Office on Violence Against Women Tribal Consultation September 19, 2007 Albuquerque, New Mexico

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Overview

The 2007 Office on Violence Against Women (OVW) held its second annual Tribal Consultation in Albuquerque, New Mexico on Wednesday, September 19, 2007. The purpose of the consultation is to solicit recommendations from tribal government leaders on the following three topics:

- Administering grant funds appropriated for tribal governments and programs created to benefit tribal governments by the original Violence Against Women Act and subsequent legislation;
- Enhancing the safety of Indian women from domestic violence, dating violence, sexual assault, and stalking: and
- Strengthening the Federal response to crimes of domestic violence, dating violence, sexual assault, and stalking.

The day began with a welcoming prayer from Mr. Alvin Warren, Lt. Governor of the Pueblo of Santa Clara in his native Tewa language. The prayer was followed by the presentation of Pendleton blankets to three tribal leaders by the Coalition to Stop Violence Against Native Women. They were presented to Alvin Warren, Lt. Governor for Pueblo of Santa Clara; Amedeo Shije, Vice Chairman, All Indian Pueblo Council, Inc.; and Governor Victor Montoya, Pueblo of Sandia. Welcoming remarks were provided by Governor Victor Montoya. The consultation began with a welcome by Mary Beth Buchanan, Acting OVW Director. Additional opening comments were made by Gretchen Shappert, US Attorney for the Western District of North Carolina and Chairperson of the Native American Issues Sub-Committee. The consultation facilitators were John Gonzales (Pueblo of San Ildelfonso) and Gwen Shunatona (Prairie Band of Potawatomi/Pawnee). John Gonzales opened the consultation dialogue with a welcome for participants.

Executive Summary of Recommendations

The following items reflect an overview of key recommendations and comments provided by tribal leaders during the consultation session.

- Title IX Baseline Study Task Force
 - Finalize nominations for baseline study task force and start work as identified in Title IX.
 - Include practitioners as well as Tribal leaders in the work that needs to be done.
 - Develop a process for ongoing communication with tribes in the development and work of the Title IX baseline study task force once it is established.
 - Utilize website and other electronic communication formats.
- Office on Violence Against Women (OVW)
 - Fill leadership vacancies within the Department of Justice. Provide additional support to the Deputy Director for OVW.
 - Consult with tribal leaders through an advisory committee to assure culturally sensitive responses to the needs of tribes funded through the Office on Violence Against Women.
 - Elevate OVW to report directly to the Attorney General.
 - Increase staffing for the tribal unit at OVW.
 - o OVW should hold regional consultations instead of one national consultation.
- Attorney General US Attorney's Offices
 - Inform US Attorneys of the comments brought to the consultation.
 - Make tribal offenses a priority.
 - Address the length of time it takes to prosecute federal cases.
 - Non-native perpetrators cannot be held accountable in a tribal criminal justice system.
 - o Address the Firearms Act, Indian Enforcement Act, and the Habitual Offender.
- Consultation
 - The Attorney General should attend the consultation.
 - DHHS and BIA should be invited to participate in the consultations.
 - Consultation should be longer than one day.
 - Share recordings with all tribes, not just those in attendance at the consultation.
 - There needs to be visible results and continuous communication about the recommendations made at the consultation.
 - State Attorney General Offices should develop consultation policies within PL-280 states.
- Collaboration
 - Identify areas of overlap between Title IX and the Indian Health Improvement Act at the local and state levels as well as at the federal level.
 - Tribal, state, and local agencies should meet more frequently to establish and maintain relationships and address violence against women concerns.
 - Tribal leaders should take the first step in holding regional meetings to develop responses to crimes in Indian country.
 - States and counties need technical assistance resources for working with tribes on violence against women issues.
 - Additional resources should be sought from OMB, BIA, and DOJ to bring tribal law enforcement officers' pay to a competitive level.

- Collaboration (Cont'd.)
 - FBI offices should be more responsive to the needs of tribes regarding violence against women concerns.
 - o IHS Clinics need evidence collection protocol for native survivors of sexual assault.
 - DHHS should address policies for health services, emergency rooms, and IHS facilities to respond to sexual assault of native women.
 - All tribes should pass resolutions and provide testimony to support the work of those helping Native women.
- Program Implementation
 - Explore the difference in needs between reservation and non-reservation tribes.
 - Start funding cycles sooner lapses in funding cycles may cause layoffs of employees working on critical programs.
 - Develop an ongoing T/TA program for grantees that receive funding. Bring grantees together 2-3 times a year to discuss common problems and seek collective solutions.
 - Condense the report form to evaluate OVW funding and address non-Indian offenders.
 - Publicize that OVW allows proposals to be mailed, faxed, or delivered by other means as electronic submission is not always possible for many remote villages and tribes.
 - The GMS system is slow, inefficient and difficult to use.
 - Streamlining access to funding (as identified in VAWA 2005) has reduced the total number of dollars available at the tribal level.
- Funding
 - Many tribes do not have the technological capacity to report and apply for funding, this includes equipment and staff.
 - The federal government should provide funding based on need-for-services; not on formulas. Eliminate population caps.
 - Additional funding for media outreach would help increase awareness on violence against native women issues.
 - Restore funding for building costs to support shelters.
 - Put special conditions on state funding for services that require open membership to include tribal victim service programs.
 - Help develop codes for assault and advocacy for victims and survivors.
 - Administration of funds should not be allocated based on population.
 - OVW should continue recurring base funding for programs.
 - Provide treatment for perpetrators.
 - Factor in the high costs for travel to attend training and to access services, especially for Alaska villages.
- Training
 - There should be increased training and technical assistance for Indian tribes to address the civil and criminal legal issues surrounding violence against Native women.
 - Sexual assault programs need better access to current and relevant training and outreach materials.
 - Children should be allowed to attend OVW events.
 - Advanced training is needed for community workers to help develop procedures for implementing programs and designing technical assistance plans.
 - Provide information on how historic trauma impacts community members.

- Training (Cont'd.)
 - Provide funding to support standardized mandatory training for tribal agencies on violence against women areas of concern.
 - Address the needs of Iraq veterans returning to communities.
 - Cross deputize tribal police and provide cultural competencies training for non-tribal police and sheriffs deputies.

