



# VAWWA

## **SPEAK OUT & ACT NOW!**

**ADVOCATING FOR THE REAUTHORIZATION OF THE VIOLENCE  
AGAINST WOMEN ACT: A TOOLKIT FOR TRIBAL NATIONS**

**2022 UPDATE**

An Original Production of



National  
Congress of  
American  
Indians

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AGAINST WOMEN ACT: A TOOLKIT FOR TRIBAL NATIONS

2022 UPDATE

## DEAR COLLEAGUES,

In March of 2021 House of Representatives passed a bi-partisan Violence Against Women Act (VAWA) Reauthorization bill ([HR 1620](#)). The bill contains key provisions that would restore tribal jurisdiction over non-Indians for certain crimes involving children, sexual violence, stalking, sex trafficking, obstruction of justice, and assaults against law enforcement and corrections personnel. NCAI strongly supported these provisions, which passed in the House with bi-partisan support, and our current focus is on urging the Senate to pass [S 3623](#), a bipartisan VAWA bill that includes strong tribal provisions. Now is the time to contact your Senators to tell them why the tribal jurisdiction provisions in the bi-partisan House and Senate VAWA bills are so important to the safety of Indian women!

In the weeks ahead, we invite you to join us as we call on our Senators to restore tribal authority to protect our people on tribal lands by passing S 3623. We hope you will use the resources in this toolkit to contact your Senators and take action in your community. The table of contents below describes the materials in this toolkit:

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Thank you for your commitment to advocating for these important issues. Together, we can make all of Indian Country a safer place for future generations.

Sincerely,

**Juana Majel Dixon, Co-Chair**  
NCAI Task Force on Violence  
Against Women

**Shannon Holsey, Co-Chair**  
NCAI Task Force on Violence  
Against Women

# SAFETY FOR INDIAN WOMEN

## THE VIOLENCE AGAINST WOMEN REAUTHORIZATION ACT

Tribal communities continue to be plagued by the highest crime victimization rates in the country. Indian tribes are the only governments in America whose authority to protect their communities from domestic and sexual violence, child abuse, stalking, and trafficking is limited by federal law based on the Indian status of the defendant. VAWA 2013 recognized tribal jurisdiction over certain non-Indians who commit domestic violence crimes against Indians, but left many gaps in the law. HR 1620 and S 3623 the bipartisan House and Senate versions of the Violence Against Women Reauthorization Act (VAWA), addresses these jurisdictional gaps. S 3623 ensures that victims of sexual violence, child abuse, stalking, trafficking, and assaults against law enforcement officers have the same protections that Congress afforded to Indian domestic violence victims in VAWA 2013.

### EXISTING LAW FAILS TO PROTECT CHILDREN, SEXUAL VIOLENCE VICTIMS, AND LAW ENFORCEMENT OFFICERS

A recent study by the National Institute of Justice found that over 80% of Native Americans will be a victim of intimate partner violence, sexual violence, or stalking in their lifetime. The study also found that 90% of these victims were victimized by a non-Indian perpetrator. The complicated jurisdictional framework at play in Indian Country, which limits tribal authority to prosecute non-Indians, continues to undermine safety for victims of violence in tribal communities.

Eight years ago, when Congress passed VAWA 2013, it included a provision that reaffirmed the inherent sovereign authority of Indian tribal governments to exercise criminal jurisdiction over certain non-Indians who violate qualifying protection orders or commit domestic violence against Indian victims on tribal lands. Victims of sexual violence, stalking, and trafficking, and Indian children were left out, however. The limited scope of the federal law also leaves tribes unable to prosecute when a non-Indian domestic violence offender assaults a tribal law enforcement or corrections officer. These victims need the same protections that were extended to adult domestic violence victims in VAWA 2013.

### IN EVERY VAWA REAUTHORIZATION SINCE 1994, CONGRESS HAS RECOGNIZED THE URGENT NEED TO ENHANCE THE SAFETY OF INDIAN WOMEN

Since it was first enacted, VAWA has included provisions aimed at ensuring tribal governments have the resources and authority they need to bring safety and justice to their communities. Over the past century, laws and court decisions have produced a jurisdictional quagmire under which a crime committed by a non-Indian against an Indian must be investigated and prosecuted by far away federal and state authorities.

Effective criminal justice occurs at the local level and tribal governments are in the best position to protect Indian Country's mothers, sisters, wives, and children from jurisdictional gaps, and prevent our communities from becoming safe havens for criminals.

