

STOP Violence Against Native Women



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**Reauthorize
VAWA 2011
(S.1925)**



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Friends and Colleagues:

I am requesting that you join United South and Eastern Tribes' (USET) effort to gain Congressional reauthorization of the Violence Against Women Act (VAWA) 2011, Senate Version (S.1925). The USET Board of Directors, through a recent resolution (2012:037), supports S.1925. Tribes, organizations, and individuals are supporting the Senate version as its provisions give more weight to subjects that have not been addressed in previous VAWA legislation, namely the jurisdiction for Tribal law enforcement and courts to have authority to prosecute domestic violence, rape and assault on all people.

I am heart sick that this legislation may lay idle while our Native Women suffer the effects of not having this resource. With a quick examination of the facts, you will discover the true suffering of our Indian Country community and will become just as concerned. The burdens that all Native Americans share, poverty, unemployment, pollution, diabetes, lack of access to education and resources, is compounded for our Native Women when they are abused, raped, and even killed. They must live or, in some more brutal cases, die with that horror and not receive justice for these atrocities.

Please take time to review the enclosed material and create an action plan today that will ensure VAWA (Senate Version) is reauthorized. In addition to factual material on VAWA, USET has included resources for you to write your own support letter, stories and voices of violence victims and leadership from Indian Country, and an excerpt of testimony given to the United Nations by a well respected VAWA advocate, Eastern Band of Cherokee Indian Councilwoman Terri Henry. We must consult with all people to seek their support and continue to press our message to those who have the authority to reauthorize VAWA. We hope this material provides meaningful information to you and serves as a resource to assist you with your action plan.

Women are the future of any culture. Indian Country has always held its Native Women sacred. We are unable to give them safety and honor without this important life-saving legislation. Support VAWA reauthorization S.1925!

Scan^in peace.

Brian Patterson, President
United South and Eastern Tribes, Inc.



“Because there is strength in Unity”

S. 1925, The **V**iolence **A**gainst **W**omen Reauthorization **A**ct of 2011

The current Violence Against Women Act (VAWA) of 1994 is up for reauthorization. In every VAWA since 1994 the US Congress has recognized an urgent need for enhancements to protect Native Women. Analysis of the entire act reveals more than 40 areas that have been amended or addressed to make changes that appear to be enhancements. Grants, services, education, programs, registries, housing, protection, LGBT issues, immigrants, and protection for Native Women are addressed in the S.1925 (Senate version) of the VAWA reauthorization.

The ISSUE

Two versions of VAWA reauthorization are currently in circulation, a Senate and House version. The lack of unity on one version is causing a delay for the passage of this important bill. Republicans say that the Senate measure is unconstitutional and replace it with a proposal that allows Native American women to apply for protection orders from local US courts. Democrats contend that without the Senate's proposal, Native American women abused on Indian Reservations are often left without legal recourse.

Senate Bill

S. 1925 restores concurrent tribal authority to investigate and prosecute a narrow set of crimes that occur in Indian Country—domestic violence, dating violence, and violations of protection orders—and clarifies tribal civil authority to issue and enforce protection orders under current law.

House Bill

H.R. 4970, the House version, excludes the key tribal jurisdiction provisions contained in the Senate bill. This bill would preserve an ineffective status quo in which federal law enforcement (or state law enforcement in PL280 states), located hundreds of miles from the reservation, are primarily responsible for protecting Native women. Again, federal and

state authorities will never have the resources, time, or will to address misdemeanor crimes on the reservations. They simply have no stake in or ties to the relevant tribal communities.



Specific to Tribes in Senate Version:

Section 904: Tribal Jurisdiction over DV

Restores Tribal criminal jurisdiction over all persons committing domestic violence

Section 905: Tribal protection orders

Clarifies every Tribe has full civil jurisdiction to issue and enforce protection orders against all persons regarding matters arising on tribal lands.

United States Government Responsibility to Native Women

“The unique legal relationship of the United States to Indian Tribes creates a Federal trust responsibility to assist Tribal governments in safeguarding the lives of Indian women[,]” as acknowledged by the Violence Against Women Act of 2005. Under Article 22 of the United Nations Declaration on the Rights of Indigenous Peoples—which was endorsed by the Obama Administration on December 16, 2009—it is the United States’ duty to “...ensure that indigenous women...enjoy the full protection and guarantees against all forms of violence and discrimination...” - **Eastern Band of Cherokee Indians Principal Chief Michell A. Hicks**

United South and Eastern Tribes Support for VAWA 2011 Reauthorization

And Justice for All...Native Women in Indian Country Still Waiting

The rate of violence against Native Women is alarming and quite frightening. Resources in Indian Country are needed to prevent, treat, and prosecute cases of domestic violence, rape, and assault. The USET Board of Directors approved Resolution 2012:037 in Marksville, Louisiana on May 24, 2012 to support Senate Bill 1925 (Senate Version of VAWA 2011 Reauthorization).

Stories from our USET Tribes and across the country paint the same picture. Our Women are at the highest risk of abuse, assault, and rape...and there are limited resources at their disposal to cope with the issues and their respective Tribes are not equipped or authorized to handle the cases...the cases that are reported. In most cases Native Women also cope with limited access to resources.

A great number of American Indian Women have non-Indian husbands or relationships. Currently, no legal provisions exist to allow prosecution of non-Indians who commit violent acts, rape, or assault on Native Women.

Federal courts are not equipped to issue protection orders to our reservations. They have little expertise or experience in family law or domestic disputes within the purview of Tribal or state government. In fact, many federal prosecutors refuse to address the cases.

USET and its 26 member Tribes are taking the position to help stop violence against Women in Indian Country. It is part

of the goals and objectives of the organization and it's the Right course of action.

Our Native Women are our Grandmothers, Mothers, Daughters, the keepers and providers to our family; they are our future and must be honored and protected.



