



NATIONAL CONGRESS OF AMERICAN INDIANS

The National Congress of American Indians Resolution #LNK-12-031

TITLE: Include Key Protections for Native Women in the Violence Against Women Act Reauthorization

WHEREAS, we, the members of the National Congress of American Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants the inherent sovereign rights of our Indian nations, rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the health, safety and welfare of the Indian people, do hereby establish and submit the following resolution; and

WHEREAS, the National Congress of American Indians (NCAI) was established in 1944 and is the oldest and largest national organization of American Indian and Alaska Native tribal governments; and

WHEREAS, statistics demonstrate that violence against Native women has reached epidemic proportions; and

WHEREAS, tribal leaders, police officers and prosecutors have testified that domestic violence that goes unaddressed—with beating after beating, each more severe than the last—all too often leads to severe physical injury or death; and

WHEREAS, the U.S. Department of Justice has found the current federal system of justice on Indian lands, “inadequate to stop the pattern of escalating violence against Native women,” and recognizes tribal justice systems as the most appropriate legal entity to address incidences of domestic violence within the Tribal Nations and protect Tribal citizens; and

WHEREAS, the 2005 reauthorization of the Violence Against Women Act (VAWA), expired on September 30, 2011, and contains provisions that are critical to all tribes; and

WHEREAS, these provisions provide critical resources and tools to Indian Tribes to respond to domestic violence, sexual assault and stalking; and

WHEREAS, the U.S. Department of Justice released and strongly supports a comprehensive legislative proposal that seeks to address the epidemic of violence against Native women by addressing the major gaps in the current system with solutions in the following three areas: tribal criminal jurisdiction, tribal civil jurisdiction, and new federal criminal laws; and

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WHEREAS, the U.S. Senate Committee on Indian Affairs held a hearing, “Native Women: Protecting, Shielding, and Safeguarding Our Sisters, Mothers, and Daughters,” on July 14, 2011, and from that hearing has emerged S.1763, the SAVE Native Women Act, a bill which contains VAWA amendments and other legislative proposals that will strengthen the ability of the tribes and the U.S. to assist in reducing violent crimes against Native women; and

WHEREAS, the core provisions of S.1763 are included in S.1925, the VAWA Reauthorization, including: 1) recognition of concurrent tribal criminal jurisdiction over all persons who commit crimes of dating violence, domestic violence, and violations of protection orders in Indian country; 2) clarification of tribal civil authority to issue and enforce protection orders over all persons regarding matters arising in Indian country; 3) amendments to the federal criminal code that would give federal prosecutors more tools to effectively combat crimes of violence against Native women; and 4) stable funding for tribal coalitions; and

WHEREAS, on April 26, 2012, the U.S. Senate voted and passed S. 1925 on a bipartisan basis in a final vote of 68 to 31; and

WHEREAS, on May 16, 2012, the U.S. House of Representatives voted and passed a version of the VAWA Reauthorization, H.R. 4970, that fails to provide for concurrent special domestic violence criminal jurisdiction by tribal authorities over non-Indians, and omits clarification of tribal courts' full civil jurisdiction regarding certain protection orders over non-Indians; and

WHEREAS, the bipartisan tribal jurisdiction provisions of the VAWA Reauthorization, contained in Title IX of S. 1925 and the Stand Against Violence and Empower (SAVE) Native Women Act, are constitutionally sound; and

WHEREAS, no sexual assault or domestic violence victim should be beaten, hurt, or killed because they could not access needed support, assistance, and protection due to jurisdiction.

NOW THEREFORE BE IT RESOLVED, that NCAI strongly supports inclusion of the bipartisan tribal provisions in S. 1925—which are essential to the safety of Native women—in any final VAWA Reauthorization that is sent to the President; and

BE IT FURTHER RESOLVED, that NCAI cannot support any VAWA Reauthorization bill that wholly excludes the key tribal criminal jurisdiction proposal; and

BE IT FINALLY RESOLVED, that this resolution shall be the policy of NCAI until the aforementioned proposal is withdrawn from consideration by the Administration.

CERTIFICATION

The foregoing resolution was adopted by the General Assembly at the 2012 Mid-Year Session of the National Congress of American Indians, held at The Cornhusker Hotel from June 17-20, 2012 in Lincoln, Nebraska, with a quorum present.



President

ATTEST:



Recording Secretary