### KEY STATISTICS:

- **84.3%** of American Indian and Alaska Native (AI/AN) women (more than 4 in 5) have experienced intimate partner violence, sexual violence, or stalking in their lifetimes.\*
- **56.1%** of AI/AN women have experienced sexual violence in their lifetimes.\*
- **96%** of female AI/AN sexual violence victims experience violence at the hands of a non-Indian perpetrator.
- **48.8%** of AI/AN women will be stalked in their lifetimes.\*
- **89%** of female AI/AN stalking victims experience stalking at the hands of a non-Indian perpetrator.\*
- AI/AN women are **5 times** as likely to experience violence by an interracial partner as non-Hispanic White women.\*
- US Attorneys declined to prosecute nearly **52%** of violent crimes that occur in Indian country; and 67% of cases declined were sexual abuse related cases.\*\*
- On some reservations, Native women are murdered at **more than ten times** the national average.\*\*\*

\*Rosay (2016). Violence Against AI/AN Women and Men: 2010 Findings from the National Intimate Partner and Sexual Violence Survey. US DOJ.

\*\*US Government Accountability Office. (2010). US Department of Justice Declinations of Indian Country Criminal Matters.

\*\*\*Statement of Associate Attorney General Perrelli before the Committee on Indian Affairs on Violence Against Native American Women citing a National Institute of Justice Funded Analysis of Death Certificates. (July 14, 2011).



# HR 1620 AND S 3623

## PROTECTS VICTIMS AND UPHOLDS THE RIGHTS OF DEFENDANTS

**Builds on the successful tribal jurisdiction provision in VAWA 2013.** Tribes have been exercising jurisdiction over non-Indians pursuant to VAWA 2013 for over 7 years. They have held serial offenders accountable and have brought justice and safety to hundreds of victims and their families. Despite these successes, perpetrators find gaps in the law. Victims of sexual violence, child abuse, stalking, trafficking, and assaults against law enforcement officers deserve the same protections that Congress afforded to domestic violence victims in VAWA 2013.

**Protects the rights of defendants in tribal courts.** Tribal courts have a long record of fairness to all parties, regardless of their Indian or non-Indian status, race, or ethnicity. The tribes exercising criminal jurisdiction under VAWA 2013 have demonstrated that they treat all defendants fairly. Non-Indians have been acquitted in jury trials and have had their rights vigorously protected in tribal courts.

### The Indian Civil Rights Act (ICRA) guarantees due process to all defendants in tribal court.

#### The rights guaranteed by ICRA include:

- The right not to be deprived of liberty or property without due process of law;
- The right to the equal protection of the tribe's laws.
- The right against unreasonable search and seizures.
- The right not to be twice put in jeopardy for the same tribal offense.
- The right not to be compelled to testify against oneself in a criminal case.
- The right to be informed of the nature and cause of the accusation in a criminal case.
- The right to be confronted with adverse witnesses.
- The right to compulsory process for obtaining witnesses in one's favor.
- The right to have the assistance of defense counsel.
- The right to effective assistance of counsel at least equal to that guaranteed by the U.S. Constitution.
- The right of an indigent defendant to the assistance of a licensed defense attorney at the tribe's expense.
- The right to be tried before a judge with sufficient legal training who is licensed to practice law.
- The right against excessive bail, excessive fines, and cruel and unusual punishment.
- The right to access the tribe's criminal laws, rules of evidence, and rules of criminal procedure.
- The right to an audio or other recording of the trial proceedings and a record of other criminal proceedings.
- The right to petition a Federal court for a writ of habeas corpus, to challenge the legality of one's detention by the tribe.
- The right to petition a Federal court to be released pending resolution of the habeas corpus petition.

**In *U.S. v Bryant (2016)*,** the U.S. Supreme Court held that "ICRA itself requires tribes to ensure 'due process of law,' and it accords defendants specific procedural safeguards resembling those contained in the Bill of Rights and the Fourteenth Amendment. Further, ICRA makes habeas review in federal court available to persons incarcerated pursuant to a tribal-court judgment. By that means, a prisoner may challenge the fundamental fairness of the proceedings in tribal court. Proceedings in compliance with ICRA, Congress determined, and we agree, sufficiently ensure the reliability of tribal-court convictions."

**Is well within Congressional authority.** HR 1620 and S 3623 amends 25 USC 1304, which was passed by Congress in 2013. The general structure of the law and all of the due process protections it provides to defendants in tribal courts are unchanged by the bills, which would simply ensure that victims of child abuse, sexual assault, stalking, trafficking, and assaults against law enforcement officers have access to the same protections that Congress extended to domestic violence victims in 2013. The Supreme Court in *U.S. v Lara (2004)* held that the Constitution confers on Congress the power to enact legislation to lessen restrictions on tribal criminal jurisdiction, which is exactly what VAWA 2013 did. And in 2021, in *United States v. Cooley*, a unanimous Supreme Court once again affirmed that "tribal authority remains subject to the plenary authority of Congress."