Following the testimony and comments from tribal leaders, Mary Beth Buchanan, Acting Director of OVW and Lorraine Edmo, Deputy Director of the Tribal Unit for OVW gave summary and closing comments. The consultation concluded with a closing prayer by Mr. Amadeo Shije from the Pueblo of Zia. OVW provided a 60-day open period for comment and submission of additional written testimony. This report includes recommendations and additional comments provided during the 60-day period.

Testimony and Comments from Tribal Leaders

The following information reflects comments and responses from tribal leaders during the consultation. Where provided, additional written statements are recognized and are included in their entirety as attachments to this document.

Shelly Chimoni, Pueblo of Zuni: Thank you to OVW for making this consultation a reality for the tribes. Being in a leadership position, this is the second opportunity to be part of a consultation session. Thank you to Ms. Buchanan for staying and carrying back our comments to Washington, DC. The tribes will do what they can to provide more than just comments, but also resolutions and recommendations.

The four most important items are:

1 – Leadership vacancies within the DOJ (Attorney General and OVW Director). These positions should be filled as soon as possible. Support for the Deputy Director cannot be fully executed without these leadership positions being filled.

2 -States must work with tribes; counties do not have bylaws to work with the tribes. Technical assistance is needed within states to support tribes. With minimal funding for law enforcement, it is necessary for OMB, BIA, and DOJ to leverage resources to fund officers. Some tribes are not able to fund their law enforcement officers at the same rate as BIA officers. Entry level pay of \$10 an hour is not adequate to secure long-term positions for officers.

3 -Administration of funds should not be allocated by population. For example, shelters can house women from other tribes and from surrounding checkerboard reservation neighborhoods. Allocating resources where they are needed is an important consideration.

4 – A task force is to be implemented for the baseline study as identified in Title IX. Even though the Baseline Study Task Force work has not started, NIJ and OVW could have begun meeting with tribes to address concerns. This is one of the most critical pieces of importance to the Pueblo of Zuni. Each area of Title IX has serious implications and they are all a priority.

The Native American Health Improvement Act should have a thorough review by DOJ to determine how the strategies of Title IX may overlap with the Health Improvement Act. This would include the collection of data. There will be overlapping strategies and the various departments. DOJ, DHHS, and others must be part of the dialogue to outline how to best leverage funds to support the requirements. This (collaboration and coordination of funding and requirements) should occur at the state level as well as the federal level.

In the Pueblo of Zuni, all women are important; without the Zuni women the people would not be able to carry out any traditional or religious duties. They are the backbone of those responsibilities. This extends to the youth as well as those that are not yet born. Many of them are suffering from the impact of violence. Our children, who are the future of our generations, are not being prepared for the future. We are not protecting and keeping them safe. DOJ should give the time to consult together and listen to what the tribes have to say. For those that live and work in the communities, we live with the decisions that are made at the federal level. Thank you to DOJ and OVW for providing the opportunity to make comments. We will support your work.

Alvin Warren, Santa Clara Pueblo: I want to begin with thanks to the Acting Director and the Deputy Director for your participation and that of your staff, particularly Kathy Howkumi, who carries out her responsibilities in a good and helpful way. Thank you for the infusion of much-needed resources for infrastructure to respond to sexual assault and domestic violence. Resources for PeaceKeepers are also appreciated. Thank you to all tribal leaders for making this a priority and I look forward to hearing from all of you. We appreciate the actions taken on many issues that were raised last year, however some of the recommendations that were made last year were not heard and do not seem to have been documented. The Amnesty International Study was not a surprise (to those who have been working on these issues) but it is an outrage that such a disproportionate impact is affecting Native Women and we should keep this at the forefront in our minds today. We cannot stand by and we must be dedicated to address this issue. There are barriers that need to be removed. We are all here working together. We have the same task and mission. There may be strong sentiments, however we cannot forget we are all on the same team and must act as though we are on the same team. We expect you will document and report to us on what you have heard and that you will do what you can to assure our recommendations are moved forward. How do we best learn from last year's process and do better this year?

This is a government-to-government consultation and the Acting Attorney General should be here. Our peer is the President of the United States. If he cannot be here he should send his cabinet representative. His not being here is a signal of a lack of support for these issues at the highest level. As the Acting Director and the Deputy Director, you are doing what you can, but please move our request forward to the Attorney General. There are other components of DOJ that are impacted by this issue and they should be here as well.

Mary Beth Buchanan, Acting OVW Director: Paul Hayden from the Office of Inter- Governmental and Legislative Affairs is here today. He will help make sure this is done. Former Attorney General Gonzales had looked forward to being here and had he not stepped down, he would have been here.

Alvin Warren, Santa Clara Pueblo: Within one month after a new Attorney General is announced, tribal leaders should request an invitation for an in-person meeting.

In looking at Executive Orders 13084 and 13175, our interpretation of government-to-government consultation is based on consensus and must include the written comments. Other recording should be shared not just with the participating tribes but with all tribes. This will help address the recommendations that have been brought forward. Clear explanations should be brought back to the tribes if recommendations cannot be met. I recognize a response was brought forward after last year, but more can be done to record the consultation.

An issue raised by many of last year's representatives was whether children would be able to attend events funded by OVW.

Mary Beth Buchanan, Acting OVW Director: Unfortunately other DOJ leaders were onsite last year and there were also technical difficulties with creating a transcript. Attempts were made to reiterate the recommendations.

Regarding children attending OVW events, it is a difficult issue. We do feel there is value in also having programs to educate children. Some topics at trainings and events are not appropriate for children. How can education be inclusive of training for children and be included within the training for adults?

Alvin Warren, Santa Clara Pueblo: We would like a decision within 30 days and a response on this recommendation.

Law enforcement is underfunded in Indian country. We are trying to fill 2 more positions within our department and have lost at least 6 or 7 officers out of 9. Insufficient salaries and benefits are reasons for the turn over. Without sufficient officers we cannot enforce domestic violence tribal codes/ordinances. Significant increases in funding for tribal law enforcement officers are needed, including officers, courts, and detention centers.

Another issue is lack of consultation with US Attorneys. The majority of these acts are committed by non-Indians over whom tribes do not have jurisdiction. Issue a directive by the Attorney General for all US Attorney offices to make tribal offenses a priority. Each office determines priorities differently. None of us fully understand the reasons why there is not full prosecution of every case. Part of it may have to do with the quality of investigations. Please conduct a formal investigation of Indian country to identify the reasons and create a response to address the issues.