THE FACTS ARE:

- **34% of American Indian and Alaska Native Women will be raped in their lifetimes**
- **39% of American Indian and Alaska Native Women will be subjected to domestic violence in their lifetimes**
- **56% of American Indian Women have non-Indian husbands or relationships**
- **US Attorneys declined to prosecute nearly 52% of violent crimes that occur in Indian Country**
- **67% of these declined cases were sexual abuse case**



❖ USET Statement of Unity

We, the Eastern Band of Cherokee Indians, Miccosukee Tribe of Indians of Florida, Mississippi Band of Choctaw Indians, Seminole Tribe of Florida, Chitimacha Tribe of Louisiana, Coushatta Tribe of Louisiana, Saint Regis Band of Mohawk Indians, Passamaquoddy Pleasant Point, Passamaquoddy Indian Township, Penobscot Indian Nation, Seneca Nation of Indians, Houlton Band of Maliseet Indians, Poarch Band of Creek Indians, Tunica-Biloxi Tribe of Louisiana, Narragansett Indian Tribe, Mashantucket Pequot Tribe, Cayuga Nation, Wampanoag Tribe of Gay head (Aquinnah), Alabama-Coushatta Tribe of Texas, Oneida Indian Nation of New York, Aroostook Band of Micmac Indians, Catawba Indian Nation of South Carolina, Jena Band of Choctaw Indians of Louisiana, Mashpee Wampanoag Tribe of Massachusetts, Mohegan Tribe of Indians of Connecticut and Shinnecock Indian Nation being numbered among the Nations People of the South and Eastern United States, desiring to establish an organization to represent our united interest and promote our common welfare and benefit, do of our own free will in Council assembly, affirm our membership in the organization to be known as United South and Eastern Tribes, Inc., and proclaim the following objectives and declare our purpose to be:

- a. To promote Indian leadership in order to move forward in the ultimate, desirable goal of complete Indian involvement and responsibility at all levels in Indian affairs;
- b. To lift the bitter yoke of poverty from our people through cooperative effort;
- c. To promote better understanding of the issues involving Indian Tribes and other people;
- d. To advocate for more effective use of existing local, state, federal, and international resources;
- e. To promote a forum for exchange of ideas;
- f. To combine our voices so we can be heard clearly by local, state, federal, and international governments;
- g. To dedicate ourselves to improvement of the quality of life for American Indians through increased health, education, social services and housing opportunities;
- h. To reaffirm the commitments of our Tribes to the treaties and agreements heretofore entered into with the Federal Government in a government-to-government relationship and to promote the reciprocity of this relationship and those agreements and treaties; and
- i. To provide protection of Tribal natural resources.

"Because there is strength in unity"



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USET Resolution No. 2012:037

SUPPORT FOR TRIBAL AMENDMENTS IN THE VIOLENCE AGAINST WOMEN REAUTHORIZATION ACT, SENATE BILL 1925

- WHEREAS,** United South and Eastern Tribes Incorporated (USET) is an intertribal organization comprised of twenty-six (26) federally recognized Tribes; and
- WHEREAS,** the actions taken by the USET Board of Directors officially represent the intentions of each member Tribe, as the Board of Directors comprises delegates from the member Tribes' leadership; and
- WHEREAS,** USET member Tribes are working for the best interest of their Tribal Governments, and their citizens, to protect, promote, and enhance opportunities for their people; and
- WHEREAS,** American Indian/Alaska Native (AI/AN) women suffer from violent crime at a rate three-and-a-half times greater than the national average, and nearly 40 percent of all AI/AN women will experience domestic violence, one in three AI/AN women will be sexually assaulted in their lifetime, 17 percent of AI/AN women are stalked each year, twice that of other populations and the murder rate of AI/AN women is ten times the national average; and
- WHEREAS,** the Violence Against Women and Department of Justice Reauthorization Act of 2005 (VAWA), expired on September 30, 2011, and contains provisions that are critical to all AI/AN 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 United States Department of Justice released and strongly supports a comprehensive legislative proposal that seeks to address the epidemic of violence against AI/AN women by addressing the major gaps in the current system with solutions in the following three areas: Tribal criminal jurisdiction; Tribal civil jurisdiction; new Federal criminal laws; and
- WHEREAS,** the U.S. Senate Committee on Indian Affairs (SCIA) 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 crime against AI/AN women; and
- WHEREAS,** the core provisions of S. 1763 are included in S.1925, the reauthorization of the Violence Against Women Act, including the following: recognition of concurrent Tribal misdemeanor criminal jurisdiction to investigate, prosecute, convict, and sentence both Indians and non-Indians who assault Indian spouses, intimate partners, or dating partners, or who violate protection orders, in Indian Country; clarification of Tribal court authority to issue an order of protection over all persons, improvement to the ability of Tribes to respond to sex trafficking; and provisions to create stronger accountability, coordination and consultation with Federal agencies investigating and prosecuting violent crimes against women; and

- WHEREAS,** on April 26, 2012, the U.S. Senate voted and passed S.1925, the Violence Against Women Act Reauthorization of 2012, containing key Tribal jurisdictional provisions in a vote of 68 to 31; and
- WHEREAS,** on May 16, 2012, the U.S. House of Representatives voted and passed a version of the Violence Against Women Act reauthorization, HR 4970, without any of the key Tribal jurisdictional provisions intact; therefore, be it
- RESOLVED** that USET hereby supports the Violence Against Women Act reauthorization amendments and legislative proposals designed to enhance Tribal sovereignty and services to increase the safety of American Indian/Alaska Native women that are contained within S.1925, a Bill to Reauthorize the Violence Against Women Act; and, be it further
- RESOLVED** the USET Board of Directors hereby supports the Violence Against Women Act reauthorization amendments contained in S.1925 that will restore Tribal Government authority to investigate and prosecute all crimes of domestic and dating violence and violations of Tribal court protection orders, regardless of the offender's status as a Tribal citizen, a Native American or non-Indian; and to clarify that Tribal Governments retain authority to issue orders of protection to all residents of Indian Country that seek protection from abuse; and, be it further
- RESOLVED** the USET Board of Directors urges the United States Congress to include the bipartisan and constitutionally sound Tribal provisions contained in Title IX of S.1925, that create local solutions to the epidemic of domestic violence experienced by American Indian/Alaska Native women in the reauthorization bill sent to the President; and, be it further
- RESOLVED** the USET Board of Directors urges the United States Congress to send to the President a strong bipartisan Violence Against Women Act reauthorization bill to increase the safety of American Indian/Alaska Native women and all vulnerable victims; and, be it further
- RESOLVED** the USET Board of Directors urges its member Tribes to pass similar resolutions that support the Violence Against Women Act amendments and other legislative proposals contained in S.1925, the SAVE Native Women Act.

CERTIFICATION

This resolution was duly passed at the USET Semi-Annual Meeting, at which a quorum was present, in Marksville, LA, on Thursday, May 24, 2012.



Brian Patterson, President
United South and Eastern Tribes, Inc.



Brenda Lintinger, Secretary
United South and Eastern Tribes, Inc.

“Because there is strength in Unity”

United South and Eastern Tribes Support for VAWA 2011 Reauthorization

Harm to our Native Women: We Must Support Our Community's Health to Make Change

Many causes contribute to the existence of domestic violence, rape, or assault in Indian Country. At USET, two program disciplines are Tribal Health Program Support and Environmental Leadership. What does that have to do with VAWA reauthorization?