**Does not take any jurisdiction away from federal or state authorities.** The provisions in both bills do not in any way alter or remove the current criminal jurisdiction of the United States or of any state. Rather, HR 1620 and S 3623 extend the restoration of concurrent tribal criminal jurisdiction from VAWA 2013 to include additional categories of crime.

**Is the only solution.** Over the past century, laws and court decisions have produced a jurisdictional quagmire under which a crime committed by a non-Indian against an Indian must be investigated and prosecuted by far away federal and state authorities. Effective criminal investigation occurs at the local level and local government is the best government to protect Indian Country from jurisdictional gaps, or safe havens for criminals.

# TIPS FOR MEETING WITH POLICYMAKERS

Meeting with your Senators and Representatives in person is one of the most effective ways to influence them.

## **Here are some helpful tips for scheduling and attending a successful meeting:**

**Working with partners & setting up meetings:** Your powerful voice is amplified when you partner with others to achieve a mutual goal. Invite other local leaders, such as tribal council members, victim service providers, tribal law enforcement officials, etc., to your meeting.

To set up a meeting, [call your Member's district office](#) and ask the staff member how to submit a meeting request (you will most likely have to submit a meeting request via e-mail). If you are unable to secure a meeting with the Member and can only meet with a staff person, it is still worthwhile to take the meeting. Many Senate offices are conducting meetings via Zoom or conference call line instead of in person at this time.

**Prepare beforehand:** Before you meet, look up whether your Senator has made any statements about reauthorization of VAWA. Before the visit, you should also decide on specific points you want to raise during the meeting, practice a role play of the visit, and give yourself time to review your materials.

**Be on time:** Be sure to arrive on time, but be prepared to wait. Members often have multiple meetings and hearings scheduled on a single day and may be running late.

**Make an introduction & state your purpose:** Introduce yourself and your tribe/organization to the Member or staff and thank them for setting aside the time to meet.

**Know what you want to talk about when you walk in the door.** Keep your request short and state specifically what you want the Member to do (support S 3623, become a cosponsor of the Senate bill, and vote for the Senate bill when it goes to the floor).

**Focus on local issues & state your position:** Personalize and localize your request as much as possible. You do not need to be an expert on VAWA, but it is very helpful if you can describe its impact on you, your organization, and your community. For example, try to reference the impact of VAWA funding and/or programs in your community or how many victims of violence there are on your reservation each year.

**Make a specific ask.** Tell the Member what you want, why you want it, and ask him/her the position she/he intends to take on the issue. In this case, you want to request that your Member of Congress urge leaders in Congress to pass a final VAWA reauthorization bill that protects Indian victims of violence by including the tribal provisions that were passed in the House VAWA bill (HR 1620) and introduced in the Senate VAWA bill (S 3623).

**Ask how you can be helpful:** "How can my tribe/organization be most effective in supporting your position?" Never promise anything you cannot deliver, but offer to do what is possible and helpful.

**You don't have to be an expert:** Do not be afraid to say that you don't know something. If someone asks you a question that you do not know the answer to, tell them you will find out the answer and get back to them with the information.

**Bring leave-behind material:** Feel free to use the information from this toolkit to develop leave-behind material.

**Always follow up:** Thank the Member and staff for the meeting, get the staffer's business card, and follow up with a thank you email. Remind the Member of the issue and the commitment he/she made to your cause in the note.

**If you are unable to attend an in-person, call, or virtual meeting, you can always call the Member's district office to speak to a staff member and voice your opinion or concerns.**



## CALLING YOUR MEMBERS OF CONGRESS: A CALL SCRIPT FOR TRIBAL ADVOCATES

Please [click here](#) to find the phone number of your Senators. When you call their Washington, D.C. or district offices, consider delivering the following talking points to the staff member or intern who answers your call:

I am a constituent of Senator **[INSERT NAME]** from **[INSERT NAME OF RESERVATION, VILLAGE, OR HOMETOWN]** and I would like you to relay my comments to the Senator.

I am calling today about the reauthorization of the Violence Against Women Act.

I am pleased that the Senate has introduced a strong bipartisan VAWA reauthorization bill (S 3623) that includes important tribal provisions. I hope Senator **[INSERT NAME]** will support these provisions and Congressional leaders will work together in a bipartisan manner to send the bill, with these critical tribal provisions, to the President for his signature.

