



USET

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USET SPF Resolution No. 2019 SPF:007


SUPPORT FOR VAWA REAUTHORIZATION WITH EXPANDED TRIBAL PROVISIONS

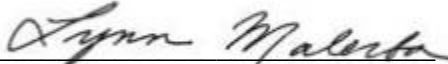
- WHEREAS,** United South and Eastern Tribes Sovereignty Protection Fund (USET SPF) is an intertribal organization comprised of twenty-seven (27) federally recognized Tribal Nations; and
- WHEREAS,** the actions taken by the USET SPF Board of Directors officially represent the intentions of each member Tribal Nation, as the Board of Directors comprises delegates from the member Tribal Nations' leadership; and
- WHEREAS,** after significant Tribal advocacy, the 113th Congress reauthorized the Violence Against Women Act (VAWA) with very important Tribal provisions that, among other things, authorized Tribal governments in certain circumstances to exercise Special Domestic Violence Criminal Jurisdiction (SDVCJ) over non-Indian domestic violence offenders; and
- WHEREAS,** this legislative accomplishment was a major advance for all Tribal Nations in their efforts to address the existing jurisdictional gap on Tribal lands that had allowed domestic violence offenders to act with impunity, as well as restore a critical aspect of Tribal sovereignty; and
- WHEREAS,** however, Tribal Nations, the Department of Justice, and others are reporting oversights in the drafting of the law that prevent the use of SDVCJ and the law from functioning as intended; and
- WHEREAS,** these gaps include a lack of protections for children experiencing or witnessing domestic violence, as well as Tribal police officers responding to domestic violence calls; and
- WHEREAS,** the Tribal Nations implementing SDVCJ report that children have been involved as victims or witnesses in SDVCJ cases nearly 60% of the time, and these children have been assaulted or have faced physical intimidation and threats, are living in fear, and are at risk for developing school-related problems, medical illnesses, post-traumatic stress disorder, and other impairments; and
- WHEREAS,** in addition, Tribal Nations also lack jurisdiction to charge a non-Indian offender for crimes that may occur within the context of the criminal justice process, with several reporting assaults on their officers or bailiffs committed by non-Indian SDVCJ defendants that they are unable to prosecute; and
- WHEREAS,** Tribal governments are also unable to prosecute crimes of sexual assault, trafficking, and stalking; and
- WHEREAS,** however, federal law currently limits SDVCJ to crimes committed only against intimate partners or persons covered by a qualifying protection order; and
- WHEREAS,** the most recent reauthorization of VAWA expired on September 30, 2018; and

- WHEREAS,** at least two versions of VAWA reauthorization legislation have been introduced, including H.R. 6545, which would expand Tribal jurisdiction to crimes of domestic violence, sexual violence, sex trafficking, stalking, child violence, and crimes against Tribal law enforcement officers; and
- WHEREAS,** as sovereign governments, Tribal Nations have a duty to protect our citizens, and provide for safe and productive communities. This cannot be accomplished without the full restoration of criminal jurisdiction to our governments through a fix to the Supreme Court decision in *Oliphant v. Suquamish Indian Tribe*; and
- WHEREAS,** in December 2010, the United States recognized the rights of its First Peoples through its support of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), whose provisions and principles support and promote the purposes of this resolution; therefore, be it
- RESOLVED** USET SPF strongly supports a reauthorization of the Violence Against Women Act with expanded Tribal provisions aimed at addressing jurisdictional gaps; and be it further
- RESOLVED** USET SPF calls upon Congress to take up and immediately reauthorize the Violence Against Women Act containing provisions expanding Tribal jurisdiction; and be it further
- RESOLVED** USET SPF urges Congress to draft and approve legislation restoring full criminal jurisdiction to Tribal Nations by fixing the decision in *Oliphant v. Suquamish Indian Tribe*.

CERTIFICATION

This resolution was duly passed at the USET SPF Annual Meeting held on the Sovereign Territory of the Seneca Nation of Indians, at which a quorum was present on October 11, 2018.


Chief Kirk E. Francis, Sr., President
United South and Eastern Tribes
Sovereignty Protection Fund


Chief Lynn Malerba, Secretary
United South and Eastern Tribes
Sovereignty Protection Fund