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Violence Against Women Act Includes Tribal Provisions

The National Congress of American Indians is backing a bill to reauthorize the Violence Against Women Act even though it doesn't recognize tribal authority over non-Indians.

Despite the lack of a jurisdiction fix, tribal leaders said the bill will strengthen efforts to deal with violent crime in Indian Country. Statistics show that American Indian and Alaska Native women suffer from the highest rates of domestic violence in the United States.

"The new Senate bill will save lives," said NCAI Secretary Juana Majel on the opening day of the organization's midyear conference in Green Bay, Wisconsin.

Majel said the measure, introduced on June 8, recognizes the unique relationship between the federal government and tribal nations. Among other provisions, it creates a new tribal division within the Office on Violence Against Women to ensure that tribes receive federal funds.

"Ultimately, the people needing assistance – women and children – will be better served," said Majel, a leader of NCAI's effort to combat domestic violence against Native women.

In the past two years, NCAI has passed resolutions to support the reauthorization of the Violence Against Women Act, which expires later this year. Tribes noted that the majority of crimes against Native women, 70 percent, are committed by non-Indians.

The "Safety for Indian Women" title of the new legislation cites a number of daunting statistics about violence in Indian Country. It states that one in three Native women will be raped in their lifetimes, that Native women experience the highest rates of sexual assault and battering and that most Native women victims of homicide were killed family members or acquaintances.

The title, however, doesn't include the statistics about violence committed by non-Indians. Tribal leaders say their governments should have the jurisdiction to prosecute all domestic violence cases, regardless of the race of the offender.

"Tribal governments must be given the authority to protect our people from violence," said NCAI President Tex Hall. "It's just common sense."

Congress has the authority to recognize tribal jurisdiction over non-Indians. But doing so would be highly controversial and probably wouldn't pass, Sen. John McCain (R-Arizona), the chairman of the Senate Indian Affairs Committee, said earlier this year.

“One of the ways to address it is to make agreements with local and state law enforcement authorities to try to work in some kind of cooperative agreement,” McCain said at NCAI's winter session this past March. “I don't think you're going to see national legislation on this issues. It's too controversial. It's too emotional. It's a terrible problem.”

Still, S.1179, the Violence Against Women Act of 2005, includes some changes to law that could help tribes combat the problem. It increases punishments for repeat domestic violence offenders with at least two tribal, state or federal court convictions, for firearms possession and gives greater authority to federal agents to make arrests in domestic violence incidents.

Other provisions call for annual consultation sessions between the Department of Justice and tribal governments regarding distribution of tribal funds; a “baseline” study on violence against Native women; the creation of a task force to implement recommendations of the study; authorization of tribes to access national criminal information databases; and the creation of a national tribal sex offender registry and a national registry containing civil and criminal orders of protection issued by tribes and participating jurisdictions.

Get the Bill: [S.1197: Violence Against Women Act of 2005 \(http://thomas.loc.gov/cgi-bin/query/D?c109:2:./temp/~c109vdxLDr:\)](http://thomas.loc.gov/cgi-bin/query/D?c109:2:./temp/~c109vdxLDr:)

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