As a citizen of **[INSERT TRIBE HERE]**, I am extremely concerned that unless the tribal provisions found in Title VIII are included in a final bill, Indian victims of violence will continue to lack adequate protections from non-Indian offenders in their communities, and also stand to lose critical provisions and lifesaving services.

I urge Senator **[INSERT NAME]** to speak to his/her party leadership today in support of the tribal provisions in the bipartisan Senate VAWA bill, to become a cosponsor of the bill, and to vote to pass S 3623 when it comes to the Senate floor.

Thank you for your time and have a great day.

# **SAMPLE LETTER TO YOUR MEMBERS OF CONGRESS**

## **Re: Protect Indian Victims in VAWA Reauthorization**

Dear Senator **[INSERT NAME]**:

I write on behalf of the **[INSERT TRIBE]** to urge you to support S 3623, which has strong bi-partisan support and includes important provisions that will improve safety and justice in tribal communities. Tribal communities continue to suffer from the highest crime victimization rates in the country, and the reforms included in Title VIII of S 3623 are badly needed.

A 2016 report by the National Institute of Justice found that over 80% of Native Americans will be a victim of intimate partner violence, sexual violence, or stalking in their lifetime. The study also found that 90% of these victims were victimized by a non-Indian perpetrator. Sadly, Indian children are particularly affected by this violence. Indian children are 50% more likely to experience child abuse and sexual abuse than white children. The complicated jurisdictional framework at play in Indian Country continues to undermine safety for victims of violence.

Tribes have been exercising jurisdiction over non-Indian domestic violence offenders under VAWA 2013 for over 7 years **[IF YOUR TRIBE IS EXERCISING JURISDICTION, SAY SO HERE]**. They have held serial offenders accountable and have brought justice and safety to hundreds of victims and their families. Tribes have done so while upholding the due process rights of all defendants in tribal courts. Despite these successes, perpetrators find gaps in the law. Victims of sexual violence, child abuse, stalking, trafficking, and assaults against law enforcement officers deserve the same protections that Congress afforded to domestic violence victims on tribal lands in VAWA 2013.

It is particularly important that S 3623 recognizes that Indian children are equally in need of the protections that were extended to adult domestic violence victims in VAWA 2013. The tribes implementing VAWA 2013 report that children have been involved as victims or witnesses in their cases nearly 60% of the time. However, federal law currently limits tribal jurisdiction to prosecute these crimes. S. 3623 would allow us to protect our children in our tribal justice systems.

We also appreciate that S 3623 recognizes that VAWA 2013 inadvertently left our tribal police officers and detention personnel at risk. Domestic violence cases are both the most common and the most dangerous calls that law enforcement receives. Several tribes have reported assaults on their officers or bailiffs committed by non-Indian defendants that they are unable to prosecute because of the limited scope of VAWA 2013. This creates an obvious public safety concern that S 3623 would rectify. S 3623 also clarifies that tribes in Maine can make use of the law and creates a pilot project to address the unique needs in Alaska.

Sections 804 and 813 of S 3623 provides a local solution for the local problem of criminal victimization in Indian Country. We are pleased to see that S 3623 continues to build on VAWA's promise and includes key priorities that have been identified by tribal governments to further enhance safety for victims in tribal communities. I urge you to become a cosponsor of S. 3623 and vote for the bill when comes to the Senate floor to show your support for safety in tribal communities.

Sincerely,

**[INSERT NAME, TRIBE/ORGANIZATION, CONTACT INFO]**

## **SAMPLE LETTER TO THE EDITOR**

To the Editor:

As a tribal citizen, women and children are all integral parts of our tribal communities to whom we owe respect and care. Women are revered as life bringers and healers and our children embody our future. While our roles and traditions vary from Tribal Nation to Tribal Nation, one element remains consistent: women and children are to be respected and protected. Within sovereign nations, violence is not a tradition.

Unfortunately, I have seen firsthand how often this is not our reality today. The numbers are staggering: over half of Indian women will experience sexual violence in their lifetimes, and nearly all of these victims (96%) report that they have been victimized by a non-Indian. Indian children are 50% more likely to experience child abuse and sexual abuse than white children. Often these crimes go unpunished because the state and federal authorities with jurisdiction to prosecute fail to do so.