The sting of being abused, assaulted, raped, or even murdered without justice is unthinkable. To be burdened additionally with unemployment, limited access to health care and education, coping with diabetes and alcoholism, and pollution makes this whole cause seem hopeless to most.

USET believes that VAWA reauthorization is the first step to addressing this issue. Tribes and their advocates must address many challenges to make any real, effective change. A healthy and safe environment has to be created for healing to begin.

USET is working diligently to address social determinants of health and exploring innovations in society and science to preserve and protect natural resources.

The World Health Organization says social determinants are conditions in which people are born, grow, live, work and age, including the health system. This includes poverty, clean water, family support, access to nutritious foods (food desserts), access to health care, services, education, and exposure to pollution. The story of unemployment, pollution, lack of resources, and being disenfranchised are all too common. Data shows us that Indian Country is still ill equipped to address root causes. Through our unity we will gain strength to overcome these issues.



Cause of Death for Indian Women

Suicides and homicides are some of the leading causes of unintentional deaths among American Indian/Alaska Native women.

- CDC

An NIJ-funded analysis of death certificates found that, on some reservations, Native women are murdered at a rate more than ten times the national average. Tribal leaders, police officers, and prosecutors tell us of an all-too-familiar pattern of escalating violence that goes unaddressed, with beating after beating, each more severe than the last, ultimately leading to death or severe physical injury.-

National Institute of Justice

Struggle for Native Women

"It has long been recognized that Native Americans are dying of diabetes, alcoholism, tuberculosis, suicide, and other health conditions at shocking rates. Beyond disturbingly high mortality rates, Native Americans also suffer a significantly lower health status and disproportionate rates of disease compared with all other Americans."

— *The U.S. Commission on Civil Rights, September 2004*

Our Needs

"Part of our struggle to identify problems and solutions to those problems has been obtaining data. Reliable data improves local decision making for effecting change." - **Dr. Byron Jasper, Deputy Director-Public Health**





VAWA Reauthorization Held Up

This article appeared in the New York Times, Monday August 13, 2012
In the Caucus: The Politic and Government Blog of the Times

Boehner Pushes for Conference Panel on Domestic Violence Measure

By [JENNIFER STEINHAUER](#)

| **Updated** After a months-long stalemate over a bill to protect women from crimes of domestic violence, Speaker John A. Boehner on Monday named eight House negotiators to serve on a nonexistent conference committee, one that would be charged with bridging the divide between House Republicans and the Senate.

In April, the Senate [voted](#) to reauthorize the Violence Against Women Act, and it urged the House to move on the legislation.

The House subsequently passed its own measure, which omitted provisions of the Senate bill that would allow Indian tribal courts to try certain non-Indians in some cases of domestic violence on reservations, expand the number of temporary visas for illegal immigrants who were victims of domestic violence and extend the protections of that act to gay men and lesbians.

The House has since [declined](#) to take up the Senate bill, noting that it raises money to pay for some of the provisions not included in the House measure. (Under the Constitution, bills that raise revenue must originate in the House.)

Senate Democrats have accused House Republicans of endangering women by refusing to take up the Senate measure.

A formal conference committee cannot be convened until the House and the Senate vote to convene it. Mr. Boehner is essentially jumping the gun by naming members to the hypothetical

conference to pressure the Senate to move forward.

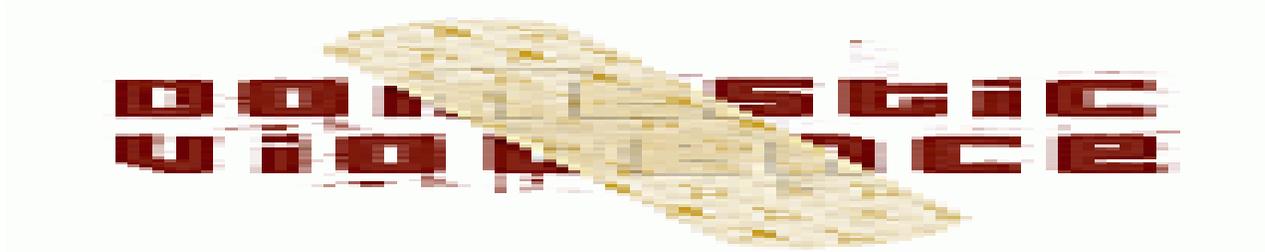
In a statement Mr. Boehner said: “Completing work on legislation to renew and strengthen the Violence Against Women Act is critical in our efforts to combat domestic violence and sexual assault. The law has broad, bipartisan support in both chambers, and I’m announcing our negotiators today in the hopes that we can begin to resolve the differences between the House and Senate bills. The House is ready and willing to begin those discussions, and I would urge Senate Democrats to come to the table so this critical legislation can be sent to the president for his signature as soon as possible.”

These are the House members assigned to the committee, all of them Republicans: Sandy Adams of Florida; Mary Bono Mack of California; Trey Gowdy of South Carolina; Nan Hayworth of New York; Cathy McMorris Rodgers of Washington; Shelley Moore Capito of West Virginia; F. James Sensenbrenner Jr. of Wisconsin; and Lamar Smith of Texas, who is head of the House Judiciary Committee.

Earlier this year, Senator Harry Reid of Nevada, the majority leader, requested a conference with the House on the disagreeing votes and that request was blocked by the Republican leader, Mitch McConnell of Kentucky.



What is Lost if VAWA is Not Reauthorized?



Can you see the image (Domestic Violence)? If VAWA is not reauthorized you will!

1. **We would lose the provisions in Senate Version 1925 that would protect Native Women from repeat abuse.** There is a gaping jurisdiction hole in Indian Country that currently gives non-Indian perpetrators on reservations and trust land the green light to commit domestic and dating violence, assault and rape. It is unacceptable if the final version of VAWA does not restore concurrent tribal criminal jurisdiction over all persons who commit violent crimes against Native Women.
2. **We would lose helpful expansions from both the Senate and the House bills that would provide crucial new protections for victims of sexual and physical violence.** We will lose major new provisions to improve the criminal justice response to sexual and physical assault including support for specialized medical care and response teams. We will go back to having zero protection for victims.
3. **We would lose protections for communities of color.** Senate Version 1925 provides a new definition of “culturally specific” programming to clarify Congress’ original intent in 2005 to use specific grant funds to support services developed by and targeted to communities of color.
4. **We would lose housing protections for victims of domestic violence, dating violence, sexual assault and stalking.** Victims of these crimes frequently need emergency transfers to new housing, in order to remain safe from the actions of an abuser; Senate Version 1925 provides such protection. In order to enjoy these rights and avoid unlawful eviction, notice of VAWA rights should be distributed at key times, specifically at eviction. Without adequate notice, victims will never know they have the right not to be evicted based on the actions of their perpetrators or as a result of violence/assault.
5. **We would lose valuable new prevention programs that can reduce the likelihood of domestic violence, dating violence, sexual assault, or stalking from occurring in the future.** The best way to reduce the prevalence of these crimes is to prevent them from happening. The new prevention programs proposed in both the House and Senate bills represent a forward-thinking cost effective approach to working with children and youth to give them alternatives to violence.