This is tribal consultation – there should not be a limit on the time we have and I respect the time for other leaders to also speak.

The Pueblos have a joint statement that will be signed and submitted as part of the record for today.

To complement the issue of the AG not being here, there are two elements – elevate OVW to report directly to the President. Create a standing advisory committee of tribal leaders to report directly to the President on the issues that are brought forward. These issues have a serious impact on all the children. We cannot afford to not tell the truth about what is needed. Please take the comments for what they are and we are ready to work with you.

Dennis Vigil, Pueblo of Nambe: Deferred to Lela Kaskalla to speak on behalf of the tribe.

Lela Kaskalla, Pueblo of Nambe: We would like transcripts and a follow up status report from last year's consultation in a written format. We would like copies of written comments from today as well.

I concur with the data in the Amnesty Report on the high rates of crime in Indian country. If you are dividing your time between the US Attorney's Office and this responsibility, the issue cannot receive the appropriate level of attention. The staffing for Lorraine Edmo's office should be increased. Kimberly and Kathy have been most responsive, but programs are held up while waiting for responses. OVW should report directly to the President. The federal response to violent crimes on the reservation is lacking. This has been an ongoing problem. It cripples tribes to not have jurisdiction for non-Indians. In addition, some serious cases revert back to the tribal court, have high expenses associated with

them, and tribes are sometimes unable to sufficiently address these serious crimes. Violators are remaining in the communities and this can compound the problems.

I would ask that you not take this as criticism but as the head of the department, we address our concerns to you. Please reach out to Indian country to ask for assistance and support. We could spend all day going through all the needs in Indian country. Events like those we are talking about happen in all of our communities. The size of the grants in comparison to the needs within the communities cannot sufficiently address the issues. Smaller tribes are at a disadvantage for funding yet the crimes are the same within their communities. Back in December, 2006 we submitted the names of two individuals to serve on the baseline task force. There has not been a meeting called for this task force. There was a push and a deadline to appoint these individuals but now it appears nothing has happened.

Mary Beth Buchanan, Acting OVW Director: There was a request to provide names for individuals to serve on a task force. This did not get a response that was representative of tribes from throughout the country. It was important to have a balanced representation on the Task Force. We are still collecting names for a comprehensive list of recommended individuals with experience in the field. It is going through a formal process and set of requirements to be recognized as a federal working group. There needs to be a good representative group and we hope that this group will have the first meeting in December, 2007.

Lela Kaskalla, Pueblo of Nambe: It is important that any recommendations of this group should be brought back to tribal leaders and be recognized by their tribal governments to serve on the task force. Thank you for your response, for your time in being here. Members of the Department of Justice were in and out of the meeting yesterday and it shows a lack of respect for the tribal leadership present and for the people doing this extremely difficult work. Why did you come if you cannot stay in the room and meet with us?

Thomas Miller, Sault Ste. Marie Band of Chippewa Indians: The USA has a trust responsibility to tribes that includes the authority and responsibility for prosecution of certain crimes in Indian country as identified in various Acts, including the Major Crimes Act. Determining jurisdiction can be difficult and often causes delays in the processing of cases. However, jurisdiction is only a small piece of the puzzle, as once cases are referred to the federal system, the delays multiply. There are problems with FBI response to the tribes, including quick response and investigation. Geography contributes to delays as does a shortage of staff. The length of time to reach decisions on prosecution is a problem. Cases can remain dormant for 3 years – staff is not available for action on cases. Tribal staff cannot move forward as a tribal prosecution could interfere with a federal prosecution. It takes well trained staff available to do their local jobs to reduce the crime in Indian country. There needs to be a commitment that the federal government will make timely prosecution of these cases a priority.

Mr. Miller read testimony from Dennis McKelvie, Sault Ste. Marie Band of Chippewa Indians: Communities and tribes develop programs to provide services for victims to hold offenders accountable for their actions. VAWA 2005 combined all tribal set asides into one program. This streamlined access to funding but it also imposed population-based access to funding. In developing the population based criteria, it does not address the devastating impact on tribes. Our local funding eligibility was reduced by over 75%. How are tribal governments able to reconcile the opposing messages that are received from the Department of Justice and the Office on Violence Against Women? Our people are desperate for the critical services that OVW grants are intended to deliver. Remove the funding restrictions that unfairly disadvantage Indian tribes. (Written testimonies attached to this report from Mr. Miller, Mr. McKelvie, and Ms. Abramson.)

Michael Sandoval, San Felipe Pueblo: Thank you for coming to the table to listen to our concerns and address our questions. It seems we have common issues. The Pueblo of San Felipe will provide written testimony later this week. The statement I would like to make on behalf of those present, we as tribal leaders want to assure the safety of our Native women. We come to this table with the expectation that the US Government will abide by its laws and will fulfill their responsibilities to all Indian nations. Within the Department of Health and Human Services and the Attorney General's Office there should be a unified response to violent crimes. We request the concerns and statements given today be treated with the highest regard.

Verna Teller, Pueblo of Isleta: Good morning and I appreciate that this matter of great importance to all of us has an ear today. I would like to limit my comments. There is a written testimony and I will take this back as some of the questions have been responded to. Our historic experience is that the government passes laws that we must comply with and the table has not always been balanced. As tribes we are cautious about consultation. There were some requests made last year by the tribes that have not had follow-through. We fully expect any requests that were made should have follow-through. Not all tribes are "high tech" and may not have the technology to respond to requirements for reporting and applying for funding. Not just for equipment but also for staffing to use the equipment for compliance. I understand there was a recommendation about children not being allowed to attend events. It should be up to the discretion of the tribe to determine if children should attend and should not be a requirement or mandate of the grants/government. The children are also victims and it is difficult to separate that, as children being involved in events is part of the way of life.

We live in a part of the country where there is a gap in enforcement and follow up for investigations at many levels. One specific area is Homeland Security and the threat of terrorism as a border state/border tribe. Tribes must develop the capacity of tribal courts, treatment programs, jails and detention centers. Laws tend to extend beyond their original intent and have other impact at the local level. Pueblo of Isleta concurs with the joint statement submitted by the Pueblos.

