



FRIENDS COMMITTEE ON NATIONAL LEGISLATION

... a Quaker lobby in the public interest

November 9, 2011

Senator Daniel Akaka, Chair
Senate Committee on Indian Affairs
838 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Akaka:

We are writing to thank you for your leadership as the primary author and sponsor of the Stand Against Violence and Empower Native Women (SAVE Native Women) Act, S. 1763, and for the vision you have set forward in legislation on this important issue. We commend Senators Franken, Tom Udall, Inouye, Begich, Murray, Tim Johnson, Bingaman, Tester and Baucus for joining you as cosponsors of the SAVE Native Women Act. We also must acknowledge with special gratitude the important role American Indian and Alaska Native tribal governments, organizations and domestic violence coalitions have played in developing the significant public policy set forth in the Stand Against Violence and Empower Native Women Act, as well as the role of courageous victims of domestic violence who told their stories.

The hearing of the Senate Indian Affairs Committee which you convened on July 14, 2011, entitled "Native Women: Protecting, Shielding, and Safeguarding Our Sisters, Mothers, and Daughters," provided the Department of Justice with the historic opportunity to offer testimony in support of legislative changes in the reauthorization of the Violence Against Women Act (VAWA) that would strengthen protections for Native American women, including in cases of domestic and dating violence perpetrated by a non-Indian partner, boyfriend or husband.

The Stand Against Violence and Empower Native Women Act has three particular proposals that would strengthen protections for Native women from domestic and dating violence:

- 1) It would end the confusion under current law in a domestic violence situation when tribal law enforcement is called by clarifying that tribal police can arrest and detain a non-Indian abuser and by recognizing the authority of certain tribes to exercise concurrent criminal jurisdiction (along with state or federal jurisdiction, depending on the tribe) over domestic violence cases, regardless of whether the defendant is an Indian or non-Indian.
- 2) It would clarify the full civil jurisdiction of tribal courts to issue and enforce certain protection orders involving any person, Indian or non-Indian.
- 3) It would amend the federal assault statute to allow federal prosecutors to apply sentences similar to those that would be applied by state law for three types of assault

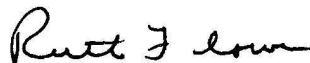
frequently committed against Indian women (assaults by striking, beating or wounding, assaults resulting in substantial bodily harm, and assaults by strangling or suffocating). This change would create a greater sense of justice and fairness in sentencing for crimes committed against an Indian woman in Indian Country compared to similar crimes in the neighboring jurisdictions.

Your legislation takes an important step to actualize the principles of the Tribal Law and Order Act passed last year, by resolving some of the tangled jurisdictional issues that prevent law enforcement agencies from responding effectively to Indian women who are victims of domestic violence.

It is also important to us that the legislation clarifies the jurisdictional issues without mandating specific kinds of responses (such as mandatory sentences). Some native communities have retained or revived traditional practices that prevent further violence without ostracizing the offender from the community. The Cangleska program at Pine Ridge, which incorporated the traditional values of the Lakota people in its work to end violence against Native women and their children, was an important example of an alternative response. We believe that the rest of the nation has much to learn from these practices, and we would be cautious about supporting legislation that prevented or frustrated such efforts.

Your legislation addresses violence against Native women as a serious issue that requires a clearer response, and opens the way for tribal communities to exercise their own authority in these cases. Thank you for your leadership on this important issue.

Sincerely,

A handwritten signature in cursive script that reads "Ruth Flower".

Ruth Flower
Legislative Director