(Published in *Restoration* Magazine Volume XX
June 2012)



VAWA Reauthorization: Words from Indian Country



"I am heart sick that this legislation may lay idle while our Native Women may suffer the effects of not having this resource. The Cheyenne have a proverb: 'A nation is not conquered until the hearts of its women are on the ground.' I ask that you stand up for the rights of domestic violence victims in Indian Country, defend Native Women and vote for passage of VAWA reauthorization..." **USET President and Oneida Indian Nation Bear Clan Representative, Brian Patterson**



"You know the saying 'If you're not part of the solution then you're part of the problem.' I am here today to tell you that we have a real problem in Indian Country with domestic violence on our reservation and our tribal government's limits on prosecution of a non-Indian related to these specific acts of crime on our land. Indian country is the only place in American that an American citizen, a tribal member, can be assaulted by another American citizen, a non-tribal member, and nothing is done about it - - no charges whatsoever. It is even more unjust when the victim is a tribal member who has been violated by her own non-Indian spouse. This victim does not receive the protections afforded to American citizens living off Indian reservations." **Mississippi Band of Choctaw Indians, Phylliss Anderson (Mississippi)**



"As has been well documented the rates of violence against Native women is shockingly high. The inclusion of a tribal title, the Safety for Indian Women title, within the Violence Against Women Act of 2005 was historic and its implementation has helped enhance the safety of Indian women. Nonetheless, the additional tribal measures in S.1925, while protecting important civil rights, will enable Tribes to take absolutely essential action to protect victims of domestic violence within their jurisdiction. Without these provisions, it is not clear that domestic violence victims in Indian Country can ever be sure that there will be justice or that Indian Country domestic violence rates will ever see a major drop." **Houlton Band of Maliseet Indians Tribal Chief, Brenda Commander (Maine)**



"Cherokee Women hold a high place in Cherokee society. As wisdom keepers, clan mothers, and a source of great strength to our community, their health and safety is essential to our survival as a people. The Eastern Band of Cherokee Indians as the government of the Eastern Cherokee people seeks to better ensure the safety of Cherokee women by regaining sovereign authority over all persons who commit acts of domestic violence within the Eastern Cherokee Reservation and are now beyond the Tribe's authority to prosecute." **Eastern Band of Cherokee Indians Principal Chief, Michell A. Hicks (North Carolina)**



The Effects of NOT having VAWA (S.1925)

Since 1994 Indian Country has enjoyed the services and benefits of the Violence Against Women Act. Funding, technical assistance, and other resources arrived to American Indian and Alaskan Native communities to help prevent and reduce, if not stop violence against women. VAWA has been incomplete far too long. The amendments will allow Tribes to prosecute all people who are charged with assault, domestic violence, or rape on Native Women in Indian Country. The enabling legislation would allow Tribal prosecutors to significantly increase the ability to do justice in these cases.

The justice system with most Tribes has been providing the same due process protections to defendants in criminal cases as any court in the United States. The Tribal Justice systems have long struggled with the difficulties inherent in the jurisdictional limitations, particularly in situations of domestic violence (DV), where a Native Woman has a non-Indian spouse or romantic partner. Even with special circumstances and attention, Special Assistant United States Attorney and Eastern Band of Cherokee Indians Prosecutor Jason Smith says that he has discovered the limitations inherent in Federal laws concerning DV.



“For instance, it is very difficult in the serious cases involving Assault by Strangulation (a felonious level crime under North Carolina law) to find an

applicable crime with any punishment greater than 6 months under Federal Statutes. Further, since the current VAWA statutes require proof

of a defendant’s intent at the time that defendant enters or leaves Indian Country, it is often very difficult to gather sufficient evidence to make a case even when serious assaults and protective order violations have occurred. (See 18 U.S.C. §§ 2261-2262) There have been occasions where we have been left unable to prosecute an individual who has violated a protective order who could have been punished under Cherokee law but for the jurisdictional limitations.

Until these gaps in the law and the jurisdictional quagmire in Indian Country are addressed by Congress, we will be unable to provide the full level of justice to victims of domestic violence in Cherokee that is so desperately needed.” **Eastern Band of Cherokee Indians Prosecutor Jason E.B. Smith**



Domestic Violence, it is defined as...

Look Closely at domestic violence. Our intention is not just to highlight domestic violence. Any violence against anyone is not acceptable. In our current context, we must examine how and what is occurring. Stereotypically we associate violence with a form of physical assault. Some of our Native Women are experiencing a combination of all forms of abuse. The following material is from the US Department of Justice.

We (US Department of Justice) define domestic violence as a pattern of abusive behavior in any relationship that is used by one partner to gain or maintain power and control over another intimate partner. Domestic violence can be physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person. This includes any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound someone.

Physical Abuse: Hitting, slapping, shoving, grabbing, pinching, biting, hair pulling, etc are types of physical abuse. This type of abuse also includes denying a partner medical care or forcing alcohol and/or drug use upon him or her.

Sexual Abuse: Coercing or attempting to coerce any sexual contact or behavior without consent. Sexual abuse includes, but is certainly not limited to, marital rape, attacks on sexual parts of the body, forcing sex after physical violence has occurred, or treating one in a sexually demeaning manner.

Emotional Abuse: Undermining an individual's sense of self-worth and/or self-esteem is abusive. This may include, but is not limited to constant criticism, diminishing one's abilities, name-calling,

or damaging one's relationship with his or her children.