Peggy Bird, Santo Domingo Pueblo: Greetings from the Governor and Lt. Governor. They were not able to be here today due to illness and other administrative responsibilities at the Pueblo. Santo Domingo Pueblo is considered the heart of the Pueblos and recognizes that women are at the center of our communities and activities. They support everything that happens throughout lifetimes. The men are the support and strength – protectors. Unfortunately, like many tribes, we are impacted by colonization and experience high rates of alcohol and substance abuse. There is no written court system but rather the court is operated in a traditional oral court system. Some data provided on the community tracked domestic violence crimes since the first of the year; all defendants were under the influence of alcohol or other substances. The children were placed in shelter care or with extended family members. There have been meetings with a small task force to address the safety of women within the community. Jurisdiction is an issue that needs to be addressed. This needs much further work and follow up action. What is being done to make the appropriate change? Non-Indians on the reservation, state laws, and federal laws do not align with cultural and traditional ways of life within the Pueblo. The conflict and confusion between traditional ways and the western legal system create challenges for the Pueblo.

OVW grantees and children coming to programs was raised last year by Pattie McGeishik who reported an experience at an OVW sponsored event where an attendee was breast feeding. This is a traditional way for Native Women. It's another way to teach children by bringing them with the mothers and women so they can learn. It precluded breast feeding mothers from attending mandatory events. There was an assurance that the policy would be changed. Nothing came through from that promise. Even though there has been transition, it is expected that the word would be passed on through the transition at OVW. When promises are made by one federal official, they are not forgotten after that individual moves on.

To address the Habitual Offender statute, the U.S. Attorney in New Mexico said: This provision only applies if the individual had legal representation. Most defendants do not have access to attorneys to represent them. Their convictions will not count towards the provision as it is written.

Amnesty International Report recommendations need further review and need to be addressed. The US Government has a huge responsibility to Indian nations. This needs to be stressed, as this is not nation-to-nation consultation. We expected top officials at the consultations. This should include the Health and Human Services Department – by statute they should be part of this consultation. This question is for HHS – what is being done to address sexual assault policies for health services, emergency rooms, and in IHS facilities?

Regarding the grants by Indian Tribal Governments Program, it was stated earlier that to make it easier for tribes to use their funds the award period was extended to 3 years. Were tribes consulted before this was implemented? Most people submitted as much as they could under the population formula. In most cases they were asked to revise their budgets and cut them in half – and now if they are asked to extend to another year, there is even less money to cover comprehensive programs to address safety concerns for communities. These policies do not enable a comprehensive response to violence against Native women. It is recommended that the tribes be informed about the activities conducted under the Title IX Baseline Task Force through a website or other format so progress can be communicated to tribes. It needs to be reported more than once a year; it should be ongoing.

We expect to see results in action – not wait a year for updates on progress and the same recommendations should not continue from one year to the next.

Native women are worth more than 10% of the dollars that have been allocated to address violence against Indian women. Children need to learn and grow and be safe. Thank you for listening to us and addressing our concerns.

Gilbert Vigil, Pueblo of Tesuque: Good morning! I was able to provide testimony last year and to find out some of the issues raised last year have not been addressed is concerning. If you can stay with the organization, we know you are the messengers. Let the Attorney General know of the concerns raised here today. The Department of Health and Human Services needs to be here. The people that need to be here are the President's designees, if the President cannot be here. This may be the reason other tribal leaders are not here. Do not make the same mistake that other entities within the federal government make. There needs to be visible results and communication about the recommendations made today. Make sure whoever is the person to listen to us is here in person. All tribes here are encouraged to pass resolutions and provide testimony to support the front line people working on violence against Indian women within the tribes. They deal with the day to day atrocities that take place within our communities. One day is not enough time to allow tribal leaders to express their concerns in a meaningful way. My concern is with the consultation process. Let us know what is being done to address the concerns brought forward. When you are done with your day you go back to your respective homes and do not see the same things we see daily within our communities. There are not

sufficient resources to provide for their needs. Unfortunately, the educational system educated Indian people so some of the traditional ways have been lost or forgotten. Domestic violence is not a standalone element – it involves substance and alcohol abuse, low self-esteem, causing the personality of the individual to change. HHS and DOJ should be part of the collaborative response to domestic violence and should include BIA as part of this consultation. Take this message back to those who are not here today.

Break for Lunch – The luncheon presentation was provided by Eugenia Tyner Dawson, Senior Advisor to the Assistant Attorney General for Tribal Affairs, and Executive Director of the Justice Programs Council on Native American Affairs. She was able to provide an update on the consultations held over the past eight months by the Office of the Assistant Attorney General for the Office of Justice Programs. Many of the recommendations made by the tribes are having a direct and immediate impact on the future direction of the AAG's office and the implementation of programs and the distribution of funding. The next OJP consultation session is scheduled for November of 2007 with two additional consultation sessions scheduled in 2008.

Afternoon session:

Ben Nuvamsa, Hopi Tribe: I am honored to be here and provide this testimony at this second tribal consultation for OVW. Three topics are provided on behalf of the Hopi Tribe. We are located in NE/NC Arizona, with a land base of 1.5 million acres. We are a non-gaming tribe and rely on coal mining revenues to support our tribe. With an anticipated shortfall of approximately \$6.8 million in fiscal year 2008 due to decreased revenue from the sale of coal from our lands, the tribe will be increasingly forced to rely on federal funding to address domestic violence, stalking, and sexual assault programs started in 1997, as well as to meet the Adam Walsh program mandates. Thank you to the Office on Violence Against Women for their support of the highly successful Hopi initiatives. Building a system that is responsive against multiple challenges and obstacles needs diligence to maintain momentum.

The Hopi Tribe awaits results from the issues that are placing further demands on already limited resources. OVW expects to award over \$30 million to tribal governments under the new Grants to Indian Tribal Governments Program. The population based cap on funding does not adequately address the needs of small tribes over a three year period. Together we must determine what formula will meet the needs of smaller tribes that over time have built programs from the ground up and now require enhancement funding to strengthen the programs that have proven effective in addressing domestic violence and the associated problems.

The Hopi women play a very important role in the society, which is matrilineal. This is the reason why women are sacred and very important. We must respect them and protect their rights. There are some issues to address concerning the grants and tribal programs. Seven grants were received by the tribe however when the programs were consolidated, this resulted in a significant reduction in grant funding and compromises to programs and staffing. There is increased competition with states and local entities. Continuing, recurring, base funding for programs needs to be established. (Written testimony attached to this document.)

