. The regional line officer of the Bureau of Indian Affairs and one of the principals of a local Bureau of Indian Affairs school wrote letters of support. But not for their students—for the pedophile. The principal sat behind the pedophile at the hearing, not behind the students. I am not sure any of us can understand the impact it must have had on these victims and those who love them—that the support of prominent people in their community supported the perpetrators, and dismissed the victims. Sadly, insult to

injury is heaped on those strong enough to come forward. I find it completely inexcusable that federal employees, with a trust responsibility towards those they serve—namely the students—could act so egregiously.

As I travel across our region, I hear of the barriers that program advocates have to overcome simply to get help for those they serve. In some communities, there are no local services whatsoever. In others, there may be a local program, but when that program loses its vital funding, due to the end of a grant term or some other situation, there are no other local services for women in life threatening situations. In another community, the program staff may have to figure out one of four possible sites to take a sexual assault victim. Another program had to find a way to get women back from emergency services in a far off facility. There, the sexual assault victim was taken by ambulance to the emergency room sixty to hundred miles from home, and she was left to find her own way back with no resources. In all of these situations, very little effort has been made to plan for anything except the minimal medical response for victims. And it is the victims that suffer, often revictimized by the response process, or lack thereof, that they must face.

The stability and knowledge gained by the staff is lost as they have to move to another job and take their experience and expertise with them. It does take the knowledge of the local native women to help other native women. The base of what works and what is needed is lost as a program goes down.

The long term effects of violence to Indian women are well documented. We know that the damage to their quality of life endures well beyond the bruises. The fear they endure takes so much from women's lives and the lives of their families and our communities. Depression, substance abuse, and suicide are often the remnants of the violence in the lives of Native women and their children. It is hard to put a life back together after such violence. Then pile on the poverty, isolation, and blame that Native women subjected to violence must face. The outcome is crushing.

These are the barriers victims, women and children, come up against in small communities, over and over, in their hunt for safety and perhaps some sense of justice. For years, I have heard the stories of women and their children having to overcome huge barriers to be safe and survive in some overwhelming situations. Often times, the advocates who help victims are also threatened in numerous ways as they seek to help women and their children. And in more times than I care to admit, the violence escalates to the point of murder. A few years ago, one Native woman, a mother of five, disappeared. It took thirty days for any agency to launch a search for her. And even though her battered body was finally found, her murder goes unsolved to this day.

Efforts at solutions have been passed, such as the Tribal Law and Order Act. These are commendable steps. But additional steps need to be taken in this area to fully implement the necessary provisions. One important step is a return of criminal jurisdiction to Indian nations over crimes of domestic violence, stalking, dating violence and sexual assault by non-Indians. This type of jurisdictional fix is critical to enhancing the safety of Native Women. Many episodes of violence against Native women include perpetrators of another race who know that they can continue to offend without any consequences due to the unique and confusing jurisdictional rules present in Indian country. With a jurisdictional fix that restores tribal criminal jurisdiction over non-Indians for these limited crimes, the offender that goes unpunished under the current system might finally get what he deserves and his victim might finally achieve a sense of peace, knowing that justice was served.

The rate of sexual assault is at epidemic proportions. Grant programs for tribal programs are not meeting the needs, and accessing funds from these programs has many barriers. This often results in a mindset that sexual assault, although not acceptable in other places, is acceptable in Indian country. Other jurisdictions have access to the Victims of Crimes Fund, otherwise known as the VOCA fund. The monies in the VOCA fund are monies paid by federal offenders for fines and other penalties including fines paid by offenders in federal jurisdictions like those who commit crimes in Indian Country. But, under the Victims of Crime Act, practically no money is directed at Indian Tribes. States receive a formula grant each year; no competition is required so the funding for the services is guaranteed from year to year. Tribes need the same type of funding set aside to immediately begin to better serve Native victims of violence. Such a tribal set-aside would cause no loss of funding to others receiving VOCA funds under the existing scheme if the amount was above the current cap. Such an "above-the-cap" set-aside for tribes would help ensure that Native victims have access to the services they need, while still maintaining the existing set aside amounts for the states. This would focus the funds on an area of demonstrated need which has been ignored for far too long. The Victims of Crime Act is supposed to help rebuild a life through assistance and compensation. Native Women victims deserve an equal chance to rebuild their lives.

Thank you for allowing me to present my testimony here today. I am happy to try and answer any questions you may have.