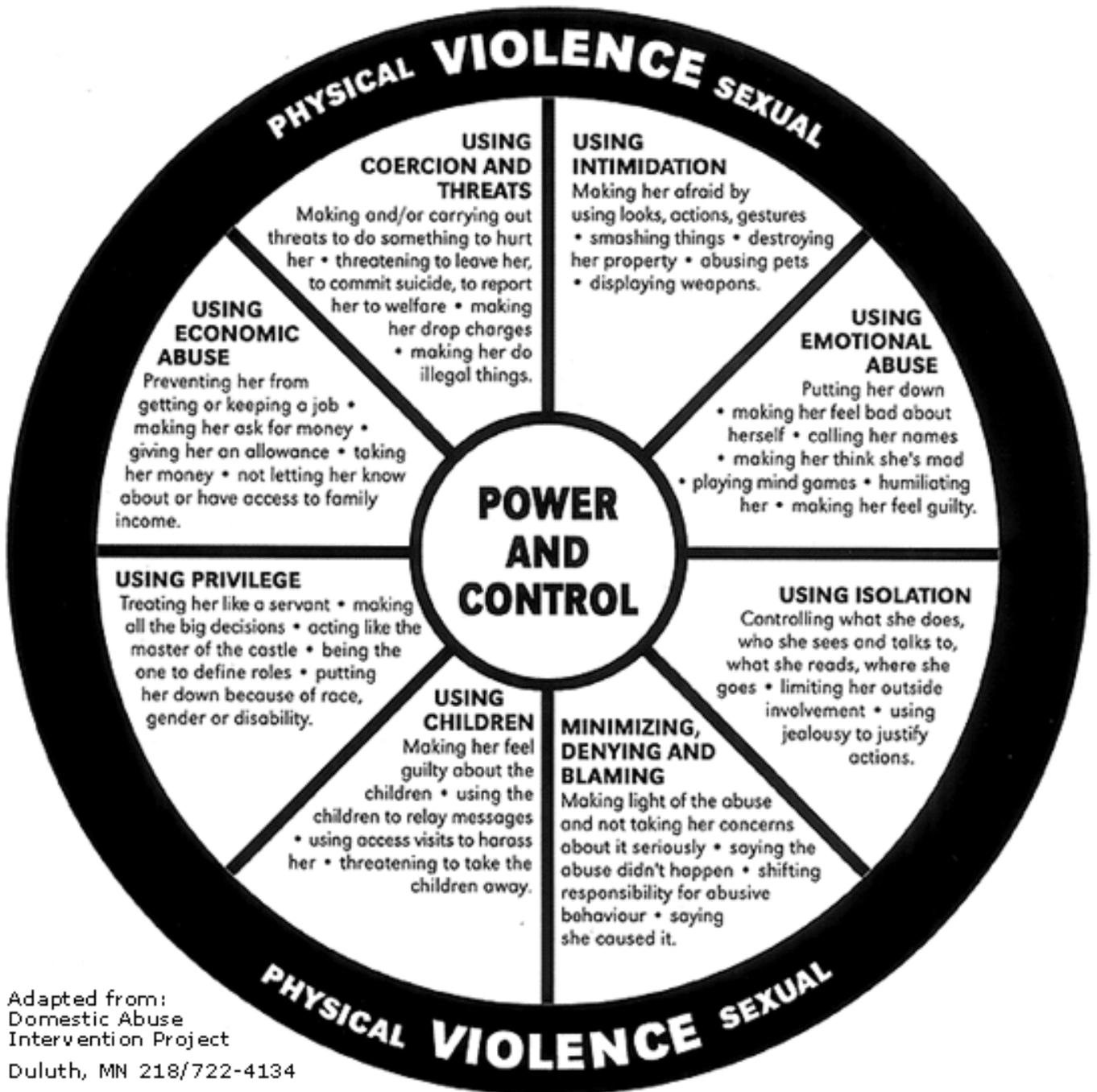
Economic Abuse: Is defined as making or attempting to make an individual financially dependent by maintaining total control over financial resources, withholding one's access to money, or forbidding one's attendance at school or employment.

Psychological Abuse: Elements of psychological abuse include - but are not limited to - causing fear by intimidation; threatening physical harm to self, partner, children, or partner's family or friends; destruction of pets and property; and forcing isolation from family, friends, or school and/or work.

Domestic violence can happen to anyone regardless of race, age, sexual orientation, religion, or gender. Domestic violence affects people of all socioeconomic backgrounds and education levels. Domestic violence occurs in both opposite-sex and same-sex relationships and can happen to intimate partners who are married, living together, or dating.

Domestic violence not only affects those who are abused, but also has a substantial effect on family members, friends, co-workers, other witnesses, and the community at large. Children, who grow up witnessing domestic violence, are among those seriously affected by this crime. Frequent exposure to violence in the home not only predisposes children to numerous social and physical problems, but also teaches them that violence is a normal way of life - therefore, increasing their risk of becoming society's next generation of victims and abusers.

Sources: National Domestic Violence Hotline, National Center for Victims of Crime, and WomensLaw.org.



Adapted from:
Domestic Abuse
Intervention Project
Duluth, MN 218/722-4134



VAWA Toolbox and Resources

VAWA 2011 (S. 1925) reauthorization should be important to all communities. Please take the initiative to contact your Tribal, local, state, and federal authorities to express support for S.1925. We have provided you with a sample support letter that you may modify to fit your Tribe or Tribal organization. Please remember to contact local organizations, non-profits, law enforcement agencies, prosecutors, and individual citizens to make comments, start a dialogue and share the information contained in this packet.

If you are interested in providing more information to your community, we have placed information in the remaining text of this page to help you develop programs. The Office on Violence Against Women funds 21 programs. Three of these programs are “formula” programs. This means that the enacting legislation also specifies how the funds are to be distributed. The remaining 18 programs are “discretionary” in that the Office has the responsibility to create the program parameters, qualifications, eligibility, and deliverables.

The current programs are:

Campus Grant Program
Children and Youth Exposed to Violence Grant Program
Court Training and Improvements Program
Culturally and Linguistically Specific Services for Victims Program
Education, Training and Enhanced Services to End Violence Against and Abuse of Women with Disabilities
Engaging Men
Services, Training, Education and Policies to Reduce Domestic Violence, Dating Violence, Sexual Assault and Stalking in Secondary Schools Grant Program (STEP)
Tribal SASP
Sexual Assault Service Program-Cultural
Enhanced Training and Services to End Violence and Abuse of Women Later in Life Program
Grants to Encourage Arrest Policies and Enforcement of Protection Orders
Grants to Indian Tribal Governments Program
Grants to Tribal Domestic Violence and Sexual Assault Coalitions
Legal Assistance for Victims Grant Program
Rural Grant Program
Safe Havens: Supervised Visitation and Safe Exchange Grant Program
Services to Advocate for and Respond to Youth Grant Program
Sexual Assault Services Program
State Coalitions Grant Program
STOP (Services, Training, Officers, and Prosecutors) Violence Against Women Formula Grants to States
Transitional Housing Grant Program

Find more information at:

<http://www.USETinc.org> (Electronic copy of Sample Support Letter and this document)

<http://www.ovw.usdoj.gov/ovwgrantprograms.htm> (For more information on VAWA Programs)

[Insert date]
The Honorable _____
U.S. House of Representatives
_____ House Office Building
Washington, D.C. 20515
E-mail: [*e-mail of staff director or leg. director@mail.house.gov*]

Dear Representative _____:

I write on behalf of the _____ to ask that you support S.1925, the Violence Against Women Reauthorization Act (VAWA) that will provide local control to help combat an epidemic of domestic violence against American Indian and Alaska Native women.