Joyce Viarrial, Pueblo of Pojoaque: Thank you to OVW for the program funding. It would be good to have enough funding to have adequate staffing to do the work and seek enough funding for the needs of the community people. It's like a chess board to figure out how to meet the needs of all the families

that come in for services. We must often perform roles beyond our responsibility (probation officer) and it is a large job. There are not enough specialized individuals to work with the community. It would be good to have more Native Americans who are educated in social work and domestic violence to help with the work that needs to be done. Even individuals that go on to school cannot always support themselves within the tribe due to low wages and benefits.

It would be good if there were finances to support more media outreach on domestic violence. It is not easily discussed and individuals can be afraid and will continue on in relationships where they are not safe. It is important to understand historic trauma to know how it impacts the crisis most community members are living within. "The greatest work we will ever do is within the walls of our own homes." We should continue to work with women and children who are sacred and help them grow up to be proud of being Indian.

Vikky Shirley, Navajo Nation: Good afternoon to all of you. Thank you to the Honorable Mary Beth Buchanan and your staff for being here. We need to continue to collaborate, support each other, and be one united voice as Native peoples. The Navajo Nation is 30 years behind the times compared to those that are in the mainstream. Please help us move ahead and move forward. As Navajo women, we are the ones that are moving the Nation forward. We would like to keep the women safe. To highlight the written testimony, regarding administration of tribal funds and programs, we would like additional resources for sexual assault, codes for assault and advocacy for victims and survivors. Therapy for rape victims is a great need. We would like the federal level to work on sexual assault to address issues and convict perpetrators. Strengthen federal responses through Congressional Hearings. Have a specific program created especially for sexual assault research and analysis. Data for Indian Country is needed – this should be specific and detailed data that reports the accurate facts on the incidence and impact of domestic violence and sexual assault in Indian Country. This is a huge monstrous issue that is beyond each of us but can be addressed by working and talking together. Please be in a working relationship to discuss and make a dent in this monster called domestic violence.

Amadeo Shije, Pueblo of Zia: We as tribal leaders have a responsibility to accept our people as our children.

Raphael Bear, Fort McDowell Yavapai Nation: There are many issues. A few specific issues to bring forward include removing the fear factor in reporting rape.

Teen violence is on the rise and needs to be addressed. We can't just nod our heads but rather understand that no means no and rape is a crime. More education is needed regarding violent sex against women. There is a cycle with violence that happens and continues – it must be broken. As elected leaders we often talk about sovereignty and in many respects we are not able to do that until we relate it to the essential part of who we are and what God has made us to be.

Yolanda Bowman, Kalispel Tribe of Indians: Turning over the microphone to Felipe Gonzales for comments: Good afternoon. It is an honor to be here and sit among the tribal leaders and the government officials. Programmatic issues will be the focus of the comments. Two recommendations to be made would be to develop an ongoing T/TA program for grantees that receive funds. Set aside funds to facilitate the training process. Currently there isn't a forum for follow up. If grantees could collectively get together 2-3 times a year they can discuss their common problems and seek solutions to support the major problems domestic violence creates within the communities. It would give an opportunity to meet with the grantees and provide support. It is unfortunate when grant funds are not

utilized by the tribes. OVW can help keep that from happening. There are many TA providers that would be ideal candidates to work with OVW to provide training sessions for tribal grantees. Take advantage of the resources that are there.

Consult with tribes through an advisory committee to assure the assistance is culturally appropriate and relates to the specific needs of the tribes in a sensitive manner. The same issues that large tribes have are also prevalent within small tribes. Question: when will the consultation stop and the action/implementation begin?

Yolanda Bowman, Kalispel Tribe of Indians: Thank you for the funds the tribe received. They are helping within the schools and within the communities. On a council level, the programs are not all on the same level. If there was mandatory, standardized training for the agencies within the tribe, it would help them understand better how to work together. Perpetrator treatment requires extensive funding but it seems to be an effective approach to helping control recidivism; provide separate funding to work with perpetrators. (Written testimony attached to this document.)

Brenda Commander, Houlton Band of Maliseet Indians: Law enforcement is severely underfunded. Delays between award periods cause gaps in services. State Domestic Violence Coalitions many times do not allow tribal services and to participate as members. Put special conditions on state funding for services that require open membership to include tribal victim service programs.

Elaine Meshigaud, Hannahville Indian Community: There are concerns for the record. Keeping Indian women safe must be at the forefront.

Ruth Oja, Hannahville Indian Community: There are 7 different purpose areas under grants to Indian tribal governments. They may not be philosophically supported by those that work with battered women. Supervised Visitation Centers – as an example – may lose focus on the strong support of safety and accountability. These Centers are developed for a culture where they are not working. What assurance can be given that Indian women will be kept safe? We become competitive with our collaborative partners when everything is wrapped into one. There is a wide area that is not being looked at seriously (i.e., non-native perpetrators being held accountable in a tribal system).

Jolanda Ingram Marshall, Hoopa Valley Tribe: We appreciate the funding we have received from OVW. The current method of distribution of VAWA funding does not recognize the unique status of California tribes. Hoopa has a membership of approximately 2,500 members, but there is four times that number of members from other tribes residing in the area. The distribution according to population does not allow comprehensive program development as small tribes can only address one area of need. It would be more beneficial to all Tribes to distribute the funds in the fashion OVW is currently distributing funds under the Legal Assistance to Victims Grant Program; 7% to tribes and 3% to non-profits in Indian country, instead of lumping them all into one grant program. The current Family Violence Prevention Program uses a formula base; this is opposed. (Written testimony attached to this document.)

Richard Phillips-Doyle, Passamaquoddy Tribe at Pleasant Point: Thank you to the NCAI and others who put together the literature that explains the Act and the concerns for Native women. Whatever is done must insure the safety of Indian women. This will require the support of the leaders as well as the community as a whole. Many people have fallen asleep to the issues and we need to wake them up. There needs to be IHS clinic protocol for treatment of abused women to get the best evidence collection possible. Section 904A baseline study – should make every effort to include individuals that

understand that the tribes represent many cultures and not just one. The databases are tools that need to be useful to the end-user. They should be shared and interactive with state and federal databases so information can be collectively, accurately, and reliably provided. I hope VAWA will continue to be a collaborative effort between the tribes and the federal government. (Written testimony attached to this summary.)

