



USET

SOVEREIGNTY PROTECTION FUND

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Transmitted via email

December 20, 2019

Majority Leader Mitch McConnell
U.S. Senate
Washington, DC 20515

Chairman Lindsay Graham
U.S. Senate
Washington, DC 20515

Minority Leader Charles Schumer
U.S. Senate
Washington, DC 20515

Ranking Member Diane Feinstein
U.S. Senate
Washington, DC 20515

Dear Majority Leader McConnell, Minority Leader Schumer, Chairman Graham, and Ranking Member Feinstein,

We write on behalf of United South and Eastern Tribes Sovereignty Protection Fund (USET SPF) to express the urgent need to reauthorize the Violence Against Women Act with a Tribal title that promotes a fuller exercise of Tribal sovereignty and reflects the trust obligation to Tribal Nations. For far too long, the United States has neglected its public safety obligations to Tribal Nations —both by failing to recognize and promote our inherent sovereign authorities, as well as failing to devote adequate resources to law enforcement and judicial infrastructure. This has created a crisis in Indian Country, as our people go missing and are murdered, and are denied the opportunity for safe and healthy communities enjoyed by other Americans. This crisis continues to grow as the VAWA reauthorization effort continues to be stymied by ever-increasing partisanship.

USET SPF represents 30 federally-recognized Tribal Nations from the Canadian Border to the Everglades and across the Gulf of Mexico.¹ USET SPF is dedicated to enhancing the development of Tribal Nations, to improving the capabilities of Tribal governments, and assisting the USET SPF Member Tribal Nations in dealing effectively with public policy issues and in serving the broad needs of Indian people.

As you are likely aware, Indian Country currently faces some of the highest rates of crime, with Tribal citizens 2.5 times more likely to become victims of violent crime and Native women, in particular, subject to higher rates of domestic violence and abuse. Many of the perpetrators of these crimes are non-Native people. A primary reason for increased crime in Indian Country is the gap in jurisdiction stemming from the

¹ USET SPF member Tribal Nations include: Alabama-Coushatta Tribe of Texas (TX), Aroostook Band of Micmac Indians (ME), Catawba Indian Nation (SC), Cayuga Nation (NY), Chickahominy Indian Tribe (VA), Chickahominy Indian Tribe – Eastern Division (VA), Chitimacha Tribe of Louisiana (LA), Coushatta Tribe of Louisiana (LA), Eastern Band of Cherokee Indians (NC), Houlton Band of Maliseet Indians (ME), Jena Band of Choctaw Indians (LA), Mashantucket Pequot Indian Tribe (CT), Mashpee Wampanoag Tribe (MA), Miccosukee Tribe of Indians of Florida (FL), Mississippi Band of Choctaw Indians (MS), Mohegan Tribe of Indians of Connecticut (CT), Narragansett Indian Tribe (RI), Oneida Indian Nation (NY), Pamunkey Indian Tribe (VA), Passamaquoddy Tribe at Indian Township (ME), Passamaquoddy Tribe at Pleasant Point (ME), Penobscot Indian Nation (ME), Poarch Band of Creek Indians (AL), Rappahannock Tribe (VA), Saint Regis Mohawk Tribe (NY), Seminole Tribe of Florida (FL), Seneca Nation of Indians (NY), Shinnecock Indian Nation (NY), Tunica-Biloxi Tribe of Louisiana (LA), and the Wampanoag Tribe of Gay Head (Aquinnah) (MA).

United States' failure to recognize our inherent criminal jurisdiction, allowing those who seek to do harm to hide in the darkness away from justice. When Tribal Nations are barred from prosecuting offenders and the federal government fails in the execution of its obligations, criminals are free to offend over and over again.

While we ultimately seek the restoration of full criminal jurisdiction over our lands, the expansion of special domestic violence criminal jurisdiction (SDVCJ) and increased resources in both VAWA reauthorization bills, S. 2843 and S. 2902, represent important advancements toward that goal. However, S. 2902 contains restrictions and requirements that undermine Tribal sovereignty and Tribal courts, and imposes conditions on the Tribal judicial system that are not expected of any other unit of government. These anti-sovereignty provisions are included in the bill despite there being strong protections already in place for non-Indian defendants and a documented lack of habeas petitions during the entire period that Tribal Nations have been exercising SDVCJ. Though S. 2902 contains a number of other provisions supported by USET SPF, none of these can be achieved through the sacrifice of our sovereign rights and authorities.

Regardless of the version of VAWA reauthorization that ultimately proceeds through the Senate, it is critical that the Tribal title, in accordance with the federal trust obligation, uphold our right to self-government as one of this nation's three sovereigns. With this in mind, USET SPF urges the adoption of language in S. 2843. We strongly oppose and will continue to work against a VAWA reauthorization, and any legislative action, that seeks to weaken our governments or our courts.

The United States, including all branches of government, must act to provide parity to Tribal Nations in the exercise of our inherent sovereign rights and authorities. Our people cannot remain invisible and forgotten, as Tribal Nations work to navigate the jurisdictional maze that has grown up around Indian Country while the United States turns a blind eye. USET SPF envisions a future in which our children, women, elders, and all Native people can live in healthy, vibrant communities without fear of violence knowing that justice will be served. To this end, we urge you to end this political impasse and instead work toward immediate Senate consideration and passage of a VAWA reauthorization containing provisions that support this goal. Should you have questions or require further information, please contact Ms. Liz Malerba, USET SPF Director of Policy and Legislative Affairs, at LMalerba@usetinc.org or 202-624-3550.

Sincerely,



Kirk Francis
President



Kitcki A. Carroll
Executive Director