Federal gaps in jurisdiction have caused a longstanding crisis of domestic and sexual violence on Indian lands. Native women are raped and assaulted at 2.5 times the national average. The U.S. Department of Justice (DOJ) has found the current system of justice, “inadequate to stop the pattern of escalating violence against Native women.” Tribal leaders, police officers, and prosecutors have testified that violence that goes unaddressed—with beating after beating, each more severe than the last—all too often leads to death or severe physical injury. **An NIH-funded analysis of death certificates found that, on some reservations, Native women are murdered at a rate more than ten times the national average.**

We ask for a local solution for the local problem of domestic violence in Indian Country. The general framework for this proposal is included in S.1925. It will permit the first responders of reservation domestic violence – tribal police and tribal courts – with the ability to stop violence at the early stages before the crimes escalate to aggravated assault, rape, and homicide. The only proven method of deterring domestic violence is to hold the offenders accountable in the community in which their crimes are committed.

Time has come for Congress to act. While the _____ would prefer a broader solution, these provisions will go far in addressing and deterring domestic and dating violence on our Reservation.

For far too long, federal laws and court decisions have handcuffed tribal police and tribal courts, while permitting offenders of domestic and sexual violence to walk free of consequences for their violence. The prime example of this is the Indian woman who is raped or beaten by her non-Indian husband on tribal land and has nowhere to turn for protection under existing law: tribal law enforcement has no authority to intervene because the perpetrator is a non-Indian; the State has no authority to intervene because the victim is an Indian; and the Federal Government—the body with exclusive jurisdiction—has neither the will nor the resources to intervene in misdemeanor level domestic violence cases.

We urge your support to reauthorize VAWA (S.1925) that would address this jurisdictional gap in Indian Country with local solutions that will deliver long-overdue justice to Native women and safety to tribal communities.

Sincerely,

Real Stories from Indian Country

The following stories have been submitted to USET for publication from various sources. The stories have been edited for space and grammar only. The stories are true. The identities of the victims and location have been redacted to protect the story teller.

Marriage & Gunfire - - No Justice

Sharon is a member of a Tribe in the 4-corners area. At age 26 she married a non-Indian that two days after the wedding began abusing her. They lived on her reservation. Grasping the danger and her reality she filed for a divorce / order of protection within a year. The brutality only increased and ended with her abuser going to her place of work and attempting to kill her with a gun. Sharon's co-worker, attempting to push her out of harm's way, took the bullet. The shooting took place at a federal office; the Bureau of Land Management. At the scene investigators used a measuring tape to determine jurisdiction - point where the gun was fired and where the victim stood.



The Tribal police did not have jurisdiction over the daily abuse because he was a non-Indian. The feds did not have jurisdiction because the abuse was misdemeanor level until the attempted murder. The state did not have jurisdiction because abuse was on Tribal land and Sharon was an Indian. At one point, after an incident, her abuser called the county sheriff himself to prove he was untouchable. The Deputy Sheriff left the home on Tribal land saying he did not have jurisdiction.

Native Women with Broken Noses Not Enough to Charge



On many reservations, getting an officer to respond to a call for help can mean waiting for days or even months. Annie, the director of one Indian reservation's only women's shelter, can attest firsthand to the lack of police response. Annie's daughter has a non-Native boyfriend. The boyfriend broke the daughter's nose. A police report was filed with statements and photos from the doctors. But when authorities told Annie that her daughter's injury was not considered a broken bone, but bruised cartilage...that case would not be prosecuted. "This is a lawless land where people are making up their own laws because there's no justice being done," Annie said.



Don't Fight Back

Josie will never forget the night her non-Indian husband beat her and choked her for more than an hour before police arrived and carted her off to jail in handcuffs. Charged with assault and battery because she fought back, Josie sat in a jail cell overnight with a broken pelvis and fractured vertebra while her uninjured husband—over whom tribal police had no jurisdiction—still in a rage back at the house, destroyed all her belongings.

A Nightmare



Mary (A Native Woman) married a non-Indian that at the time was the nicest man she had ever met. “I trusted him, with my car, money, and to be around my children. As time rolled on he showed his true colors. He was an abusive alcoholic that stole my money, wrecked our cars and our nice home. He held guns to my head while the children were asleep, threatening me, telling me I was lucky to have him. I tried reporting his abuse to the authorities, but they said it was hearsay because I had no witnesses. He would yell at me, ‘Call the cops! They won't believe you! You’re just another Indian to them!’ Once he pulled out half of my hair in a jealous rage. I kept the hair so I could show the authorities. His father, who was also non-Native, said, ‘You have thin hair anyway, they won't believe this belongs to you.’”

Restraining Orders for Those Who Commit Violence or Restrain My Frustrated and Beaten Body and Soul

“Our victims, after receiving a restraining order in Tribal court, are being told that they still have to file in state court because local law enforcement does not recognize the Tribal court orders. It becomes just one more hurdle that our victims have to jump through...We have had problems with local law enforcement in the past treating victims badly. Mostly in cases where they have had to respond multiple times to the same address or situation. They are treated as if the victims are wasting the deputy's time.

There have been some improvements but they are few and far between.” –Executive Director, Tribal Coalition in a PL280 state. –Anonymous Tribal Social Services Department



S. 1925 clarifies that Tribes have full civil jurisdiction to issue and enforce protection orders over all persons.

There Is No Law, There Is No Order for Native Women

Often U.S. attorneys won't take a domestic violence case unless there is severe physical harm or use of a deadly weapon. “If you just knock a tooth out, it's not enough.” Sarah, a child welfare and family violence counselor for a federally recognized Tribe, said she recently had four law enforcement agencies arguing over jurisdiction after a Native woman called 911 to say she had been raped. “The D.A. was so confused,” Sarah said. The woman eventually left the state. What about the accused rapist? “Oh, he walked,” Sarah said.

S. 1925 will enhance existing federal assault statutes from the current misdemeanor levels to felonies, which garner significantly more attention from federal investigators and prosecutors.



Advocacy for Native Women and an End to Violence



There are many more stories that can be shared that will shock. For those that are able to share stories or those that cannot speak, advocacy for the reauthorization of VAWA

S.1925 and justice for Native people is more important now than ever before. A prominent advocate, not just for Native Women, for an end to violence is Terri Henry. Terri is the Co-Chair of the National Congress of American Indians' Task Force on Violence Against Native Women, Principal Director of Clan Star, Inc, Board Member of the Indian Law Resource Center, and has a Juris Doctorate degree from the University of Iowa College of Law in 1993, is a Tribal Council Member (Painttown Township) Eastern Band of Cherokee Indians.