Desiree Allen-Cruz, Confederated Tribes of the Umatilla Indian Reservation: I want to commend the leaders here regarding how to operate domestic violence/ sexual assault programs. These are difficult issues to discuss. Thank you to the advocates for continuing your hard work which includes knowing all the different processes within the community and with the different agencies. Thank you for the funding to the tribe. The tribe has a SANE Nurse and a SANE policy in place. The tribe works with the local and the federal courts. In trying to insure the community has an awareness of how devastating family violence is, a handful of people are sent to training through government funds. Advanced training is needed. This training needs to go beyond the basics and get into more detailed procedures in developing and implementing programs. Direct service workers and advocates should be at the table especially to design technical assistance plans for tribal programs. Will the task force members be from tribal nations? This should include not just leaders but also those that do the specific and direct work. Will they be picked by the tribes? Direct line service advocates should be key members of the planning.

There should be a legislative fix for tribal courts to prosecute non-tribal members. Racism exists and needs to be addressed. Address the overrepresentation within the current system.

Adam Walsh Act and SORNA – funding is especially a concern for smaller tribes. The definition is too broad and needs context to define jurisdictions and who to contact. There are concerns over providers: non-native; lack of cultural understanding, etc. The impact of Iraq veterans returning to communities needs to be addressed. Non-tribal service agencies should be accountable to everyone within their service area. Provide physical and verbal support to those working on the day to day basis; support programs at the state and national levels.

Alberta Vetter-Atkins, Otoe-Missouria Tribe of Oklahoma: All of you should be commended for the work you have done. Even within a small tribe there are issues that do not get addressed. It is pushed under a rug. Law enforcement officers need training. In Oklahoma both partners are taken to jail when a domestic violence call is issued.

Rebecca Alegria, Menominee Indian Tribe of Wisconsin: The greatest concern for the tribe is regarding applications for funding. While one grant has been approved, others are still pending. With only 2 weeks to the start of a new fiscal year, we are unable to assure continuation of the programs we have in place. Staff may be laid off while the tribe waits for notification of the funding awards. Start funding cycles sooner to allow more time to make the transition if funding is not provided.

GMS – the system is slow and inefficient. It is difficult to use. With incompatibility in systems, it is impossible to get reports submitted accurately and timely.

Funding – Within the tribe there are no secrets and everyone knows everyone. Sometimes individuals need to be moved to other areas for their safety. Funds need to be made available for this service. Increase funding and lighten the restrictions on how funds are used to allow more flexibility within programs. Lack of jail facilities allows violent offenders to remain in the community. Is the availability of tribal government grants somehow impacting tribes' ability to get other DOJ funds?

Cecelia Fire Thunder, Oglala Sioux: Take forward the resolutions of the Great Plains Tribal Chairman's Association and adapt them for your tribes. Rape and sexual assault requires more than a law enforcement response – it must also be a medical response. Even if an assault is not prosecuted, the woman who was assaulted needs to be healed. There has never been a consultation with Indian tribes and the FBI. Ask tribal councils and regional associations to put forward requests for consultation with the FBI. Tribal leaders should take the first step to meet regionally to develop responses to crimes in Indian country. Tribal leaders need to use their sovereign power and prioritize what are the most important needs for law enforcement.

Karen Artichoker, Great Plains Tribal Chairman's Association: Specific areas of concern are: jurisdiction; sentencing limitations; protection orders; and barriers to protection registry. Who is responsible for identifying section 905A and providing guidelines to tribes? 905B has barriers for tribes to entering protection orders into the system. Tribal advocates should participate in the efforts conducted on behalf of Indian women who are battered and raped. Include practitioners as well as tribal leaders in the work that is being done. The unique legal relationship between tribes and the federal government requires a responsibility to prosecute crimes against Indian women. When this doesn't happen, Indian women become a consistent target for attack by non-Indian men. Encourage training of prosecutors and other related agency representatives on investigating and prosecuting domestic and sexual violence.

Thank you to Ms. Edmo. We support you and appreciate what you are doing. Ms. Buchanan, Ms. Edmo belongs at your right hand every day to help address the issues relating to Indian women. (Written testimony and 3 resolutions attached to this document.)

Chris Devers, Pauma Band of Mission Indians: Thank you to those who share the table today and acknowledge the women who are here today. PL 53-280 creates barriers to protecting women within tribal communities, especially for the tribes in California. DOI denies funds to tribes that fall in 280 states. Amendments that need to be addressed: Firearms Act, Indian Enforcement Act, and Habitual Offender. California Indian tribes were denied resources to develop tribal courts.

Use a formula program to allocate funds to tribes. Provide funds to all tribes that apply for funding.

Nicole Witt, Rosebud Sioux Tribe: Administer grant funds appropriate for tribal governments – regulations should remain constant and not be reinterpreted by each administration. Eligibility keeps changing. Changing funding cycles from 1 year to 3 years limits the amount of work the tribe can do with the funding. Funds should be processed within 90 days of OVW receiving appropriations from Congress. Streamline applications; eliminate population caps; T/TA must be designed to specifically address the unique legal and jurisdictional circumstances of Indian tribes. (Written testimony attached to this document.)

Anthony Collins, Sr., Salt River Pima-Maricopa Indian Community: Increase funding and remove tribal matches. Provide funding for programs that work with children to build self-esteem. Keep promoting federal prosecution of domestic violence crimes; US AO's should be mandated to make this a high priority. Tribes should be able to execute jurisdiction against non-tribal offenders, possibly through a pilot program. Have a permanent advisory board to work with the Department of Justice. Advocate for reauthorization of the Indian Health Care Act.

Brian Thomas, Shoshone Paiute Tribes: Thank you to OVW for the opportunity to be here today and speak on behalf of our tribes and for taking this message back to DC. Funding is so difficult – the

Shoshone Paiute Tribes are a long distance from any services. There is a lack of law enforcement and a lack of response from law enforcement (2 hours away.) The US Attorneys should have better understanding of the comments brought to the consultations. BIA and FBI should coordinate their efforts with tribal business councils. A better databank should be developed to track offenders across tribes and states. Compacting programs cost a great deal of money. Restore tribal jurisdiction to Indian country.