Six years ago, the U.S. Congress reauthorized the Violence Against Women Act (VAWA) for the third time. The Act serves as a line of defense against the violence that pervades our communities. Each time VAWA has been reauthorized, it has included life-saving provisions for Indian women. In 2013, Congress reaffirmed our inherent right as Tribal Nations to prosecute non-Indians who commit domestic violence against American Indians and Alaska Natives on tribal lands. Since that time, tribal courts across the country have held non-Indian domestic violence offenders accountable in tribal courts and have brought justice and safety to many Indian victims who had previously seen little of either.

But despite the ground-breaking recognition of tribal jurisdiction in VAWA 2013, federal law continues to prevent tribal courts from prosecuting non-Indians who commit sexual violence crimes, who stalk or traffic Indian women, or who commit crimes involving Indian children and elders. Tribal Nations are also unable to protect tribal police officers who may be assaulted when arresting a non-Indian for domestic violence. Too many of our sisters, sons, and daughters are suffering, and too many non-Indian offenders continue to prey on our people with impunity. This must end.

In March of 2021, the U.S. House of Representatives passed a VAWA Reauthorization bill that would address gaps in federal law that prevent tribal courts from adequately protecting children, victims of sexual violence, stalking, and trafficking, and law enforcement and corrections officers. This February the U.S. Senate introduced S. 3623, a bipartisan Senate VAWA bill that contains the strong tribal provisions found in the House bill. Tribal justice systems are the most appropriate entities to address these crimes, yet their hands are tied by federal laws that limit tribal authority to prosecute non-Indian perpetrators. The Senate must pass this bipartisan legislation now.

The time has come for Congress to find a bipartisan path forward to pass a VAWA bill that protects all victims—including American Indians and Alaska Natives. The power to restore safety in tribal communities lies with Congress. I hope the Senate will move quickly to enact these lifesaving provisions.

Sincerely,

**[INSERT NAME, TRIBE/ORGANIZATION, CONTACT INFO]**



# USING SOCIAL MEDIA

## FACEBOOK

Social media is a powerful way to communicate our messages to a wider audience. Below are sample tweets and Facebook posts you can use to raise awareness about the Violence Against Women Reauthorization Act and communicate directly with your elected officials and Congressional leaders.



## FACEBOOK

### Sample post:

As a Native woman/man, I call on my members of Congress to pass a Violence Against Women Act Reauthorization that provides critical, local protections for Native victims of domestic violence, dating violence, sexual assault, and stalking. Protect our women and children.

## USE A PHOTO TO TELL A YOUR STORY

(CLICK TO DOWNLOAD)



Post a photo with a message to Congress stating “**Native Women Need #VAWA because \_\_\_\_.**”

Post the photo to [NCAI's Facebook page](#) or the [National Task Force to End Sexual and Domestic Violence Facebook page](#).

Tweet the photo to @NCAI1944 using the hashtags:  
**#ProtectNativeWomen #VAWA #VAWA4ALL**

# USING SOCIAL MEDIA

## TWITTER



### TWITTER

**Sample tweet:**

.[Insert your Member of Congress' Twitter handle]: Reauthorize #VAWA4ALL victims now! #ProtectNativeWomen #VAWA22 #S3623 #HR1620



### TWITTER

**Sample tweet:**

Reauthorize the Violence Against Women Act (VAWA) now! Violence doesn't discriminate and neither should our laws— Native women can't wait. #TribalVAWA #VAWA4ALL



### TWITTER

**Sample tweet:**

Pass #VAWA22 and protect Native women. It's Congress' duty. #S3623 #HR1620 #TribalVAWA



### TWITTER

**Sample tweet:**

34% of Native women will be raped in their lifetime. Congress must pass #VAWA22 to end sexual & domestic violence. #ProtectNativeWomen



### TWITTER

**Sample tweet:**

As a Native [man/woman], I call on the Senate to pass #S3623 now so all victims of violence can get the support they need! #VAWA22

#### Congressional Leadership Twitter Handles:

[@SenSchumer](#) (Senate Majority Leader Chuck Schumer)  
[@LeaderMcConnell](#) (Senate Minority Leader Mitch McConnell)  
[@SenatorDurbin](#) (Chair of the Judiciary Committee)  
[@ChuckGrassley](#) (Ranking Member of Judiciary Committee)

[@brianschatz](#) (Chair of Indian Affairs Committee)  
[@lisamurkowski](#) (Co-Chair of Indian Affairs Committee)  
[@SpeakerPelosi](#) (Speaker of the House)  
[@GOPLeader](#) (House Minority Leader Kevin McCarthy)

# DOWNLOADABLE GRAPHICS

(CLICK TO DOWNLOAD)