Terri Henry is very passionate about finding an end to the occurrence of violence against Native Women. In fact she is passionate about ending violence against anyone. "Many of you know that stopping domestic violence and sexual assault is near and dear to my heart. And, it's an issue that I have been working on for the past 16 years. Most of my work has been at the national level working with Tribes across the United States to reform federal law that keeps us – our Tribal government – from keeping our People safe," Henry states.

Her early experiences have led her to work around the world including Switzerland, the U.S. Census Bureau, US

Department of Justice, and American Indian Tribes all over the nation, including her home, where she and her mother founded Qualla Women's Justice Alliance. Terri Henry is no stranger to making her voice heard in a crowd on Capitol Hill or to a weeping victim in Indian Country. She has recently testified to the Inter-American Commission on Human Rights, the United Nations Permanent Forum on Indigenous Issues For The International Expert Group



Meeting On Combating Violence Against Indigenous Women And Girls, as well as to a recent

activity on the Cherokee Indian Reservation called Walk A Mile In Her Shoes. The following are comments Terri Henry made to the United Nations:

Violence against Native women and girls in the United States has reached epidemic proportions and is a human rights crisis. Native women face greater rates of domestic violence and sexual assault than any other group in the United States. The jurisdictional limitations that United States law places on Indian nations have created an unworkable and discriminatory race-based system for administering justice in Native communities. This system denies Native people, particularly Native women, their right to life, security, equal treatment under the law, and access to meaningful and effective judicial remedies.

Unlike other governments and local communities in the United States, Indian nations cannot investigate and prosecute most violent offenses occurring in their communities. Significantly, Indian nations are unable to effectively protect Indian women from violence in their territories

through adequate policing and effective judicial recourse against violent crimes because they cannot prosecute non-Indian offenders. Moreover, even where prosecutions can proceed, Indian nations can only sentence Indian offenders to prison terms of up to three years per offense, not to exceed a term of imprisonment greater than nine years.

These limitations are a key factor creating and perpetrating the disproportionate violence against Indian women. As a result, Indian women cannot rely upon their tribal governments for safety or justice services and are forced to seek recourse from foreign federal or state government agencies. The response of federal and state agencies is typically inadequate given the disproportionately high number of domestic and sexual violence crimes committed against Indian women.

*The failure of the United States to punish perpetrators of violence against Native women also undermines their rights to life and security of the person under Article I of the American Declaration. As the Commission pointed out in *Maria da Penha Maia Fernandes v. Brasil*, “general and discriminatory judicial ineffectiveness... creates a climate that is conducive to domestic violence, since society sees no evidence of willingness by the State, as the representative of the society, to take effective action to sanction such acts.” Such a climate endangers the lives of women. In the United States, where most violent perpetrators of violence against Native women go unpunished, the majority of Native women will have their lives interrupted by violence. Many feel that a violent attack is inevitable. An advocate for survivors of sexual abuse from a tribe in Minnesota describes it not as a question of if a young Native woman is raped, but when. Studies show that violent offenders are likely*

to commit additional acts of violence when they are not held responsible for their crimes.

States have an obligation to use all legal means at their disposal to combat human rights violations because “impunity fosters chronic recidivism of human rights violations, and total defenselessness of victims and their relatives.” The inadequate response of the United States in addressing the epidemic of violence against Native women not only leaves these women and girls vulnerable and largely defenseless to attacks, but it also perpetuates a cycle of violence in Indian country and adversely impacts entire Indian nations, which already suffer from the worst socio-economic status of any population in the United States. While the United States has made some strides in the last few years to prevent violence against Native women, unquestionably, the United States has not used all the legal means at its disposal to combat human rights violations occurring against Native women and girls. Despite its awareness of this epidemic of violence, the United States continues to violate the rights of Native women to life, security, freedom from inhumane treatment, discrimination, equal protection under the law, and access to effective judicial remedies—rights protected by countless human rights instruments.

Testimony submitted by Eastern Band of Cherokee Indians Council Representative Terri Henry to United Nations Permanent Forum on Indigenous Issues For The International Expert Group Meeting On Combating Violence Against Indigenous Women And Girls- Printed with Permission from Ms. Henry.

American Indian Civil Rights Conference Says Women Key

By **Carol Berry** August 17, 2012

Reprinted from IndianCountryTodayMediaNetwork.Com

It was a conference on the complexities of American Indian civil rights, but it carried a timeless admonition that civil rights are human rights as expressed in a principled way of life, a message often conveyed by women, “The earth is our mother,” said Henrietta Mann, Cheyenne, “and we are still trying to live in harmony with one another.”

She was the opening speaker at the third annual Pathways to Respecting American Indian Civil Rights conference August 8 – 9 (2012) in Denver, Colorado, sponsored primarily by local colleges and



shared first-hand experience with the issues being discussed.

Attorney Keith Smith, who conducted a session on violence against women legislation, said his Navajo grandmother wondered why “we have to put into law to make people behave like they should in the first

government agencies and drawing more than 30 presenters and speakers. Many of whom

place.” Underscoring the positive role of women, Mann said, “American Indian women are the makers of history.

They have given life to the generations who carried their sacred knowledge.” Mann, who is Professor Emeritus of Native American Studies at the University of Montana, recalled her great-grandmother’s tenacity when, as a teenager, she survived the Sand Creek Massacre of 1864 in southeastern Colorado.

Some views of women’s value were general, some very personal, as in the experience of Michael E. Bird, former president of the American Public Health Association, who recalled a childhood with an alcoholic father who was “never really a father” and who died of cirrhosis.

Bird, Santo Domingo, San Juan Pueblo, said his mother was 17 when he was born and she was raised early on by her grandmother, but later was “pretty much on her own.”



“The fact that I’m alive and not in prison or had other negative things happen is a blessing,” Bird said. He added he owes that to his mother, “who didn’t get what she needed” but nevertheless provided a home and support: Without her, “I would not be here today.” He also credited others, including a diminutive grandmother who could “scare the bejesus out of everyone.”

The conference’s concluding speaker, Gyassi Ross, Blackfoot/Suquamish, an attorney and columnist for [Indian Country Today Media Network](#), said, “When I talk about my 90-year-old grandmother, I talk about a repository of family knowledge that is going to be lost” and he criticized a reservation where “having a lady roughed up was something you expected to see.”