Debra Bracklin Butler, Lac Courte Oreilles Tribe: The work of Lorraine is valued and her expertise is appreciated. She knows the issues of Indian country. It is recommended that she be part of the coordinated efforts with the BIA for the law enforcement response as well as with FBI and with IHS. Restore the 10% back into the other sources of funding. Eliminate match requirements for tribes and non-profit organizations. Eliminate population caps. TA Providers are to be recognized for their work in support of tribal programs. OVW funding has enhanced the network between tribes.

Restore funding for building costs to support shelters. NCAI drafted a resolution for tribal nations to request policies and procedures for sexual assault examiners to provide services through Indian health care services. Condense the report form to evaluate OVW funding. Non-Indian offenders are not addressed in the report form. The data sources are not consistent across the federal agencies. The Adam Walsh Act solicitation came out too soon. The funding had a match requirement which we request be removed.

Delphine Nelson, Comanche Nation: Specific concern over the Lawton, OK Indian Health Center – who has jurisdiction and can help women who are violated at this facility? Money to build shelters was discussed at last year's consultation. What happened to that? Will there be funding to build shelters in the 08 funding solicitation? Hold consultations regionally. Non-reservation tribes may have different issues than other tribes. Regional sessions may provide an opportunity to address specific issues and region-specific concerns.

Cathy Abramson, Sault Ste. Marie Band of Chippewa Indians: Unfortunately, the Amnesty International Report does not accurately portray the violence against Indian women. Accurate data collection is critical. The Task Force must be formed and initiate their work. (Written testimonies attached to this report from Mr. Miller, Mr. McKelvie, and Ms. Abramson.)

Abe Chopper, Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation: I am honored to be at both consultations and to help discuss the issues around violence against women. Formula grants do not work on large land based tribes like those in MT. MT tribes want the government to base their funding on needs of services, not on formulas. Sexual abuse programs need access to current and relevant materials. Adam Walsh Act should include those who are convicted of domestic violence offenses.

Tilford Denver, Bishop Paiute Tribe had to leave to catch a plane but written testimony was submitted on behalf of the tribe. (Written testimony attached to this document.)

Tammy Young, Native Village of Anvik: Access to supplies, services, and law enforcement is limited or non-existent due to their remote location which is 800 miles from Anchorage in Alaska. This is true for many Native villages in Alaska. To assist Alaska Native tribes would factor in the high costs of travel within and outside the state; Alaska-native specific technical assistance; allow proposals to be mailed, faxed, or other means vs. requiring online applications. Last year Emmonak testified about the Emmonak shelter. It was with disappointment that the Village of Emmonak was not funded in 2008.

This will create a severe crisis situation. They provide services to 11 communities including their own. We request that discretionary dollars be made available to support this program that serves so many remote villages in Alaska. Alaska needs more consistent programs where we are not placed in a position to compete with each other. (Written testimony attached to this document.)

Atta Stevenson, Cahto Tribe: State Attorney General Offices should create consultation polices with tribal governments within PL280 states. Small, rural tribes in California are not notified of the release of offenders and predators. We request that OVW and DOJ help implement a reauthorization of the Indian Health Services Act. Land based formulas are not equitable to small tribes any more than they are to large land based tribes. Regional forums for consultation are an excellent suggestion. Funding is limited but violence is unlimited. Take away matching funds from grants. OVW must dedicate one full-time person to working with Native women. Cross deputize tribal police and provide cultural competencies training for non-tribal police and sheriffs deputies.

*Dorothy Wilson, Mississippi Band of Ch*octaw Indians: Use of shelters on the reservation would be better than moving women off-the reservation to receive services. More training for law enforcement is needed to support investigations and information-sharing. This would require additional funding. Population of non-Indians on the reservation is increasing and the tribe is working on ways to register non-Indians if they are married to tribal members. Funds are needed to support this effort.

Juana Majel Dixon, (Pauma Band of Pomo Indians) and National Congress of American Indians: Clarify how long the written testimony time will remain open after this consultation.

Mary Beth Buchanan, Acting OVW Director: A 60-day period will be used to provide comments and written testimony to OVW.

Juana Majel Dixon, (Pauma Band of Pomo Indians) and National Congress of American Indians: Thank you to the NCAI staff for their efforts in working with Congress and the Justice Department for their hard work. Thank you to all the women and leaders who are here to help address the issues. Your expertise is acknowledged. Thank you to Lorraine Edmo, Kathy Howkumi, and Kimberly Woodard they do the work of 9 people. They need more staff support for this work. The reauthorized act of 2005 is a major step but there is more to do. Appropriate federal representatives are needed for government to government dialog. Thank you to Gena Tyner-Dawson for the work that is done as a tribal liaison. Why liaison positions are not made permanent is a question that needs a response. Annual and national consultations are federal requirements; however it may be more fruitful to hold regional or more frequent consultations. VAWA tribal provisions only begin to address the magnitude of the problems. Pay attention to what is going on in Alaska; in Oklahoma; and Montana – the impact is huge and cannot be ignored. Sexual assault without evidence will continue to keep us from addressing the problem. Make funding available for consistent collection of evidence. Jurisdictional voids in Alaska and model programs without funding are among the concerns that must be addressed. We do not want a competitive or formula based process that only helps a small percentage of the communities that need assistance. Institutionalized racism is real and part of the problem with jurisdiction issues around non-Indians in Indian country. Criminal jurisdiction in Indian country is complex and many associated factors impact the ability to hold offenders accountable for offenses on tribal land. There needs to be a mechanism to deal with perpetrators and non-Indian offenders that reside on tribal lands. Definition of a major crime is complicated and difficult to carry out across America and especially in Indian country.

Full faith and credit for tribal orders is a critical piece. DOJ should join NCAI to approach Congress to restore tribal jurisdiction and appropriately address violent crimes against Indians. Lorraine Edmo will need to champion the tribal cause including policy. She will need an assistant for this to work. There needs to be direct authority reporting to the Attorney General. Have a standing Indian Country Advisory Committee to advise the Attorney General and DOJ on the needs and issues, with a permanent seat with the US Attorneys.

Provide a written copy within 90 days and provide an action plan for response to the consultation. (Written testimony attached to this document.)

Mary Beth Buchanan, Acting OVW Director: This is a significant issue that affects many women and time will be spent going through the verbal and written testimony. Your patience and participation are appreciated. It is impossible to summarize all of this in a few minutes. The staff is dedicated and competent; determined to do a good job. A couple issues have been consistent throughout: Grants to tribal governments is new. As more tribe's access funding, the pot of money diminishes. Different guidelines will be needed to more specifically address the different needs of tribes. Within 4-6 weeks the Sexual Assault protocol will be released. Reading the transcript and testimony will help create a more thorough response to the day's discussion.