The themes of women as wise and respected yet sometimes abused were reflected in such sessions as “Dads and Daughters” alongside those on the Violence Against Women Act (VAWA) and Tribal Law and Order Act, both mandates triggered in part by the now-familiar reality in which 1 in 3 Native women will be raped in her lifetime and 2 in 5 will be victims of domestic or partner violence.

The American Indian Dads and Daughters program took information from 60 fathers of at least 50 tribes and noted that 78 percent of fathers said tribal spiritual and ceremonial events were the “most special time” spent with their daughter(s).

Despite positive influences from fathers, however, “There are people drinking and drugging in our communities and some of them may be sitting at that drum” or dancing, so that daughters may become wrongly convinced that “real Indians drink,” said Dr. Martin Reinhardt, Anishinaabe Ojibway citizen of the Sault Ste. Marie Tribe of Chippewa Indians.

One civil rights victory was salvaged from a Ute Mountain Ute woman’s assault and rape and an area hospital’s position that it was out of rape kits—not a startling assertion given area racism coupled with third-party billing issues and other conflicts with the tribe.

A coalition of state civil rights representatives and federal and tribal officials met with hospital administrators and the hospital agreed to more cultural awareness training, it got rid of insensitive staff, and it invited members of the Ute Mountain Ute Tribe and Navajo Nation to sit on the board of directors, said Ernest House Jr., executive secretary of the Colorado Commission of Indian Affairs.

Finally, although humans may forget their interrelatedness, Mann said there are sacred forebears who have imparted history and wisdom to tribes over time. Naming Grandmother Earth, Changing Woman, Spider Grandmother, White Buffalo Calf Woman, Corn Mother and a host of others she said and “we are richer because of this.”

Justice, DOI launch Indian Country Sexual Assault Training

24 August 2012 U.S. Department of Justice

WASHINGTON – The Justice and Interior Departments this week (Week of August 20, 2012) launched a new training seminar for tribal and federal law enforcement on investigating and prosecuting sexual assault cases on tribal lands. More than 75 participants from throughout the United States participated in the three day training course, which began on Monday, August 20, 2012. They included tribal and federal law enforcement officers, prosecutors and victim specialists from 23 tribal nations and 23 states. Topics included law enforcement response, children as victims and witnesses, forensic examinations with adult victims and developing a coordinated community response to sexual assault.

The course, held at the National Advocacy Center in Columbia, S.C., was taught by the Justice Department's National Indian Country Training Coordinator and other nationally recognized subject matter experts including Joanne Archambault; FBI Forensic Interviewer Stephanie Knapp; Jennifer Peirce-Week, Past President of the International Association of Forensic Nurses; and Dr. Barbara Knox, Medical Director of the University of Wisconsin Child Protection Program at the American Family Children's Hospital.

“It will take committed federal and tribal partnerships and a coordinated response to address the high rates of sexual violence in Indian Country today,” said Leslie A. Hagen, National Indian Country Training Coordinator for the Justice Department's Executive Office for U.S. Attorneys. “This new training series will help build capacity for tribal and federal law enforcement first responders as well as the tribal and federal prosecutors who can help achieve justice for victims of sexual crimes, and who must also take into careful consideration the needs of victims in native communities.”

“The training program we are launching jointly with the Department of Justice to address the high rates of sexual assault on tribal lands builds on our efforts to reduce violent crime in Indian Country,” said Darren Cruzan, Deputy Director of the Bureau of Indian Affairs Office of Justice Services. “I want to thank our federal and tribal partners for working with us to develop this comprehensive training program. It is an important part of OJS's mission to improve public safety in tribal communities, and underscores our commitment to achieving justice for violent crime victims.”

For more information on the national Indian Country training program, contact Leslie A. Hagen at Leslie.Hagen3@usdoj.gov.

VAWA Talking Points

Take Action this week and call or write your Representatives and Senators. When you call or write make the following points

- ✦ **Existing Law Denies Native Women Justice and Actually Encourages Domestic Violence-** Because 56% of American Indian Women have non-Indian husbands or relationships who are not subject to the local governments, in this case the Tribe's, criminal jurisdiction there is minimal deterrence for violent acts, rape, or assault on Native Women.
- ✦ **Federal Jurisdiction has Proven Seriously Deficient.** US Attorneys have declined to prosecute nearly 52% of violent crimes that occur in Indian Country. 67% of these declined cases were sexual abuse case. Federal courts are not equipped to issue protection orders to our reservations having little expertise or experience in Tribal family law or domestic disputes.
- ✦ **S. 1925, the Senate VAWA Reauthorization Legislation, is Strongly Supported by Tribes.**
 - **Section 904 of S.1925 would provide for concurrent Tribal criminal jurisdiction** over all persons committing sexual and domestic violence against American Indians. The Federal government would still retain its jurisdiction.
 - **Section 905 of VAWA S.1925 would clarify that every Tribe has full civil jurisdiction** to issue and enforce protection orders against all persons regarding matters arising on Tribal lands.
- ✦ **S.1925 Provides the Requisite Constitutional Safeguards, Including an Adequate Right to Counsel for defendants.** A tribe exercising special domestic violence jurisdiction under Section 904 must guarantee Indian and non-Indian defendants alike the same constitutional rights to indigent counsel and effective assistance of counsel that would be available in Federal or state court. S.1925 adopts the same constitutional standards in Section 904 as Congress adopted in 2010 when it passed the Tribal Law & Order Act of 2010, specifically Section 234(c).
- ✦ **H.R. 4970, the House version of VAWA, omits critical tribal provisions.** H.R. 4970 does not include the tribal criminal jurisdiction provisions found in S. 1925.
- ✦ **The Tribal Provision Added to H.R. 4970 (Section 1006) Will Cause Confusion over Tribal Protection Orders.** Section 1006 allows a victim or an Indian tribe to petition a Federal district court for a protection order. However, Indian victims already can, and do, seek civil protection orders in tribal and state courts regardless of the race of the perpetrator, and federal law already acknowledges that all courts must provide full faith and credit to tribal court orders of protection. Section 1006 adds no new protection and, indeed, could be harmful if a Federal court interpreted it to mean that Tribal courts do not already have such power.
- ✦ **Domestic Violence must be Addressed at the Tribal Level.** Neither the Section 1006 nor the underlying bill, HR 4970, empower the governmental authorities closest to the alleged criminal activity - tribal police, prosecutors and courts - to address incidences of domestic violence within the tribe's territory. Instead, tribal residents would be forced to rely on federal courts-often located hundreds of miles from the reservation. Only S. 1925 corrects this fundamental lack of tribal jurisdiction so that real hope can be brought to Native domestic violence victims.



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