Lorraine Edmo, Deputy Director, Tribal Unit: I look forward to working with you in the future and appreciate your input today. I appreciate the time and commitment of all tribal representatives who are here today. We will be finalizing the report and testimony and I look forward to working with all of you in the future.

Mr. Amadeo Shije, Pueblo of Zia provided the closing prayer.

First Name	Last Name	Title	Tribe/Organization
Cathy	Abramson	Board of Directors, Unit One	Sault Ste. Marie Band of Chippewa
		Representative	Indians
Rebecca	Alegria	Legislator	Menominee Indian Tribe of Wisconsin
Desiree	Allen-Cruz	Domestic Violence Coordinator	Confederated Tribes of the Umatilla
			Indian Reservation
Karen	Artichoker	Director Sacred Circle National	Great Plains Tribal Chairman's
		Resource Center	Association
Margaret	Baha-Walker	Vice Chairwoman	White Mountain Apache Tribe
Raphael	Bear	Tribal President	Fort McDowell Yavapai Nation
Peggy L.	Bird	Tribal Court Judge/Attorney	Santo Domingo Pueblo
Yolanda K.	Bowman	Council Member	Kalispel Tribe of Indians
Debra	Bracklin Butler	Oakwood Haven Shelter Director	Lac Courte Oreilles Band of Lake
			Superior Chippewa
Ben	Branham	Council Member	Hoopa Valley Tribe
Mary Beth	Buchanan	Acting Director	Office on Violence Against Women.
Mary Detti	Duchanan		U.S. Department of Justice
Shelly C.	Chimoni	Head Councilwoman	Pueblo of Zuni
Abe	Chopper	Council Member	Assiniboine and Sioux Tribes of the
AUC	Chopper		Fort Peck Indian Reservation
Anthony	Collins, Sr.	Council Member	Salt River Pima Maricopa Indian
Anthony	Comis, 51.		Community
Brenda	Commander	Tribal Chief	Houlton Band of Maliseet Indians
Adelaide	Davis	Council Member	Saginaw Chippewa Indian Tribe of
Adelaide	Davis	Council Member	Michigan
Tilford	Denver	Chairman	Bishop Paiute Tribe
Chris	Devers	Chairman	Pauma Band of Luiseno Mission
Chris	Devels	Chanman	Indians
Juana Majel	Dixon	Tribal Delegation Leader	Pauma Band of Luiseno Mission
	DIXUII	Titoai Delegation Leader	Indians/NCAI
Chorul	Donovan	Trenton Indian Service Area	Turtle Mountain Band of Chippewa
Cheryl	Donovan	Health Director	Indians
Lorraine P.	Edmo		Office on Violence Against Women,
Lorraine P.	Edino	Deputy Director for Tribal Affairs	•
Missila	Emory Witt	Cront Monogor	U.S. Department of Justice Rosebud Sioux Tribe
Nicole	Emery-Witt	Grant Manager Coordinator, Native Women's	
Cecilia	Fire Thunder		Great Plains Tribal Chairman's Association
Karen	Caddia	Society of the Great Plains	The Chickasaw Nation
	Gaddis	Manager, Office of Violence Prevention	The Chickasaw Nation
William H.	Gallegos	Lt. Governor	Pueblo of Santa Ana
Felipe	Gonzales	Grant Administration	Kalispel Tribe of Indians
John F.	Gonzales	Executive Director	San Ildelfonso, Eight Northern Indian
			Pueblos Council, Inc.
Lori	Jump	Program Manager Advocacy	Sault Ste. Marie Tribe of Chippewa
		Resource Center	Indians
Lela	Kaskalla	Council Woman	Pueblo of Nambe

Attachment: Roster of Consultation Discussion Participants

First Name	Last Name	Title	Tribe/Organization
Jolanda Ingram	Marshall	Director, Niwhongwh xw E:na:wh	Hoopa Valley Tribe
D1 ·		STOP the Violence Coalition	
Elaine	Meshigaud	Tribal Vice-Chair	Hannahville Indian Community
Thomas	Miller	Board of Directors, Unit 4 Representative	Sault Ste. Marie Chippewa
Benjamin	Navumsa	Chairman	Hopi Tribe
Delphine	Nelson	Director of Economic Development	Comanche Nation
Ruth	Oja	Victim Advocate	Hannahville Indian Community
Richard	Phillips-Doyle	Sakom/Chief	Passamaquoddy at Pleasant Point
Joseph E.	Sandoval	Lt. Governor	Pueblo of San Felipe
Michael T.	Sandoval	Governor	Pueblo of San Felipe
Amadeo	Shije	Vice-Chairman, All Indian Pueblo Council, Inc.	Pueblo of Zia
Gretchen	Shappert	United States Attorney and Chairperson of the U.S. Attorney General's Native American Issues Sub-Committee	U.S. Department of Justice
Vikky	Shirley	First Lady	Navajo Nation
Gwen	Shunatona	Facilitator	N/A
Atta P.	Stevenson	Board President	Inter-Tribal Council of California
Leo	Stewart	Board of Trustees Vice Chairman	Confederated Tribes of the Umatilla Indian Reservation
Verna	Teller	Chief Judge	Pueblo of Isleta
Brian	Thomas	Tribal Council Member	Shoshone Paiute Tribes
Cornelia "Connie"	Two Crow	Vice Chair	Grand Traverse Band of Ottawa & Chippewa Indians
Alberta	Vetter-Atkins	Council Member	Otoe-Missouria Tribe of Oklahoma
Joyce	Viarrial	Director of Behavioral Health	Pueblo of Pojoaque
Dennis	Vigil	Governor	Pueblo of Nambe
Gilbert	Vigil	Former Governor	Pueblo of Tesuque
Ramona R.	Wanya	Therapeutic Cultural Activities Planner/Indian Health Service/NSRTC	Pueblo of Acoma-Hopi
Alvin	Warren	Lt. Governor	Pueblo of Santa Clara
Dorothy	Wilson	Tribal Council Member	Mississippi Band of Choctaw Indians
Tammy	Young	Co-Director, Alaska Native Women's Coalition	Native Village of Anvik